

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
By Teams

Meeting Date
Thursday, 29 July 2021

Meeting Time
10.00 am

For further information please contact
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County Hall
Llandrindod Wells
Powys
LD1 5LG

22 July 2021

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.

AGENDA

1.	APOLOGIES
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To receive apologies for absence.

2.	MINUTES OF THE PREVIOUS MEETING
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 1 July 2021 as a correct record.
(Pages 5 - 10)

Planning

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

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

4.	PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE
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To consider the reports of the Head of Property, Planning and Public Protection and to make any necessary decisions thereon.

(Pages 11 - 12)

4.1. Updates

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

4.2. 21/0559/OUT Land at And Surrounding Nant Helen Open Cast Coal Site, Powys And, Onllwyn Distribution Centre, Neath Port Talbot

(Pages 13 - 166)

4.3. 21/0583/FUL Former Bronllys CP School, Bronllys, Brecon, Powys, LD3 0HP

(Pages 167 - 218)

4.4. 21/0306/FUL Land To North West Of Ysgol Bro Hyddgen, Machynlleth, SY20 8DR

(Pages 219 - 252)

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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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 253 - 280)

6.	APPEAL DECISION
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To receive the Planning Inspector's decisions regarding appeals.

(Pages 281 - 288)

Taxi and other licensing

7.	MINUTES OF TAXI LICENSING SUB-COMMITTEES
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To authorise the Chair presiding at the Taxi Licensing Sub-Committee held on 2 June 2021 to sign the minutes as a correct record.

(Pages 289 - 290)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD BY TEAMS ON THURSDAY, 1 JULY 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, M Weale, D H Williams, R Williams and J Wilkinson

1. APOLOGIES

Apologies for absence were received from County Councillors E Vaughan and G I S Williams.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 20 May 2021.

Planning**3. DECLARATIONS OF INTEREST**

(a) County Councillor R Williams declared a prejudicial interest in application 20/1625/FUL because the applicant was a neighbour and the proposed new access to the site was opposite land owned by him and his wife.

(b) The Committee noted that no Member requested that a record be made of their membership of a Community Council where discussion had taken place of matters for the consideration of this Committee.

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

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

4. PLANNING APPLICATIONS FOR CONSIDERATION BY THE COMMITTEE

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

4.1 Updates

There were no updates.

County Councillor R Williams having declared a prejudicial interest left the meeting.

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

Grid Ref: E: 311976 N: 232210

Valid Date: 30/10/20

Community Council: Felin-Fach Community Council

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 Planning Officer advised that the site was currently used for keeping horses. A Manure Management Plan had been submitted and the officer advised that an application would need to be made in respect of Sustainable Drainage Systems (SuDS). The Committee noted that a condition was recommended to restrict the use of the development to domestic/hobby equestrian use only.

In response to a question, the Highways Officer advised that moving the access to the site would improve the visibility in both directions and the Highways Authority had no objections subject to the conditions detailed in the report.

The Planning Officer advised that Environmental Health had no objections and it was noted that the construction hours were the subject of a condition, so ensuring that there was no impact on the neighbouring properties. In respect of the impact of the lighting on the dark skies within Brecon Beacons National Park, the Planning Officer advised that the Ecologist was satisfied with the lighting plan. The officer advised that if the Committee was minded to approve the application a condition had been recommended that the lighting plan be adhered to in perpetuity.

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

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

County Councillor R Williams returned to the meeting. Councillor D Price left the meeting to attend to urgent business.

5.	DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 13 May 2021 and 21 June 2021.

In response to a question regarding 21/0580/NMA [Non-Material Amendment] - Land At The Rear Of Bronllys CP School, Bronllys, Brecon Powys the Professional Lead Planning advised that the Delegated List detailed decisions made by officers under delegated authority. He advised that he would liaise with the local member regarding her concerns about this application, outside of the meeting. The Committee agreed to receive the list, acknowledging the local members concerns in respect of 21/0580/NMA.

Rights of Way

6.	DECLARATIONS OF INTEREST
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County Councillor H Williams declared an interest in Opposed creation and extinguishment Orders: Determination by Welsh Government - Creation and extinguishment Orders - bridleway 75, footpaths 3, 6, 56 and 71 (Community of Ystradgynlais) as he had spoken for the proposal at a previous meeting.

County Councillor H Williams having declared an interest left the meeting for the next item.

7.	OPPOSED CREATION AND EXTINGUISHMENT ORDERS: DETERMINATION BY WELSH GOVERNMENT
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The Committee considered a report on the Opposed creation and extinguishment Orders: Determination by Welsh Government - Creation and extinguishment Orders - bridleway 75, footpaths 3, 6, 56 and 71 (Community of Ystradgynlais).

The Committee noted that the orders had been made in February 2021 and objections had been received from the County Councillor in the adjoining ward. Most issues had been resolved but some were still outstanding. The Professional Lead - Countryside Access & Recreation advised that waymarker posts would be installed to facilitate the use of the proposed route.

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

RESOLVED	Reason for decision
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	As officer's recommendation as set out in the report which is filed with the signed minutes.

behalf.	
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County Councillor H Williams returned to the meeting.

8.	TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 - PUBLIC PATH ORDER PROPOSAL
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The Committee considered a report on the Town and Country Planning Act 1990, section 257 Public path Order proposal - Proposal to divert part of footpath 16, at land adjacent to Aberannell Bungalow, Beulah LD5 4UA (Community of Treflys).

In response to questions concerning the grant of planning permission, the Assistant Commons Registration and Definitive Map Officer advised that as the planning application and footpath application are governed by separate legislation they cannot be considered at the same time.

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

RESOLVED	Reason for decision
<ol style="list-style-type: none"> 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. 	<p>As officer's recommendation as set out in the report which is filed with the signed minutes.</p>

9.	OPPOSED STOPPING UP ORDER 2021: ABANDONMENT AND MAKING OF A DIVERSION ORDER UNDER TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257
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The Committee considered the report regarding the Opposed Stopping Up Order 2021: Abandonment and making of a diversion Order under Town and Country Planning Act 1990, section 257 - 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.

The local member advised the Committee that there had been no consultation on this latest proposal. He advised that this was not a sensible proposal, as there would be access to the school carpark.

The local member proposed that consideration of this should be deferred to enable discussions to take place between himself, the Town Council and the Education Service.

In response to a question the Assistant Commons Registration and Definitive Map Officer advised that as an objection had been raised in respect of the Stopping Up Order the Education Service agreed to consider the diversion proposed by the objector. She informed the Committee that a perimeter fence would be erected to separate the footpath from the school field and car park, so addressing safeguarding issues.

In response to questions the Professional Lead - Countryside Access & Recreation advised that if the Committee was minded to approve deferment, to allow discussions with the Education Service and the local member a few weeks delay would have some impact but this should be minimal. However, if a significantly different proposal was then put forward there could be significant delay. If an objection was received this would need to be considered by the Planning Inspectorate which could take a year or more.

It was moved to agree the officer recommendation.

The local member argued that he did not consider that the building of the school would be delayed as the car park would be the last thing to be provided. He considered that there should be proper consultation with the Town Council. His proposed deferment was seconded.

The Professional Lead - Countryside Access & Recreation in response to questions advised that a small section of the proposed school impacted on the current footpath. She advised any delay could potentially have an impact on the 21st Century school funds allocated to the development. She advised that the Extinguishment Order had not been referred to the Planning Inspectorate due to the potential delay in the later considering this. The Education Service had therefore sought to find a solution in respect of a diversion order. She advised that if the Committee was minded to approve as per the officer's recommendation and this was not opposed later there would be no delay. If approved and an objection was received the proposal would need to be referred to the Planning Inspectorate for consideration, which would mean a delay.

The Assistant Commons Registration and Definitive Map Officer advised that the Education Service had undertaken the correct consultation and sent the correct documents to consultees. Email reminders had been sent and consultees had been advised that if no response had been received it would be assumed they had no comments on the proposal.

The motion to agree officer's recommendation was seconded. The Solicitor advised that this second motion was an amendment to the proposal to defer consideration of the application and should therefore be taken first.

RESOLVED	Reason for decision
1. That the Stopping Up Order made in April 2021 for part of footpath B59 under section 257 of the Town and Country	As officer's recommendation as set out in the report which is filed with the signed minutes.

<p>Planning Act 1990, as at appendix B, be formally abandoned; and</p> <p>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.</p>	
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The Professional Lead - Countryside Access & Recreation agreed she would send information to the local member and the seconder of his motion on how to object to the above decision.

Taxi and other licensing

10. DECLARATIONS OF INTEREST

There were no declarations of interest in respect of the next item, which was being provided for information only.

11. UPDATE ON TAXI LICENSING STANDARDS IN WALES

The Committee noted the Welsh Government's plan to update the taxi licensing legislation and to develop a standardised policy across Wales. The Senior Licensing Officer advised that the draft policy would be brought to Committee in due course for consideration.

County Councillor K Lewis (Chair)

Planning, Taxi Licensing and Rights of Way Committee
29th 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>21/0559/OUT</p> <p>Tawe Uchaf Community</p> <p>283050 211313</p> <p>24/03/2021</p>	<p>Outline: Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration (cross-boundary application – see Neath Port Talbot ref. P/2021/0327)</p> <p>Land at and surrounding Nant Helen Open Cast Coal Site</p> <p>Department for Economy & Transport, Cathays Park</p> <p>Recommendation:</p> <p>Conditional consent</p> <p>.</p>
<p>21/0583/FUL</p> <p>Bronllys Community</p> <p>314200 234827</p> <p>26.03.2021</p>	<p>Full: Residential development of 17 dwellings and all associated works</p> <p>Former Bronllys CP School, Bronllys</p> <p>Powys County Council Housing</p> <p>Recommendation:</p> <p>Conditional Consent</p>

<p>21/0306/FUL</p> <p>Machynlleth Community</p> <p>274278 300674</p> <p>19.02.2021</p>	<p>Full: Change of Use of land to create a sports Pitch and associated drainage works</p> <p>Land to North West of Ysgol Bro Hyddgen, Machynlleth SY20 8DR</p> <p>Heart of Wales Property</p> <p>Recommendation:</p> <p>Conditional Consent</p>
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4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0559/OUT **Grid Ref:** E: 283050
N: 211313
Community Council: Tawe-Uchaf Community **Valid Date:** 30.03.2021

Applicant: The Welsh Ministers

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

Proposal: Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration being an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of 4.5km, with overhead line equipment (OLE) and dual platform station test environment; together with operations and control offices (including staff accommodation and welfare), shunter cabins (2 no.), research and development, education and training, rolling stock storage sidings and maintenance/cleaning/decommissioning facilities; associated, drainage, internal vehicular accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure (including substations and lineside shore supplies and transformers), fencing (perimeter security, acoustic and stock proof), land reformation and hard and soft landscaping, together with demolition of existing buildings/structures (cross-boundary application - see Neath Port Talbot Application ref P2021/0327

Application Type: Outline planning

The reason for Committee determination

Powys County Council constitution (Section 13): Where the planning application in question constitutes a material departure from the Development Plan and the view of the Relevant Planning Officer is that the planning application should be approved.

Consultee Responses

Consultee

Received

Health & Safety Executive (Gas)

15th Apr 2021

Thank you for your consultation on the planning application and accompanying environmental statement, reference 21/0559/OUT dated 31 March 2021 for a rail testing,

maintenance, research, development, and storage facility known as the Global Centre of Rail Excellence proposed at the site of the Onllwyn Washery and Nant Helen Surface Mine where coaling operations are coming to an end.

Town and Country Planning Act 1990

Town and Country Planning (Development Management Procedure) (Wales) Order 2012

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017, Regulation 4(3)(b)

- the vulnerability of the proposed development to major accidents relevant to the development

o HSE's response is limited to our role in the land use planning system on the control of major industrial hazards involving dangerous substances.

o HSE is not responding in our regulatory role in the health and safety system

1. The proposed development, being a Centre of Rail Excellence that would provide facilities for testing and maintaining electric trains and facilities for storage, rail related research and development along with the required staff facilities does not appear to be of a type that would store or process hazardous substances in quantities relevant to the potential for industrial major accidents with respect to Directive 2012/18/EU [see The Planning (Hazardous Substances) (Wales) Regulations 2015].

2. The development is not located within a safeguarding zone of an Explosives site licensed under the Explosives regulations 2014 or the Dangerous goods in harbour area regulations 2016.

3. The development is not located within HSE's land-use-planning consultation zones for major-accident-hazard pipelines and hazardous substances consented sites (licensed explosives sites are covered in the previous paragraph).

Due to the above 3 points, there was no need to consult HSE.

4. General health and safety at work

HSE realises that Environmental Risk Assessments are not expected to include general health and safety at work however we take this opportunity to point out that it may be beneficial for employer(s) to undertake a risk assessment as early as possible to satisfy themselves that their design and operation will meet requirements of relevant health and safety legislation as the project progresses.

The County Council as Highway Authority for the County Class I Highway, A4221

Wish the following recommendations/Observations be applied

Recommendations/Observations

Thank you for consulting the Highway Authority (HA) on this planning application.

This is an outline application with all matters reserved for future consideration. It is a cross border application which is being considered by both Powys CC and Neath & Port Talbot CBC. The application is supported by the submission of both a Transport Assessment (TA) and an Environmental Statement (ES), which examines the likely transport impacts arising from the development.

The following observations and subsequent recommendations relate to highway network considerations within the administrative area of Powys County Council only, although it should be noted that significant consultation has been held with highway colleagues representing N&PT CBC. Their findings, which are supportive of the scheme, will be reported to their respective planning committee.

The site currently accommodates the Onllwyn Distribution Centre, a preparation and washery facility for the open cast mining processes undertaken on the site. The current site is served by the Class I, A4221 county highway, which provides excellent links to the wider highway network, via the A4067 and A40119 county highways. The current site utilises three points of access from the highway network, only one of which, the Nant Helen access, is served direct from the Powys network. Whilst there is a secondary link to the site via Onllwyn Road, access from the A4221 cross-roads, is restricted by an existing 7.5 Ton weight limit in force at that location. Access to the site from Onllwyn Road is therefore primarily provided from the A4109, which is within the N&PT boundary.

Automated traffic surveys and junction assessments have been undertaken at various locations across the surrounding network to establish the existing baseline traffic conditions; these are all detailed within the TA. The summary clearly demonstrates that the current levels of traffic utilising the surrounding network are relatively modest, given the nature of the network.

Robust traffic generation forecasts, covering both the construction and operational phases of the scheme have been produced, and these have been used to undertake an analysis of the network and all the associated highway junctions, to demonstrate that they can absorb the resultant traffic, including future year growths, whilst still being able to operate within capacity. Additional junction sensitivity analysis to assess worst-case scenarios have also been undertaken, which again demonstrates that the network would

continue to operate efficiently.

It should also be noted that, following a request from PCC, trip generation comparisons have been undertaken to assess the level of development traffic (both construction and operational) against the levels of existing traffic generated under the sites current use. (The current site generates significant levels of HGV traffic and it should be noted that these, will be removed from the network when the current operations on the site cease). Such an analysis demonstrates that the development will likely result in a slight reduction in the currents levels of traffic, under both the construction and operational scenarios.

Whilst there is no final operator in place at this stage, it is noted within the TA, that the development does not propose to utilise the existing Nant Helen access (or the secondary access via the Onllwyn Road crossroads) for either construction or operational traffic. It is therefore clear that there will be no detrimental impacts on the existing PCC highway network, arising from the proposed development.

Notwithstanding the above, the outline nature of this application may well give rise to operational amendments, in terms of access provision, as and when a final operator is appointed, and the unique nature of the development, may also give rise to unforeseen additional traffic generation, associated with non-planned visitors to the site. Whilst most of these matters can be addressed at the reserved matters stage, the HA recommends that the following highway conditions be attached to any consent granted at this juncture.

1. No development shall commence until a Construction Method Statement/Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- (i) Details of the traffic management to be provided to protect the highway network and NCN 43.
- (ii) Details of wayfinding and AT routes to serve the site during the construction phase.
- (iii) Details on vehicle and cycle parking for site operatives and visitors.
- (iv) Detail on loading and unloading areas for plant and materials.
- (v) Detail on storage of plant and materials during the construction phase.
- (vi) Details covering the erection and maintenance of security hoarding.
- (vii) Wheel washing facilities
- (viii) Measures to control the emission of dust and dirt during construction

(ix) a scheme for recycling/disposing of waste resulting from demolition and construction works.

The approved Statement shall be adhered to throughout the construction period.

2. No development shall commence until a scheme detailing the Active Travel improvement works required along NCN43 (and wider links to the site) has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be installed to the written satisfaction of the LPA before first operational use on site.

3. Notwithstanding the submitted information, additional traffic impact surveys shall be undertaken after 12 months of first operation and also on the 3rd and 5th year following commencement of operation, to determine the resultant impact of the development on the surrounding highway network, in relation to the possible demand for visitor parking. The scope of such assessments and the actions arising from such, including a requirement to fund potential Traffic Regulation Orders, shall be submitted in writing to and approved by the LPA prior to first operational use of the site.

PCC-Rights Of Way Senior Manager

29th Apr 2021

Thank you for consulting the Countryside Access and Recreation team about this application. This response relates to public rights of way; a separate response is being made with regard to common land.

The proposed development would affect a number of public rights of way, namely footpaths 40, 19, 90, 49, 7, 11 and 17 and bridleway 45. This is acknowledged in the planning application and the applicant has supplied a plan of the affected paths. It is noted that a public rights of way mitigation strategy will be required in respect of these paths.

Most of these public rights of way are currently suspended via an Order under the Opencast Coal Act. The suspended paths are to be reinstated as part of the revised restoration scheme for the Nant Helen opencast coal site.

However, before the proposed test track and associated infrastructure can be constructed over the current legal lines of the paths, the affected paths will need to be legally diverted, as it is an offence to develop over the line of a public right of way.

Planning permission does not, in itself, grant permission for the diversion of a public right of way; a separate legal process must be followed, which requires the making and

confirmation of a public path Order. The mitigation strategy for these paths will be subject of a separate public consultation exercise.

PCC-Contaminated Land Officer

13th Apr 2021

The subject site is identified as being a coal mine, washery and other infrastructure which is potential contaminated land.

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

I have reviewed the submitted reports and whilst I am generally satisfied with them there is a potentially significant omission in the absence of a mine gas risk assessment and due consideration of the impact from such gas both on and off site from the development. Therefore, a specialist assessment will be required produced by a demonstrably appropriately qualified person.

It follows that the conditions below are appropriate to the application.

Condition A

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of

the local planning authority.

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

Condition 2. Site Characterisation

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

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

Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

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

Condition 4. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

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

Condition 5. Long Term Monitoring and Maintenance

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

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

Cadw - SAM

12th Apr 2021

Thank you for your letter of 1 April 2021 inviting our comments on the information

submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application we have no objections to the proposed development. Our assessment of the application is given below.

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

Assessment

BR074 Section of Road NE of Coelbren Fort

BR198 Ynysgedwyn Colliery, Fan House

BR201 Lefel Fawr Coal Adit

BR222 Abercrave Ironworks

BR327 Bryn Llechwen ring cairn

GM146 Coelbren Fort

GM343 Roman Marching Camp South East of Coelbren Fort

GM399 Tramroad at Ystradgynlais

GM420 Remains of Blast Furnaces at Banwen

The impact of the proposed development on the above scheduled monuments and their settings was considered when the application for the earthworks required for the creation of the inner and outer test track was granted (P2020/0738/FUL) and this included the construction of an embankment over part of scheduled monument

GM399 Tramroad at Ystradgynlais. An application for scheduled monument consent for this work is currently being determined. We therefore have no objection to the determination of the current application subject to the outcome of the application for scheduled monument consent.

Coal Authority

19th Apr 2021

Development of a Global Centre of Rail Excellence, comprising of two test tracks of loop

configuration being an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of (OLE) and dual platform station test environment; together with operations and control offices (including staff accommodation and welfare), shunter cabins (2 no.), research and development education and training, rolling stock storage sidings and intenance/cleaning/decommissioning facilities; associated, drainage, internal vehicular accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure (including substations and lineside shore supplies and transformers), fencing (perimeter security, acoustic and stock proof), land reformation and hard and soft landscaping, together with demolition of existing buildings/structures (cross boundary application - see Neath Port Talbot Application ref P2021/0327) - Land At And Surrounding Nant Helen Open Cast Coal Site, Powys And Onllwyn Distribution Centre, Neath Port Talbot

Thank you for your notification of 31 March 2021 seeking the views of The Coal Authority on the above planning application.

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

The Coal Authority Response: Material Consideration

I have reviewed the proposals and confirm that the application site falls within the defined Development High Risk Area; therefore within the application site and surrounding area there are coal mining features and hazards which need to be considered in relation to the determination of this planning application.

Our records indicate that within the site, or within 20m of the site boundary, there are 99 mine entries. The site is also in an area of recorded and likely unrecorded coal workings at shallow depth and is within the boundary of a site from coal has been removed by surface mining methods. In respect of the mine entries, we hold no treatment details for most of these features, although we hold commentary for some indicating that they may have been partially or wholly removed by the surface mining operations.

The planning application is supported by an ES with a Geotechnical Desk Study, dated 18 December 2019 and prepared by Ove Arup & Partners Ltd, being included in Appendix 6A. This report acknowledges that there is significant coal mining legacy on the site, mine entries and potential shallow coal workings, and recommends that appropriate intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues.

Where mine entries are present on a site we would generally expect the layout to be

designed to avoid the established locations of these features and their zones of influence. However, we also appreciate that sometimes this is not possible and where construction does have to take place over mine entries and their zones of influence we would expect justification of the layout and robust remedial measures to be provided to support such a proposal.

The Coal Authority is of the opinion that building over the top of, or in close proximity to, mine entries should be avoided wherever possible, even after they have been capped, in line with our adopted policy:

<https://www.gov.uk/government/publications/building-on-or-within-the-influencing-distance-of-mine-entries>

Prior to carrying out intrusive site investigations to locate the mine entries it would be prudent to undertake a positional review of these features in order that the best plot position for the mine entries can be used to inform the search areas. Where our records indicate that mine entries may have been removed we would expect a detailed assessment of available records to be carried out to either confirm, or discount, their presence on site.

The intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

The Coal Authority Recommendation to the LPA

This is our recommendation for condition wording, although we appreciate that you may wish to make some amendments to the choice of words.

1. Prior to the submission of the reserved matters;
 - a) a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity, and;

2. Prior to, or concurrent with, the submission of reserved matters;
 - a) the findings of the intrusive site investigations carried out to locate the mine entries

and shallow coal mine workings;

b) details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy, as may be necessary. This should include a plan showing the established locations of the mine entries present on site and how these relate to the development layout.

The intrusive site investigations and remedial works shall be carried out in accordance with authoritative UK guidance.

3. Prior to the development being taken into beneficial use, a signed statement or declaration prepared by a suitably competent person confirming that the site is, or has been made, safe and stable for the approved development shall be submitted to the Local Planning Authority for approval in writing. This document shall confirm the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity.

The Coal Authority has no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Mine Gas

It should be noted that wherever coal resources or coal mine features exist at shallow depth or at the surface, there is the potential for mine gases to exist. These risks should always be considered by the LPA. The Planning & Development team at the Coal Authority, in its role of statutory consultee in the planning process, only comments on gas issues if our data indicates that gas emissions have been recorded on the site. However, the absence of such a comment should not be interpreted to imply that there are no gas risks present. Whether or not specific emissions have been noted by the Coal Authority, local planning authorities should seek their own technical advice on the gas hazards that may exist, and appropriate measures to be implemented, from technically competent personnel.

Ward Councillor

16th Apr 2021

Please see comments below reference the above application.

I'd firstly like to say that I welcome the proposed investment in this project and the future 're-energising' of the local economy that it offers.

However, I am aware of concerns held by the residents impacted by these proposals

which I would request the Planning Committee examine further to satisfy themselves that any adverse impact on these communities can be mitigated.

1. I'd like to draw the Committee's attention to the two major conditions that are currently outstanding from application reference 20/0738/FUL (Complimentary Earthworks) regarding land drainage and geotechnical issues above the village of Caehopkin. Are the Committee satisfied that appropriate measures are now in place to avoid flood threat to the village and ensure the structural safety of the embankments in future years behind Caehopkin and Brooklands Terrace?
2. Noise levels are a concern. Are the Committee satisfied that appropriate mitigation is in place to ensure that noise levels will not exceed those published in the accompanying documentation. Ref. 10.1 Day; 10.2 Evening; 10.3 Night?
3. Are the Committee satisfied that proposals contained in the documents to mitigate any potential visual impact on the settlements of Coelbren and Caehopkin are adequate?
4. I would respectfully request that consideration be given to the establishment of a Local Liaison Body which would ensure direct contact between representatives of GCRE and nominated local representatives thus ensuring a free flow of information and a joint approach to any future potential concerns arising from the development.
5. Whereas I appreciate that 'Community Benefits' over and above those generated through increased employment and business re-generation are not a material matter for this application. I would request that consideration be given to the setting up of a Community Infrastructure Fund to ensure that local communities impacted by the proposal benefit from improvement to such things as open spaces and improved public transport links. e.g. improvements made to the existing railway line from Onllwyn to Neath allowing the introduction of a public service.

Finally I would like to request that time be allocated to both myself and Councillor Sarah Williams of Abercraf Ward to address the Committee. We would share our allocated time.

Brecon Beacons National Park

27th Apr 2021

Thank you for writing to seek the views of the Brecon Beacons National Park Authority on this planning application.

In line with Part 1 (10) of the Brecon Beacons National Park Authority Scheme of Delegation (delegation to the chief executive and the planning and heritage manager) as

amended and approved by NPA 22 October 2020, my response has been authorised as that of the Authority by Stephanie Evans, Transition Director, Brecon Beacons National Park Authority.

My response is informed by a site visit undertaken on 14 April 2020 to:

- The trig point on Cribarth (SAM & Registered Common Land) (approx. SN 828143); and,
- Public Footpath north east of Henrhyd falls, near the mast shown on the OS map (approx. SN 852124).

Made during the pre-application stage, the National Park Authority's previous observations are available in:

- Environmental Statement scoping by letter on 18 November 2019; App Ref: P2019/5455 (NPA Ref 19/17917/FRI)
- Pre-application consultation by e-mail on 14 October 2020; (NPA Ref: 20/19086/SPACON)

Having identified the key issues as landscape and visual impacts, the Authority's pre-application consultation response concluded that the Authority had very significant concerns about adverse impacts on the following special qualities of the National Park, as defined in the National Park Management Plan 2010 - 2015 managing change together:

- Sweeping grandeur and outstanding natural beauty;
- A National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal; and,
- Working, living "patchwork" of contrasting patterns, colours, and textures.

By undertaking a nighttime assessment and detailing reasons why additional mitigation planting would be ecologically inappropriate, the application has responded positively to or provided suitable clarification in respect of some of the issues previously raised by the Authority.

However, whilst noting the National Park Authority's very significant concerns about the residual adverse effects on landscape, the applicant's position is that these are to be weighed by the decision maker in the overall planning balance.

Section 9 of volume I of the environmental statement (March 2021) (ES) provides an assessment of the likely landscape and visual effects arising from proposed development; it considers changes to the landscape character within the zone of influence, and

changes to features or composition of views.

However, the ES does not address the likely effects of the development on tranquillity experienced from significant viewpoints and footpaths (public rights of way) in the National Park, or the associated cultural ecosystem services (benefits) derived from tranquillity.

The definition of Welsh Government and Natural Resources Wales, and which was adopted for The State of Natural Resources Report 2016 is: 'Tranquillity is an untroubled state, which is peaceful, calm and free from unwanted disturbances. This can refer to a state of mind or a particular environment.'

Most significantly, this issue must be considered from viewpoint 3 "the Trig point on Cribarth" and the approach to it on the footpath following the line of the former tramway.

Likely changes to features or composition of views (alone) from this viewpoint are reported as:

- From construction: Major (Adverse) (see ES para. 9.8.20)
- From operation year 1: Major (Adverse) (see ES para. 9.8.94)
- From operation year 15: Moderate (Adverse) (see ES para. 9.8.97)

On my site visit, I found that noise from the current workings at Nant Helen impacted adversely the tranquillity and enjoyment I experienced when climbing from Abercrave to "the Trig point on Cribarth" along the footpath, which appeared well used (Public right of way code 42/44/1 and 31/19/1)¹. The noise I found distracting and competing with birdsong and calls.

Against a future baseline (post restoration), Section 10 of the ES (Noise and vibration) does not consider or quantify the likely changes to levels, frequency and regularity of noise (in different weather conditions) from this route or viewpoint in the Brecon Beacons National Park. The impact of the noise mitigation proposed is therefore uncertain in this location.

If found to be significant, this would magnify the likely adverse impact already identified on the composition of the view from "the Trig point on Cribarth" and thereby impinge on the following special quality of the National Park in that location:

'A National Park offering peace and tranquillity with opportunities for quiet enjoyment, inspiration, relaxation and spiritual renewal.'

Section 11A (2) of the National Parks and Access to the Countryside Act 1949 is clear

that:

In exercising or performing any functions in relation to, or so as to affect, land in a National Park, any relevant authority shall have regard to the purposes specified in subsection (1) of section five of this Act and, if it appears that there is a conflict between those purposes, shall attach greater weight to the purpose of conserving and enhancing the natural beauty, wildlife and cultural heritage of the area comprised in the National Park.

(bold underlined emphasis added).

1 See: <https://www.breconbeaconsparksociety.org/self-guided-walks/the-cribarth-ridge/>

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The purposes to which you must have regard in determining the application are:

(a) of conserving and enhancing the natural beauty, wildlife and cultural heritage of the National Park; and

(b) of promoting opportunities for the understanding and enjoyment of the special qualities of the National Park by the public.

Further work is necessary to qualify the impact of the proposal on the amenity of the National Park; in particular whether proposed noise mitigation will act, against a post restoration baseline, to safeguard the tranquillity experienced at "the Trig point on Cribarth" and the approach to it from Abercrave.

Welsh Water

21st Apr 2021

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

In respect of the aforementioned planning application, we can confirm that Dwr Cymru Welsh Water have been previously informed of the proposed development and consulted, as a 'Specialist Consultee', in accordance with Schedule 1C Article 2D of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016. We note that our consultation response (Ref: PPA0005167) has been acknowledged and included at Appendix 20 of the accompanying Pre-Application Consultation (PAC) Report which highlights the site is in an unsewered area. However, this response refers to our consultation to the planning development boundary outlined red in the administrative area of Powys County Council. With respect to the planning development boundary within Neath Port Talbot County Borough Council, outlined red on

the accompanying 'Site Location Plan (Neath Port Talbot)' (Drawing No. 001), we responded to a preceding pre-application consultation and advised that foul flows can communicate to the existing combined sewer crossing the development site albeit that no building shall be permitted within the protection zones of sewers measured 3 metres either side of the centreline. With respect to the submitted illustrative masterplan and parameters plan it does not appear there are any buildings within the protection zones, albeit there are also watermain assets within the site boundary and we recommend a conditions in relation to the protection of our assets as well as a foul water drainage scheme. In addition, the accompanying 'Drainage Strategy Report' and 'Surface Water Features and Flood Risk' (No. 264904) indicates proposals to dispose surface water flows to a surface water body and in principle we offer no objection albeit would advise the development is subject to Schedule 3 of the Flood and Water Management Act 2010 and therefore requires SAB consent.

WATER SUPPLY

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

Accordingly, if you are minded to grant planning permission for the above development, we would request that the following Condition and Advisory Notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets:

Condition

No development shall commence until a foul water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water flows and thereafter implemented in accordance with the approved details prior to the occupation of the development.

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.

No development shall commence until details of a method statement and risk assessment for the protection of the structural condition of the public sewers and watermains crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

Reason: To ensure that the proposed development does not affect the integrity of the public sewerage and water supply system in the interests of public health and safety.

Advisory Notes

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Neath Port Talbot and Powys County Council, as the determining SuDS Approval Bodies (SABs), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation. 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. 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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

If the development will give rise to a new discharge (or alter an existing discharge) of trade effluent, directly or indirectly to the public sewerage system, then a Discharge Consent under Section 118 of the Water Industry Act 1991 is required from Dwr Cymru / Welsh Water. Please note that the issuing of a Discharge Consent is independent of the planning process and a consent may be refused although planning permission is granted.

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.

Thank you for consulting Natural Resources Wales (NRW) on additional information about the above, which we received on 23/06/2021. Our comments below refer to changes made to Chapter 7 (Biodiversity) and Chapter 14 (Air Quality) of the Environment Statement only. Please refer to our response of 30/04/2021 for all other comments/advice which are still applicable to this case.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the Environmental Statement and associated Appendices and Figures are included in the approved plans and documents condition on the decision notice and by attaching the following conditions to any planning permission granted:

Condition 1 – Landscape Strategy: No development or phase of development, shall commence until a site wide landscape strategy has been submitted to and approved in writing by the Local Planning Authority.

Condition 2 – Construction Environmental Management Plan: No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 3 – Environmental Management and Monitoring Plan: Prior to the operation of the development, or phase of development, an Environmental Management and Monitoring Plan, detailing strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site shall be submitted to and approved in writing by the Local Planning Authority.

Please note, without the inclusion of these conditions we would object to this planning application. Further details are provided below.

Landscape

We have reviewed the amended documents submitted and we are satisfied that the discrepancies we originally identified between plans have now been rectified and both habitat and landscape mitigation drawings (Plan 003B ILLUSTRATIVE MASTERPLAN ISSUE 02; Plan003A & figure 1.6A ILLUSTRATIVE MASTERPLAN ISSUE 02; Fig 7.9 HABITAT CREATION AND ENHANCEMENT - HABITATS P01.4) are in line with landscape mitigation planting as proposed for the approved earthwork plan 20/0738/FUL. Please refer to our response letter of 30/04/2021 for comments on landscape and recommendations on conditions to be used.

Protected Sites

Sensitive Aerial Receptors – NOX and SO2 We have reviewed the amended Chapters 7 and 14 of the Environmental Statement (ES). We are satisfied these chapters have been amended to address the concerns we raised in our response letter of 30/04/2021. Further information has been submitted to provide justification for the use of baseline data from the chosen meteorological stations and an updated model to illustrate a more realistic air emissions scenario based on modern locomotives which are currently in use rather than the older diesel engines on which the first submitted model was based upon. It has also been clarified that the use of diesel engines would be limited to the first five years of the development as these will be phased out and replaced with electric and hydrogen trains. Deposition of NOx and SO2 on the nearby Gorsllwyn Onllwyn SSSI and its sensitive features (raised bog to fens with acid grassland habitat feature - National Vegetation Classification M17a) will therefore be much lower than first suggested and for a limited time period. The deposition levels are considered as insignificant, and once all trains using the test facility have switched to zero emission locomotives negligible operational effects are predicted. Based on the information submitted, we therefore consider that the proposed development is not likely to damage the features for which Gorsllwyn Onllwyn SSSI is of special.

Please refer to our letter of 30/04/2021 for comments on air quality and dust control measures and recommended conditions.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

WG - Highways Directorate

21st Apr 2021

I refer to your consultation of 31/03/2021 regarding the above planning application and advise that the Welsh Government as highway authority for the A465 trunk road does not issue a direction in respect of this application.

The Commons Registration Authority can confirm that the development of a Global Centre of Rail Excellence under application number 21/0559/OUT directly affects Common Land that is registered under the Commons Registration Act 1965 as register units BCL78 (Mynydd-y-Drum) and BCL136 (Land near Abercrave Station.) There are grazing rights recorded in the Register of Common Land as being exercisable over BCL78 (Mynydd-y-Drum) common; no grazing rights are registered over BCL136 (Land near Abercrave Station.)

Both commons benefit from a right of access on foot for recreation, under the Countryside and Rights of Way Act 2000, although the Nant Helen opencast coal site area is excepted from that right of access.

Common land does benefit from a high degree of legal protection. Under section 38 of the Commons Act 2006, it is unlawful for 'restricted works' to take place on common land without prior consent. It is likely that the construction of the Global Centre of Rail Excellence will require the de-registration of part of the common land with an alternative area of land required in exchange. A separate legal process will need to be undertaken to do this. Please note Powys County Council is not the determining authority, the Planning Inspectorate in Wales is responsible for determining applications on behalf of the Welsh Minister. Application forms and guidance about how to make an application under Section 38 or Section 16 of the Commons Act 2006 are available on the Welsh Government website.

A plan showing the affected area of the two commons is attached.

PCC-Built Heritage Officer

Background to Recommendation

Designations within Powys

Cadw ID BR323 Bryn Llechwen ring cairn designated on 31/05/2006

Cadw ID BR072 Saith Maen

Cadw ID BR074 Section of Road NE of Ceolbren Fort

Cadw ID BR173 Pillow Mounds at Pant Mawr

Cadw ID BR237 Cribarth Limestone Quarries and Tramroads

Cadw ID BR246 Craig-y-Rhiwarth Hillfort

Cadw ID BR256 Hut Circle West of Saith Maen

Cadw ID BR333 Dorwen Standing Stone

Cadw ID BR388 Lorfa Stone Circle

Cadw ID BR198 Fan house to former Ynyscedwen Mine designated 31/01/1992*

Cadw ID BR201 Lefel Fawr Coal Audit designated 18/09/1994

Cadw ID BR222 Abercrave Ironworks designated 21/20/1995

Cadw ID GM146 Coelbren Fort (not within Powys)

Cadw ID GM343 Roman Marching Camp (not within Powys)

Cadw ID GM420 Remains of Blast Furnaces at Banwen (not in Powys)

Cadw ID GM272 Hirfynydd Roman Earthwork (not in Powys)

Cadw ID GM593 Coed Ddu Platforms and Enclosure (not in Powys)

Cadw ID GM592 Coed Ddu ring Cairn (not in Powys) C

Cadw ID GM399 Tramroad at Ystradgynlais (not within Powys)

Cadw ID GM275 Carn Cornel (not in Powys)

Cadw ID GM396 Canal Aqueduct Ystalyfera (not in Powys)**

*Fan house to former Ynyscedwen Mine is also a Listed Building Cadw ID 25952 included on the statutory list on 31/01/1992

** Canal Aqueduct of River Twrch Ystalyfera is also a Scheduled Ancient Monument

There are several Scheduled Monuments in proximity of the site, however Cadw are the consultee in respect of that designation and my comments are in respect of listed buildings only.

Listed Buildings

Cadw ID 17922 Yard House included on the statutory list on 26/09/1994

Cadw ID 7468 Pont Yr Yard included on the statutory list on 11/06/1979

Cadw ID 6610 grade II* circular cow house included on the statutory list on 17/01/1963

Cadw ID 6605 Hen Noyadd included on the statutory list on 17/01/1963

Cadw ID 6606 10 Lamb and Flag Cottages included on the statutory list on 17/01/1963

Cadw ID 6607 12 Lamb and Flag Cottages included on the statutory list on 17/01/1963

Cadw ID 6608 The Pound included on the statutory list on 17/01/1963

Cadw ID 6609 Outbuildings opposite the Lamb and Flag included on the list on 17/01/1963

Cadw ID 23032 Sardis Chapel included on the statutory list on 21/03/2000

Cadw ID 25946 74 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25947 76 Heol Giedd included on the statutory list on 12/04/2001 Cadw ID 25948 78 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25949 80 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25950 82 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 7544 Cae'r Lan Castle included on the statutory list on 21/01/1994

Cadw ID 25953 grade II* Canal Aqueduct included on the statutory list on 12/04/2001

Cadw ID 25952 Fan house to former Ynyscedwen Mine included on the statutory list 12/04/2001*

* Fan house to former Ynyscedwen Mine is also a Scheduled Ancient Monument Cadw ID BR198 designated on 31/01/1992

The following listed buildings are included in the assessment however are outside Powys County Council are and as such I shall not provide comments on these listed buildings.

Cadw ID 23080 Godre's Rhos Independent Chapel grade II*

Cadw 82048 Circular pigsty at Blaendulais Farm

Cadw ID 82050 The War Memorial

Cadw ID 11867 Church of St Cadoc grade II*

Cadw ID 7491 grade II* Craig – y Nos (BBNP)

Cadw ID 7492 Theatre at Craig y Nos grade ; (BBNP)

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990 Planning Policy Wales 11th edition 2021

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annexe to TAN24

Setting of Historic Assets in Wales – Annexe to TAN24

Heritage Impact Assessments – Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives; Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

Comments

The proposal is for a major development and an application is made in outline, the design to be provided at a later stage.

The proposed site is large and the area is rich in historic assets.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other

potentially polluting development though it may have little visual impact.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

It is noted that section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

The documents submitted with the application Appendix 8A historic Environment Baseline

Assessment dated 16 September 2020 and Chapter 8 of the Environmental Statement have identified the historic assets designated and undesignated within the site and within the study area.

The documents identifies the methodology used to prepare the report and an assessment of the heritage assets. The methodology was agreed as part of the scoping opinion and in respect of designated heritage assets included, a search area of 3km for all designated assets and 5Km for grade II* and scheduled monuments.

The assessment has grouped the heritage assets by distance.

Within the 500m study area there are no listed buildings.

Within the outer 3Km and 5Km Study and within Powys CC area are the following listed buildings;

Cadw ID 17922 Yard House included on the statutory list on 26/09/1994

Cadw ID 7468 Pont Yr Yard included on the statutory list on 11/06/1979

Cadw ID 6610 grade II* circular cow house included on the statutory list on 17/01/1963

Cadw ID 6605 Hen Noyadd included on the statutory list on 17/01/1963

Cadw ID 6606 10 Lamb and Flag Cottages included on the statutory list on 17/01/1963

Cadw ID 6607 12 Lamb and Flag Cottages included on the statutory list on 17/01/1963

Cadw ID 6608 The Pound included on the statutory list on 17/01/1963

Cadw ID 6609 Outbuildings opposite the Lamb and Flag included on the list on 17/01/1963

Cadw ID 25953 grade II* Canal Aqueduct included on the statutory list on 12/04/2001

Cadw ID 25952 Fan house to former Ynyscedwen Mine included on the statutory list 12/04/2001*

Cadw ID 23032 Sardis Chapel included on the statutory list on 21/03/2000

Cadw ID 25946 74 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25947 76 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25948 78 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25949 80 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25950 82 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 7544 Cae'r Lan Castle included on the statutory list on 21/01/1994 The closest of these buildings are;

Cadw ID 25952 Fan house to former Ynyscedwen Mine, noting that this listed building is associated with the mining tradition of the area I would not consider that the proposal would harm the setting of this listed building.

Cadw ID 6610 grade II* circular cow house, this is a former agricultural building sited in agricultural land. It is not considered that the proposal would harm the setting of this listed building.

Cadw ID 17922 Yard House and Cadw ID 7468 Pont Yr Yard as these are sited adjacent to each other, I have grouped the consideration of these together. The bridge is non habitable and was formerly a tramroad bridge built for the British Iron & Coal Co. (later Abercrave Colliery Co.) for a coal tramroad down from the Level Fawr colliery. Yard House was the manager's house and office for the Lefel Fawr colliery. Located beside a lane leading across Yard Bridge on the south side of the A4067. The cottages are on a precipice over the River Tawe next to the bridge. Both buildings are sited within woodland adjacent to the River Tawe and are not readily visible from the A4067. It is not considered that the proposal would harm the setting of this pair of listed buildings.

Cadw ID 6606 10 Lamb and Flag Cottages, Cadw ID 6607 12 Lamb and Flag Cottages, Cadw ID 6608 The Pound and Cadw ID 6609 Outbuildings opposite the Lamb and Flag are all sited in close proximity and as such are considered together. Situated towards the lower end of terraced row at right angles to the Tawe, reached by a temporary bridge from the Rheolau Arms Inn. In 1801, when Thomas Malkin passed, Pentre'r Lamb was a settlement of two inns and a few houses with a small mine by the river, near the canal-head of the Swansea Canal. The Lamb and Flag Inn and the adjacent No 12, once Lamb and Flag farmhouse may have been originally part of one large house or inn. Number 10 and 12 Lamb and Flag Cottages are included on the list as a remnant of a small rural industrial/agricultural settlement illustrative of the early industrial history of the region. Cadw ID 6606 The pound was used to house stray animals removed from common land. The adjacent outbuilding was the outbuildings of the former Lamb and Flag Farm. This group of 4 listed buildings are clustered together in an attractive grouping accessed from the A4067. The group of buildings are readily visible from the A4067, however despite the proximity of the site the current coal workings are not visible due to topography and woodland. As such it is not considered that the principle of the development of this site would harm the setting of this group of listed buildings, however it is noted that the application is made in outline and if approved further details will be submitted. However it is acknowledged that the site is an open cast mine which is not readily visible from the

A4067 due to the levels involved.

Cadw ID 6605 Hen Noyadd is sited to the north of the A4067 and within a residential area and is predominantly surrounded by residential properties. It is not considered that the proposal would harm the setting of this late medieval house. It is noted that the house was extensively remodelled in 1863 Morgan Morgan agent of the British Iron & Coal.

The remaining listed buildings are sited further away in the built up area of Cwmgiedd and Ystradgynlais and it is not considered that their setting would be harmed by the principle of the proposal which is being considered at outline stage.

On the basis of the above considerations I would raise no objection to the proposal on the basis of the setting of listed buildings within the Powys County Council area.

In making this recommendation I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 11th edition 2021 which states, "For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 11 advises that "Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 11th edition requires that "it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

CPAT

19th Apr 2021

Thank you for the consultation on this application.

We have been involved with feedback on the pre-application design of the outline scheme and the prior restoration works application 20/0738/FUL.

This application and the ES assume that the majority of archaeological impacts within the Powys area will occur at the restoration stage and we have agreed mitigation and approved archaeological written schemes of investigation which will allow archaeological recording to be completed before the new railway and associated buildings are constructed. This approach is confirmed in section 8.5.6

The primary area of interest in Powys is Area C (Fig. 8.4) where non-designated archaeology may be impacted. This will be mitigated via the earlier restoration application where direct impacts from rail embankments occur and there will be no new impacts here in relation to the current outline application as mentioned in 8.8.4.

We agree with the mitigation statement in 8.9 which finds no new direct and significant impacts at this stage in the Powys area. We also agree that this should be confirmed at the reserved matters stage when the detailed final layout is known. The assessment does not find any significant setting impacts, but as the primary impacts identified relate to scheduled monuments this should be confirmed with Cadw.

We would therefore have no objection to the outline application proposals.

Network Rail

21st Apr 2021

Thank you for your email dated 31 March 2021 together with the opportunity to comment on this proposal.

There are a number of concerns regarding this application as our signalling project interfaces with this proposal.

The test track outlined in the proposal is to have an undefined number of trains to and from. This couldn't be articulated in detail before, but was assumed to be very much peak and trough pattern in moving stock to storage, and then removing from storage.

This led to debate on timetable access and whether they would maintain timetabled paths, which are limited, or require ad-hoc access. Changes in number of trains may require a review/change to proposed methods of working at fringes of PTW2 scheme to

manage signaller workload - Panel to N&B signal box, Panel to Burrow sidings as currently this location is not 24/7 and would require additional signalling staff should it become 24/7.

It is also assumed that the N&B/Onllwyn fringe workload increase is tolerable. This in turn means reviewing the number of user worked crossings on the line for changes in traffic pattern and frequency. This was discussed previously with NR, but nothing was progressed. There are also questions as to what method of train signalling would be used between N&B Junction and Onllwyn which need clarification, and if signal alterations are required over this line, what sort of timescales are we looking at, as the source signalling records would be held by PTW2.

Currently the User Worked Crossings (UWC) /Footpath crossings are fit for the very low volume of traffic, but any increase to traffic would cause concern over the suitability of the current arrangements for these crossings. Any changes to level crossings may need additional power and telecoms to support. These will need to be provided as there very limited existing support infrastructure on the line.

Method of train access was also discussed. Currently any trains going to Onllwyn/cwmgrach travel down the districts and run around at burrows, which is under DB cargo not Network Rail, and access fees/arrangements need to be made. Discussions back in 2019/2020 acknowledged that this wasn't popular, and comments were made about Network Rail providing something different, or trains being top and tailed. This change of method of working (if carried through) would need to be assessed for practicality and compliance with the rulebook.

Proposals did also include changing the Network Rail boundary to our old scheme plans before N&B was descoped, to give room for the stabling facilities. This would mean moving the boundary, installation and control of a new trap, new fringe controls at new location and transfer of assets (few bridges and a UWC). It would also have potential train standing issues on UWC/Footpath level crossings as trains wait to leave/join NR Infrastructure.

Finally, it is noted that the areas where it is intended to join the Network Rail track are in an old coal mining area with workings possibly at shallow depth and old mine entries in the locality. Accordingly Network Rail will expect the applicant to provide a full and comprehensive mining risk and impact assessment to enable Network Rail to fully assess the implications of the project. It would be appropriate to respond to this consultation accordingly.

Canal & River Trust (Glandwr Cymru In
Wales)

1st Apr 2021

This application falls outside the notified area for its application scale. We are therefore returning this application to you as there is no requirement for you to consult us in our capacity as a Statutory Consultee.

We are happy to comment on particular applications that fall outside the new notified areas if you would like the Canal & River Trusts comments in specific cases, but this would be outside the statutory consultation regime and this must be made clear to us in any notification letter you send.

Should you require any further information regarding the changes to the notified areas or have a query in relation to consultation or notification of the Canal & River Trust on planning applications, please email us at planning@canalrivertrust.org.uk

Neath & Port Talbot County Borough
Council

16th Apr 2021

I refer to the above planning application referred to this Council in accordance with the above Act and order and would offer no objections.

This consultation forms part of a much larger cross-boundary application between Neath Port Talbot CBC and Powys CC. Accordingly, while for the purposes of this consultation no objections are raised, all impacts arising from the proposed cross-boundary development will be formally considered by this Council under the concurrent planning application Ref. P2021/0327.

Mid & West Wales Fire Service - Powys
Command

22nd Apr 2021

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

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

The developer should consider the need to provide adequate water supplies for fire

fighting purposes on the site and general guidance on this matter is given in the attached Appendix.

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

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

Natural Resources Wales (Mid Wales)
DPAS

30th Apr 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 30/03/2021.

We provided comments on the above proposal at statutory pre-application stage, our comments can be viewed in the Pre-application Consultation report dated October 2020. As a result of our and other consultee's comments at pre application stage, further information has been added to the Environment Statement (ES) supporting this proposal. Our advice on the scheme has therefore changed to address the new information that has been provided in support of the application.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met and you attach the following conditions to the permission.

Otherwise, we would object to this planning application.

Requirement 1 - Plans: All plans associated with this development are amended in line with the established principles of habitat mitigation/ enhancements agreed under consented application 20/0738/FUL.

Requirement 2 - Air Quality: The submission of a revised 'Air Quality' chapter (section 14) of the Environment Statement (ES) to include a justification of the chosen meteorological data on which the modelling was based upon.

Condition 1 - Landscape Strategy: No development or phase of development, shall commence until a site wide landscape strategy has been submitted to and approved in writing by the Local Planning Authority.

Condition 2 - Construction Environmental Management Plan: No development or phase

of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 3 - Environmental Management and Monitoring Plan: Prior to the operation of the development, or phase of development, an Environmental Management and Monitoring Plan, detailing strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site shall be submitted to and approved in writing by the Local Planning Authority.

Preparation of Management Plans

We acknowledge that there are multiple plans recommended in the ES as techniques for collating the mitigation and enhancement measures for each different topic area. At pre-application stage we advised that it would be beneficial to combine the various plans into two structured documents, a Construction Environmental Management Plan (CEMP) and a Environmental Management and Monitoring Plan (EMMP), to ensure the inter-dependencies of the different topic areas are realised and that there is no conflict at the following stages i.e. reserved matters, construction and when the development becomes operational.

We have reviewed the ES submitted in support of the outline application and note that several sections have been modified to reflect our pre-application comments. We have identified the following plans included/ recommended in the ES:

- o Outline Construction Environmental Management Plan (Outline CEMP- Appendix 3A)
to include: Ecological Protection Plan (EPP);
- o Landscape Strategy for Reserved Matters (Appendix 9G)
- o Water Framework Directive Strategy (Appendix 11A)
- o Drainage Strategy (Appendix 11B)
- o Ecological Management Plan (EMP) (section 4.3.22 of the Outline CEMP Appendix 3A)
- o Ecological Management and Monitoring Plan (EMMP) - ES Section 7.22.2.
- o Dust Management Plan (DMP)

Reference to the EMP is only made within the CEMP, it is therefore unclear whether this reference should be updated in line with the amendments made in ES Section 7.22.2 and

replaced by the EMMP.

We also note that the Landscape Strategy has not been included within the EMMP and a separate document will be produced to address all landscape mitigation and monitoring related issues as outlined in Appendix 9G.

We have provided an outline of what we would expect to be included in the Landscape Strategy (Condition 1), CEMP (Condition 2) and EMMP (Condition 3) in the Appendix of this letter.

Landscape

Our advice relates to the potential impacts on the Brecon Beacons National Park (BBNP) which at its closest point is located approximately 96m from the development. The development would be prominent from several areas within BBNP, which are of high scenic quality and sensitivity.

We note that the ES has assessed the development to have a significant permanent adverse effect on the BBNP. Should your Authority consider that this significant impact can be accommodated by considering other benefits of the development, our advice is to minimise the effects by ensuring sound place-making and green infrastructure techniques is embedded from the very outset of planning consent to achieve high-quality design.

Visual Effects

The Special Qualities of the BBNP, as described in the National Park Management Plan, will be affected by this development. This includes the sweeping grandeur & outstanding natural beauty (including prominent hilltops with extensive views in all directions) and the remoteness of the park.

The development would be visible from Landscape Character Areas Y Mynydd Du, Waterfall Country & Southern Valleys and Fforest Fawr, as identified in BBNP's Landscape Character Assessment. All three areas are noted for their scenic quality, views from high ground and tranquillity and remoteness. Developments outside the BBNP affecting tranquillity and special qualities and strategies should aim to reduce the visual impact beyond the boundary and applications resisted which would harm the special qualities. All character areas are of high scenic quality and high sensitivity. All are noted as of high sensitivity and value in the ES.

There would be significant adverse visual effects on receptors at eight viewpoints within the park for a considerable time period (during the four-year construction period and continuing for up to 15 years after completion). Beyond 15 years significant adverse

effects would remain at two viewpoints. The woodland planting proposed should integrate much of the development into the surrounding landscape within the 15-year period. However, some of the rail infrastructure and engineered features (overhead lines and cuttings) will remain noticeable as permanent features in the views, continuing to have an adverse effect on the scenic quality of views and the sense of tranquillity & remoteness.

Night-time Visual Effects

There is potential for light pollution and impact on the BBNP's Dark Skies. We note the production of a Night-time Assessment (Appendix 9E), and intention to produce a full lighting assessment and design as part of the detailed design, informed by BBNP Policy 12 Light Pollution & Obtrusive Lighting SPG 2015 & Institute of Lighting Professionals GN01:2011.

The development is in the 'External Zone' outside the National Park. We note that the Nighttime Assessment has only visited residential viewpoints and has made observations about the BBNP International Dark Sky Reserve.

The test tracks would not be lit but lighting would be required for the depot and potentially the platforms. The main sources of lighting would appear to be from train headlights and cabin lights, buildings, car parking and potentially the platforms and siding areas.

Whilst the Night-time Assessment appears generally sound, the viewpoints chosen are all in settlements, which are already affected by lighting to some extent. There will, nevertheless, be views of lighting within the dark landscape of Mynydd y Drum from these areas and light pollution from trains visible from footpaths within the BBNP on higher ground which would affect dark skies to an extent.

Regarding the detailed lighting assessment to be resolved via Reserved Matters, we suggest a viewpoint from Camnant Road and from the National Nature Reserve at Penwyllt, to illustrate night-time views from the BBNP.

NRW have recently produced an evidence base regarding Dark Skies which should be considered and used to assist the assessment. Please refer to the Dark Skies and Light Pollution in Wales webpage, which includes a link to the Tranquillity and Place – Dark Skies evidence report.

Mitigation

The 20/0738/FUL (Powys CC) planning application that was approved earlier this year, included woodland planting to mitigate the visual effects of that development. We understand this development makes use of the future baseline from application 20/0738/FUL being constructed. It is also understood that the construction works for this development are anticipated to begin within three years of the application 20/0738/FUL

being completed. This development would result in the loss of grassed habitats on the embankments and cuttings, which would be reseeded following construction.

Whilst some additional native tree and shrub planting, e.g. around the Onllwyn washery, compared with the 20/0738/FUL application baseline may help to reduce the visual impact of the buildings, it would not be possible to reduce the adverse effects of the rail infrastructure that has been identified in the Landscape Visual and Impact Assessment (LVIA).

We also note there continues to be discrepancies between the different plans submitted. Plan 003B (Washery Indicative Masterplan) doesn't show the landscape mitigation and plan 003A/figure 1.6A (Illustrative Masterplan) only shows some of the landscape mitigation. The Habitats Creation & Enhancement Plan - Habitat (Fig 7.9) still shows acid grassland/ lichen heath on the north embankment, instead of woodland and is at odds with the photomontages and approved earthworks plan of 20/0738/FUL. We advise your Authority to also review Figure 7.11 (20/0738/FUL) which also shows future baseline habitats but does not show the landscape mitigation planting. Mitigation proposals plan Figure 9.14 shows woodland planting to the north embankment, along with other areas of mitigation planting. The plans need to be accurate and show all the proposed mitigation and habitats.

Requirement 1: All plans associated with this development are amended in line with the established principles of habitat mitigation and enhancement agreed under consented application 20/0738/FUL.

We note Appendix 9G Landscape Strategy for Reserved Matters, which includes recommendations for plans, supporting graphics (photographs & sections) & text. We advise that photomontages at different stages of establishment from viewpoints in the BBNP should be included as part of the monitoring, to ensure that visual impacts on the BBNP can be monitored and action taken to ensure effects are minimised.

Appendix B of the Planning Design and Access Statement (dated March 2021), includes examples of building design. In view of the scale of the buildings, we would advise that an Environmental Colour Assessment at Reserved Matters, to ensure they are successfully integrated with their surroundings & in views from the National Park. The design would need to reflect the rural location. Opportunities to include Green Infrastructure, such as green roofs and walls, in the design would benefit of further investigation and application. Additional mitigation planting to the north east should also be considered to reduce the long-term effects of the development on the BBNP.

We note that the ecology chapter of the Outline Construction Environmental Management Plan (CEMP) (Appendix 3A) suggests a five-year period of monitoring and management,

although it is acknowledged that the effectiveness of the planting to achieve a non-significant effect on the BBNP needs at least 15 years to establish. This is largely due to the challenges of establishing trees and shrubs on colliery spoil. We consider the length of vegetation monitoring should be reviewed and in line with the detailed 25-year monitoring strategy to be submitted to discharge Condition 12 of planning application 20/0738/FUL and as indicated in ES Section 7.22.2 (content of EMMP).

To this extent we would therefore advise that you secure the submission and implementation of a landscape strategy via planning condition:

Condition 1 - Landscape Strategy: No development or phase of development, shall commence until a site wide landscape strategy has been submitted to and approved in writing by the Local Planning Authority.

This will help to ensure necessary management and monitoring measures are agreed prior to commencement of development or phase of development and implemented for the protection of the environment during construction. We have provided an outline of what we would expect to be included in this document in Appendix A of this letter.

Protected Sites

Special Areas of Conservation (SAC)

As identified within the ES, there are three SACs within 15 km of the development, namely:

- o Coedydd Nedd a Mellte SAC, 2.9 km to the south-east (designated for its sessile oak - Ilex and Blechnum woodland rich in bryophyte and lichen assemblages)
- o Cwm Cadlan SAC and, 9.5 km east (designated for its *Molinia caeruleae* meadows and associated alkaline fens)
- o Blaen Cynon SAC, 9.2 km east (designated for its population of marsh fritillary butterfly).

We have reviewed the information provided within the ES and ES Appendix 7Q (Habitat Regulation Assessment Report dated 18/01/2021).

From the information provided, we consider that the development may affect the SACs. We have identified the following potential impact pathways to features of these sites:

- o Water pollution
- o Aerial emissions

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

- o Developer adheres to the relevant pollution prevention guidelines and measures as identified within the CEMP.

- o Developer adheres to the Construction Dust Assessment Methodology (Appendix 14A) and the mitigation and enhancement discussed in section 14.10 of Chapter 14 (Air Quality) of the ES.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your Authority or it has not been forwarded to us for consideration. Should you conclude that the development is likely to have a significant effect on the National Site Network, we look forward to being re-consulted. In the absence of this assessment, we cannot offer assurances that the development would not result in an adverse effect upon the SAC.

Sites of Special Scientific Interest (SSSI)

The ES identifies the presence of 12 SSSIs within 5 km of the development and concludes that many of the sites will not be directly or indirectly affected.

The only sites that have been identified to be potentially adversely affected by the development are the Nant Llech SSSI (designated for its stream and associated cliff communities and woodland) and Gorsllwyn Onllwyn SSSI (designated for its mire and acid pasture).

1. Sensitive Freshwater Receptors

These two sites are hydrologically connected to the development. As such there is the potential for these to be adversely affected by changes in water quality during construction or operation. The ES concludes that the effects would be temporary and reversible, and the likelihood of any pollution incidents to occur would be minimised by adopting appropriate water quality pollution control measures during site clearance, construction and operation.

Condition 2 - Construction Environmental Management Plan: No development or phase of development, including site clearance, shall commence until a site wide Construction Environmental Management Plan has been submitted to and approved in writing by the Local Planning Authority.

Based on the information submitted in the outline CEMP (ES Appendix 3A) and provided the outlined measures are implemented, we consider that the development is not likely to

damage the features for which Nant Llech and Gorsllwyn Onllwyn SSSIs are of interest.

2. Sensitive Aerial Receptors - NOX and SO2

The Gorsllwyn Onllwyn SSSI is located within 100m of the development (closest point is the stabling track) and on the opposite side of the A4221 where the access to the Onllwyn Washery is located. The Gorsllwyn Onllwyn SSSI contains a raised bog to fens with acid grassland habitat feature (National Vegetation Classification M17a), which is sensitive to ammonia, nitrogen and sulphur deposition.

The ES assesses the impact of rail emissions on ecological receptors during the operational phase and acknowledges that there is no published guidance on how to assess the impacts on ecological habitats.

We concur with the conclusion of the ES on the assessment of effects related to changes in traffic flows associated to the construction and operational phase of the development. ES Tables 14-6 and 14-9, indicate that additional construction traffic and operational traffic flows would not be high enough to trigger further assessment.

Regarding the NOX emissions, ES Table 14-5 confirms that the nitrogen critical load for Gorsllwyn Onllwyn SSSI is 5 - 10kgN/ha/yr which is appropriate for the vegetation range of this site which includes the M17a habitat. The ammonia critical level for this site is 11g/m³.

ES Table 14-13 summarises the predicted nitrogen deposition levels at the identified receptor sites during the operational phase of the rail. Receptors T0, T10, T20, T50,

T100, T150 and T200 fall within Gorsllwyn Onllwyn SSSI. The Process Contribution (PC) at several receptors is above 1%, so significant effects on this site cannot be ruled out

(ES Section 7.19.20).

We acknowledge the rationale given in ES Sections 7.19.20 to 7.19.23, which explain that the operational impacts of the rail on protected sites are not likely to be significant. The PC at Gorsllwyn is above 1% up to 50m into the SSSI from the A4221 boundary but it drops below 1% at 100m. M17a raised bog habitat forms part of a mosaic and is within 100m of the A4221. Further consideration should be given to nitrogen deposition reduction measures and appropriate monitoring. We acknowledge that other sources of nitrogen affect this site (agriculture and transport) and that this development alone would not contribute excessively to the overall levels of deposition.

We concur with the findings of the ES in relation SO2.

Dispersion Model Source Meteorological Data

We note that Rhoose airport meteorological station has been used to source data for the dispersion models because of its proximity (50km) to the site. We do not consider data from this station would be appropriate to inform the dispersion models for Nant Helen. Rhoose is near to the coast but the development site is inland surrounded by hills. The topography and weather influence between the two sites are not therefore comparable.

Requirement 2 - Air Quality: The submission of a revised 'Air Quality' chapter (section 14) of the Environment Statement to include a justification of the chosen meteorological data on which the modelling was based upon. We advise that justification for using Rhoose as a source for meteorological data is sought with explanations of why any other potential alternative stations which have similar topography to the development have not been considered.

3. Sensitive Aerial Receptors - Dust

The ES identifies dust emissions associated with the construction phases of the development to affect air quality. The ES identifies the Gorsllwyn Onllwyn SSSI as a medium-sensitivity ecological receptor. We consider stringent dust control measures will need be put into place to avoid any damage to the sensitive basin mire, marshy grassland, and raised bog features present in the site. A Construction Dust Assessment Methodology and Baseline has been provided in Appendix 14A. The ES also confirms that measures minimising risk of dust soiling and ecological impacts of the development will be included within a Dust Management Plan (DMP).

Section 4.13 of the outline CEMP (Appendix 3A) suggests that the DMP may include monitoring of dust deposition, dust flux, real-time PM10 continuous monitoring and/or visual inspections. We would expect regular checks of the proposed 100m "buffer zone" to be included within the DMP/ CEMP.

The "buffer zone" includes land within the Gorsllwyn Onllwyn SSSI, as illustrated in Figure 14.4 (Construction dust). If the usual value used to identify nuisance dust deposition in residential areas is applied (200mg/m²/day), and appropriate measures are taken to reduce emissions in a timely manner if required, we do not consider there would be a significant impact on protected sites.

We advise that dust level deposition of 500mg/m²/day or more to be damaging to the Gorsllwyn Onllwyn SSSI.

Protected Species

We have reviewed the information within the ES Chapter 7 and associated species survey reports, specifically appendices 7E (Amphibians); 7I (Riparian mammals); 7J (Bat Roost);

7N (Bat Activity); 7L (dormouse); ES Section 7.19 assesses the potential effects of the development on biodiversity both during the construction and the operational phases, as well as direct and indirect effects. It recognises that protected species disturbance may result from construction activities and operation caused by habitat removal, noise, vibrations, lighting and collision.

Mitigation measures are proposed in ES Sections 7.21 and 7.22 to address habitat loss/severance and collision risk and to ensure compliance with relevant legislation. Tracks will be fenced off to prevent wildlife crossing and new culverts which are required for drainage, will also provide passage to bats and otters. There are currently no details about the design of these culverts and the ES clearly states that these will not be available until the detailed design stage. We note ES Section 7.22.2 refers to an additional plan (Figure 7.9 Species), which illustrates the indicative location of the wildlife corridors (culverts) as recommended at pre-application stage.

Based on the survey results and the mitigation measures proposed, we are satisfied that the development is unlikely to significantly affect the aforementioned species. We consider all recommendations described in the ES to be appropriate. However, further information on wildlife corridors/ culvert(s) design will be required at Reserved Matters stage to demonstrate appropriate measures will be in place to reduce the collision risk to bats and otters due to the operation of trains along the tracks which will continue into the evening and at night. We would expect these measures to be included within the CEMP (Condition 2) and EMMP (Condition 3).

Condition 3 - EMMP: Prior to the operation of the development, or phase of development, an Environmental Management and Monitoring Plan (EMMP), detailing strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site shall be submitted to and approved in writing by the Local Planning Authority.

Provided appropriately designed wildlife crossings are incorporated within the design layout as indicated in Figure 7.9 we do not consider the development would be detrimental to the maintenance of the population of the aforementioned species concerned at a favourable conservation status in its natural range.

Land contamination & water quality

We have reviewed the information submitted within the ES Chapter 11, associated Appendix 6A, Geotechnical and Geo-environmental Desk Study dated December 2021 and Appendix 11B, Drainage Strategy Report dated February 2021 (Ove Arup & Partners Ltd).

We understand that surface water drainage from the development will be discharged via

a variety of methods into the local water course network and infiltration to natural ground will occur. We have no comments to make on site drainage.

It is recommended that the requirements of Planning Policy Wales and the Environment Agency Guiding Principles for Land Contamination (GPLC 1, 2, and 3), March 2010, should be followed.

These comments are based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site the developer and your Authority should re-consult us.

Other Matters

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

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

Community Council

20th Apr 2021

Tawe Uchaf Community Council is grateful for the opportunity to submit comments, as consultees, on the proposed development of a Global Centre of Rail Excellence.

Tawe Uchaf Community Council (the Council) welcomes the major investment and future local employment opportunities to be created both directly and in local supply chains.

However, the Council continues to have concerns, some major, on the direct impact from the proposed development. The concerns are set out below;

Visual Impact

The visual impact of this development on the village of Caehopkin is a major concern. The Council has raised these concerns previously in comments submitted on previous planning applications. The Council seeks assurances that screening proposals to mitigate the visual impact of this development on Caehopkin must be both adequate and effective.

Noise Pollution

The impact of noise pollution is a further major concern. The impact of noise pollution can have a serious effect on local communities, living close to major industrial developments. The Council seeks further assurances that noise levels will not exceed the levels published in the supporting documents submitted by the applicant, namely;

10.1 Noise Emission Day

10.2 Noise Emission Evening

10.3 Noise Emission Night

Proposed Set up of a Local Liaison Group

The Council respectfully proposes the creation of a Liaison group formed from the Council and the Operating Company to monitor the Visual Impact and Noise Pollution, from the site. The formation of a local Liaison group will be able to deal with potential problems as they arise and before they create wider problems

Ecology/Biodiversity

The area within the plan boundary for Nant Helen contains rare species of plants discovered during a survey in respect of application 20/0738/FUL. These are: common wintergreen, lesser bulrush, floating bur-reed, greater tussock sedge, spiked water milfoil, royal fern and viviparous fescue. Common wintergreen, despite its name, is rare, is a new record for Powys and is listed as endangered in the Plant life Red Data List for Wales. A combined report by PCC and NPT ecologists imposed translocation method statements as a condition for site development. The Council seeks assurances that mitigation measures to protect and maintain the future of the rare species found on the site are effective. The Council respectfully requests details of the proposed action plan to protect the ecology and biodiversity found on the site.

Reserved matters outstanding from planning permission reference 20/0738/FUL - Complimentary Earthworks

The conditions remaining outstanding from Planning ref 20/0738/FUL. The conditions refer to earthworks and drainage at Caehopkin. The conditions must be discharged before planning permission is granted.

The above represents the comments of Tawe Uchaf Community Council to the Planning Committee of Powys County Council responding to Planning application 21/0559/OUT Development of a Global Centre of Rail Excellence. Thank you.

Thank you for consulting me with regards to planning application 21/0559/OUT which concerns an outline application for the development of a Global Centre of Rail Excellence, comprising of two test tracks of loop configuration being an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of 4.5km, with overhead line equipment (OLE) and dual platform station test environment; together with operations and control offices (including staff accommodation and welfare), shunter cabins (2 no.), research and development, education and training, rolling stock storage sidings and maintenance/cleaning/decommissioning facilities; associated, drainage, internal vehicular accesses, branch line rail connection, staff and visitor car parking, lighting, electrical infrastructure (including substations and lineside shore supplies and transformers), fencing (perimeter security, acoustic and stock proof), land reformation and hard and soft landscaping, together with demolition of existing buildings/structures (cross-boundary application - see Neath Port Talbot Application ref P2021/0327 at Land At And Surrounding Nant Helen Open Cast Coal Site, Powys And Onllwyn Distribution Centre, Neath Port Talbot.

I have reviewed the most recent version of the Ecology Chapter of the Environmental Statement – Version 6, dated 23rd June 2021 - and I am satisfied that the assessments provided within the chapter are appropriate and sufficient in order to enable the LPA to consider the application. It must be noted that prior to the submission of the current application an application regarding complementary restoration earthworks to create 2 looped landform platforms – application 20/0738/FUL – was submitted for the site and granted planning approval in July 2020. Whilst application 20/0738/FUL was made separately to the application currently under consideration, the two applications are inherently linked in that the complementary earthworks would be implemented prior to the current application and involves modifications to the habitats currently present at the site – as detailed in surveys undertaken in 2019. As the complementary earthwork's development have yet to commence and will be required to be completed prior to implementation of the current application the condition of habitats and associated ecology on the site prior to implementation of the current application can only be assumed. The Ecology chapter of the ES has therefore taken a precautionary approach and has assumed that the ecological baseline with regards to the current application would be in line with the intended outcomes of application 20/0738/FUL referred to as the 'future baseline'. This approach is considered to be appropriate in light of the circumstances associated with the proposed development and associated planning approvals for the site, however it should be noted that this has made the assessment of the impacts of the current application and requirements for mitigation, compensation and enhancement complex.

In addition, due to the outline nature of the current application there are a number of elements of the proposed development which are yet to be finalised and would not be until the final detailed design is provided at reserved matters. Whilst overarching principles have been identified within the ES with regards to proposed mitigation/compensation measures in relation to ecological impacts it should be noted

that there remains a degree of uncertainty with regards to the associated impacts of the proposed development and that further specific details building on the principles set out in the current outline application will need to be provided as part of the reserved matters and/or secured through pre-commencement planning conditions to ensure the measures proposed to address any impacts to biodiversity are appropriate and achievable and in line with Local and National Planning Policy and associated legislation.

Statutory Designated Sites

The site of the proposed development is not subject to or immediately adjacent to any statutory designated sites.

Three National Site Network sites are present within 15km of the proposed development:

- Coedydd Nedd a Mellte Special Area of Conservation (SAC) approximately 2.9km south-east of the proposed development.
- Blaen Cynon SAC closest compartment located approximately 9.2km east of the proposed development.
- Cwm Cadlan SAC approximately 9.5km east of the proposed development

Given the presence of the identified SACs within 15km of the proposed development in accordance with the requirements of Regulations 63 of the Conservation of Habitats and Species Regulations 2017 the proposed development has been subjected to a Habitats Regulations Assessment. A draft Habitats Regulations Assessment has been provided in Appendix 7W of the ES, the information provided within this appendix has been reviewed and used to inform the HRA Screening of the application. The HRA Screening of the proposed development undertaken by the LPA concurs with the conclusions presented in Appendix 7W of the ES and has concluded that there would be No Likely Significant Effect to the National Site Network sites concerned either alone or in combination with other plans or projects. This screening assessment has considered the potential for a Likely Significant Negative Effect as a result of the proposed development in the absence of mitigation (in light of the 2018 CJEU ruling).

12 Site of Special Scientific Interest (SSSI) are present within 5km of the proposed development, the closest of which, Gors Llwyn, Onllwyn is located approximately 40m east of the proposed development.

Of the 12 SSSIs identified within 5km of the proposed development 3 were identified as being hydrologically connected to the proposed development site – Nant Llech SSSI, Gors Llwyn, Onllwyn SSSI and Caeau Ton-y-Fildre SSSI – the ES therefore identifies that there is potential for these statutory designated sites to be adversely affected by the proposed development through changes in water quality and water quantity during the construction phase of the proposed development. An Outline Construction Environmental Management Plan (CEMP) has been provided in Appendix 3A of the ES – the outline measures detailed with regards to protection of water quality and management of surface water during the construction phase are considered appropriate and in line with current recognised guidelines in order to avoid adverse impacts to the SSSIs and/or their

associated features, it is recommended that should you be minded to approve the application a condition requiring the production and submission of a detailed updated CEMP for LPA approval prior to the commencement of any development in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. The updated CEMP will need to build on the principles set out in Appendix 3A of the ES and include all items listed under sections 7.16.1 – 7.16.5 of the Ecology Chapter of the ES.

During the operational phase of the proposed development the ES identifies that there is potential for impacts to the SSSIs as a result of impacts to surface water and ground water quality, surface water and ground water quantity and changes in air quality. With regards to adverse impacts as a result of impacts to surface water and ground water quality, surface water and ground water quantity the ES identifies that these potential adverse impacts would be mitigated through the adherence to best practice control measures and inclusion of best practice design mitigation including the use of Sustainable Drainage Systems within the development to manage and treat surface water at the site and maintain the existing hydrological regime. Whilst limited detail is currently available with regards to the proposed SuDS, it is understood that further details regarding the drainage system design will be provided at the reserved matters stage and in addition technical details of the proposed SuDS will be subject to approval by the relevant SAB – subject to the final design of the proposed SuDS features meeting the requirements of the Standards set out in relation to SAB it is considered that these measures would be appropriate to prevent adverse impacts to the SSSIs which are identified as being hydrologically connected to the proposed development.

With regards to impacts as a result of changes to air quality during the operational phase of the proposed development it is noted that dust emissions are proposed to be managed through standard pollution prevention measures. With regards to potential impacts as a result of emissions generated by the proposed development modelling provided within Chapter 14 of the ES has identified potential for an increase in nitrogen deposition above 1% of the lower critical load with regards to the Gors Llwyn, Onllwyn SSSI. The ES identifies that the air quality modelling has been based on conservative assumptions in relation to the type of trains and how they may be operated within the development, it is understood that the long-term intention is to replace diesel trains with zero mission trains if possible to do so. Correspondence has been received from NRW in relation to the potential for negative impacts to the Gors Llwyn, Onllwyn SSSI, in this they advise that in light of information and clarification provided as well as further modelling based on a more realistic scenario i.e. the use of Class 802 train types for the test track which identifies that the predicted process contribution as a result of the proposed development would be 1.23% of the critical load they consider the emissions to the SSSI would be marginal and almost de-minimis. NRW have confirmed they would not object to the proposed development subject to appropriate conditions being attached to the development to ensure that the development is built to only operate trains with NOx emissions within the parameters of the identified candidate train or below, it is considered that the suggested

condition would be required in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016..

Non-Statutory Designated Sites

The following non-statutory designated sites were identified as present (either wholly or partially) within the site of the proposed development:

- Gorsllwyn Meadows SINC
- Onllwyn Coal Washery SINC
- Dyffryn Cellwen SINC

In addition, Intervalley Road, Banwen SINC and Adjacent to Gorsllwyn SINC were identified as being located immediately adjacent to the proposed development. A further three SINC's were identified as present within 1km of the proposed development located between 350m – 800m south of the site.

A number of areas of ancient woodland as identified on the Ancient Woodland Inventory are present within 1km of the proposed development site including several which are located within the site of the proposed development itself.

Potential for impacts to non-statutory designated sites are identified as habitat loss to the Onllwyn Coal Washery SINC – approximately 1ha of open mosaic grassland habitat and marshy grassland, habitat degradation due to changes in water quality/quantity and changes to air quality. As identified above potential impacts associated with surface/ground water quality/quantity changes are proposed to be addressed through standard pollution prevention control and mitigation measures during the construction phase and use of SuDS within the operational phase of the development, these measures are considered to be appropriate and achievable with regards to the proposed development and would prevent negative impacts to the non-statutory sites.

Habitat loss with regards to the Onllwyn Coal Washery SINC is discussed in further detail below.

With regards to changes in air quality as a result of emissions from the proposed development it is noted that modelling and predicted Nitrogen deposition are reported to be a worse-case scenario for the development; with the likelihood that less polluting trains will be tested in the future and therefore deposition levels are likely to be lower than those detailed in the ES – the modelling predicts based on parameters set out in the assessment that there is potential for the process contribution associated with the proposed development to exceed 1% of the critical loads for relevant habitats at a number of SINC's and areas of Ancient Woodland. The Ecology and Air Quality chapters of the ES identify that the whilst the predicted process contributions based on the realistic scenario would be greater than 1% for the sites considered in the modelling given the existing baseline levels the predicted changes are considered to be minor in nature and in addition any predicted effects associated with the development are considered likely to be

temporary due to the intention to replace trains with low or zero emission trains when practical to do so.

Whilst it is recognised that the modelling is based on a worst-case scenario and the intent to move to the use of low or zero emission trains at the facility within 5 years is recognised, at this time it is not possible to guarantee when or if changes to the trains used at the site will occur and therefore a precautionary approach would be appropriate – as set out in Section 7.21.3 of the ES which identifies that it is proposed to carry out the following:

- *A review of the final design will be undertaken prior to submission of reserved matters, specifically relating to factors likely to affect air quality such as levels of diesel emissions, train speed/frequency of use and annual hours of operation in order to determine the requirement for updating the existing air quality assessment.*
- *Where required, consultation will be undertaken with the relevant teams within NRW regarding impacts on the Gors Llwyn and Nant Llech SSSI, and SSSI assents obtained where these are deemed a requirement.*
- *The LPA will be consulted regarding any revised impacts on SINCs, which are considered likely to be affected by the Project, namely Onllwyn Coal Washery and Dyffryn Cellwen and Gorsllwyn Meadow.*

In order to ensure that any impacts to both statutory and non-statutory designated site are identified and appropriately addressed, post-construction monitoring of these features will be required to be undertaken and if deposition level exceedances are recorded, mitigation to address and reduce any identified impacts will need to be applied e.g. grazing or woodland management to reduce dominance of N loving plants.

Should you be minded to approve the application in order to address the requirements outlined by NRW with regards to potential impacts to Gors Llwyn, Onllwyn SSSI as well as ensuring that appropriate monitoring and mitigation actions are undertaken with regards to statutory and non-statutory designated sites in relation to emissions associated with the operation of the GRCE project and to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 it is recommended that a planning condition is included for the submission of a scheme to detail and secure the following:

- Details of the predicted nature and type of trains using the facility, which as a minimum should ensure that unless required for shunting of other trains within the facility, all trains using the test tracks hereby approved shall as a minimum fall within the environmental parameters as set out in Chapter 14 of the Environmental Statement.
- Provision of updated air quality modelling and assessments relating to statutory, non-statutory sites and ancient woodland based upon such identified parameters; and
- Identification of any necessary mitigation and long-term monitoring measures to be

implemented to minimise adverse impacts upon the ecology of these sites.

Habitat Loss

As detailed above the ecological baseline of the proposed development site is complicated by the existing planning approval for complementary earthworks which would be undertaken prior to implementation of the current application. Therefore in order to inform the assessment of the impacts of the proposed GCRE Project a 'Future Baseline' has been used to assess the impacts of the proposed development, the ES identifies that the Future Baseline considers the site at the time of the GCRE project commencing - which is anticipated to be no more than two years from the completion of the complementary earthworks - and therefore comprises the site as described in the Nant Helen Complementary Earthworks ES in addition to the existing baseline of the Washery Site. The site currently supports a variety of S7 and SINC qualifying habitats and species and is expected to continue to do so even taking account of the implementation of the complementary earthworks. Details of the Future Baseline which has been used to inform the assessment have been provided in Figs 7.10, 7.11 and Appendix 7S - Table 7.16, these identify that habitats of the future baseline as set out in the complementary earthworks ES comprise acid grassland, enclosed pasture, broadleaved woodland, hedgerows, heathland, peatland-mire complex, wetland and lichen/fungi rich habitats, the Future Baseline also includes habitats present within the Washery Site which are not impacted by the complementary earthworks, the Washery Site supports a mosaic of marshy grassland, species rich grassland, waterbodies, heathland, scrub and trees.

The proposed development will result in the loss of areas of habitat in order to facilitate the construction of the tracks and working width of the railway track – approximately 66ha comprising a mixture of acid grassland and woodland, construction of the proposed road in the eastern extent of the Nant Helen Site and partly within the Washery Site – approximately 4ha comprising largely marshy grassland, acid grassland waterbodies and areas of mixed woodland, habitats within the Washery Site – approximately 7ha comprising a mixture of habitats of negligible conservation value i.e. buildings, hardstanding, tarmac surfaces and spoil/bare ground as well habitats of higher biodiversity value i.e. neutral grassland, acid grassland, dry heath-acid grassland mosaic, scrub, ponds and ephemeral vegetation; and habitats rounds the sidings – approximately 4ha comprising a mixture of marshy grassland, ephemeral habitats and mixed woodland. As identified previously the construction of the proposed development will result in the loss of approximately 1ha of the Onllwyn Coal Washery SINC – comprising a mixture of open mosaic grassland habitat and marshy grassland. A summary of habitat loss as a result of the proposed development is provided in the below table – further details of habitat loss from the proposed development are provided in Table 7.8 of the ES.

The ES identifies that in the absence of mitigation the collective loss of habitats as a result of the proposed development would be significant at a County Level, details of mitigation to address the impacts of habitat loss as a result of the proposed development have been provided on Fig 7.9 of the ES, these measures include new landscaping, new habitat creation including habitats associated with SuDS features and improvement of habitats in undeveloped areas of the site – summary details of the extents of these

proposals are detailed in the table below.

Habitat	Habitat loss (ha)	Habitat creation (ha)	Habitat retention and enhancement (ha)	Habitats retained and protected (ha) – not managed
Marshy grassland	17.80	16.91	10.05 (existing SINC)	34.74
Acid grassland	51.33	55.72	12.01 (existing SINC)	
Neutral grassland	1.76			
Dry heath / acid grassland	0.98			
Enclosed pasture	4.17			
Mixed woodland	0.76		1.98	
Broadleaved woodland	18.96	42.04		2.51
Conifer				2.60
Scrub	1.62			
Ephemeral vegetation	5.30			
Waterbodies / wetland features	1.86	50.90		
Total	104.54	165.57	24.04	39.85

In accordance with the requirements of Local and National planning policies, developments are required to demonstrate that the proposals maintain and enhance biodiversity and that where impacts to features of high biodiversity are unavoidable it would be necessary to provide appropriate measures to mitigate and compensate for any loss. The figures summarised above identify that the scheme aims to address the impacts of habitat loss through proposals which would result in an increase in the extent and diversity of habitats at the site as well as an intent to improve the condition of retained habitats within the development. In addition the ES identifies that it is proposed to develop a scheme for the long-term management of these features through the identification and implementation of a long-term Ecological Management and Monitoring Plan (EMMP), the scheme would be for a minimum of 25 years and would be subject to review and extension where considered appropriate.

Taking into account the proposals for habitat creation and enhancement and proposals for long term monitoring and management through an EMMP it is considered that the measures proposed would be acceptable to maintain biodiversity at the site through the

proposed development and demonstrate compliance with the requirements of Local and National planning policy. In order to secure these proposals, it is recommended that should you be minded to approve the application the submission for LPA approval and implementation of a detailed EMMP will need to be secured through a suitably worded planning condition in order to ensure compliance with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to ecological qualities of the landscape and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. The EMMP will need set out the management and monitoring arrangements for all ecological features and mitigation measures of the development and will implemented for a period of at least for 25 years. The EMMP will be required to be reviewed at the end of 25 years and ongoing management and monitoring measures post year 25 years will be agreed with the Ecological Management Committee. The EMMP will need to include (but is not limited to):

- The measures set out in 7.22.2 and 7.25 of the Ecology Chapter of the ES (excluding any details that would be secured under separate condition i.e. wildlife corridors, fencing details, artificial lighting scheme, barn owl mitigation).
- Details of the management and monitoring of biodiversity enhancements measures.
- Description and evaluation of features to be managed.
- Ecological trends and constraints on site that might influence management.
- Aims and objectives of management.
- Appropriate management options for achieving aims and objectives.
- Prescriptions for management actions.
- Preparation of a work schedule (including an annual work plan capable of being rolled forward over 5-year phases).
- Details of the body or organisation responsible for implementation of the plan.
- Ongoing monitoring and remedial measures.

The EMMP will also need to include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The EMMP will also set out (where results from monitoring show that conservation aims and objectives of the EMMP are not being met) how appropriate contingencies measures and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning ecological objectives of the originally approved scheme.

In addition to habitat creation and enhancement to address the impacts of habitat loss as a result of the proposed development it is noted that the application includes proposals for landscaping these are proposed to mitigate the impacts of the proposed development to the surrounding environment i.e. through screening, the ES also identifies that the landscaping proposals will also include features which will deliver mitigation to species associated with the site e.g. to encourage species to utilise proposed wildlife corridors/culvert features. The ES identifies that where required, landscaping will comprise the planting of native broadleaved species. Proposed species mixes will also be developed to consider potential effects of changes in climate and ensure resilience of the proposed landscaping to such changes.

Should you be minded to approve the application it is recommended that conditions are included to ensure any proposed landscaping features are acceptable and take into account the ecological qualities of the local environment in order to ensure compliance with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to ecological qualities of the landscape and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. A suitably worded conditions will therefore need to be included to secure the following:

- Submission of a landscaping strategy for LPA approval. All species used in the planting proposals will need to be locally native species and of local provenance. The landscaping strategy will need to include indications of all existing trees, hedgerows and other habitats on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development.

The approved scheme will need to be carried out in the first planting season after completion of the development or its occupation, whichever is the sooner and any trees or plants which within a period of five years are removed or become seriously damaged or diseased must be replaced in the next planting season with others of similar size and the same species, unless otherwise agreed with the LPA.

- Submission of a landscaping management plan for LPA approval, including long term design objectives, management responsibilities and maintenance schedules for all landscaping areas.

Habitat Severance/Fragmentation

In addition, to the direct loss of habitats, the ES identifies potential for indirect negative impacts to occur as a result of the proposed development i.e. through changes to groundwater and surface water quality or flow and dust generated both during the construction and operational phases of the proposed development which could result in disturbance or degradation of the affected habitats. There are a number of wet habitats, including rivers and ponds, and a number of SINC's and designated sites that the ES identifies are hydrologically connected to the proposed development site and could therefore be impacted in this way. In order to address and mitigate the potential for negative impacts to occur through habitat disturbance or degradation best practice measures have been identified as being designed into the construction phase as detailed in the Outline CEMP and operational phase through implementation of standard good practice pollution prevention measures and use of SUDs; it is considered that the measures proposed are appropriate and acceptable in principle in order to mitigate such effects – as detailed above it is recommended that these measures are secured through a condition requiring the submission and implementation of an updated detailed CEMP in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016..

The ES concludes that the proposed development in the absence of mitigation would have potential to result in fragmentation/severance of habitats which could in turn have negative impacts to associated fauna, fragmentation/severance impacts would be caused as a result of both direct impacts to habitats i.e. construction of the proposed road in the eastern part of the Nant Helen site which is to be located through an area of connecting waterbodies which would result in their fragmentation, installation of infrastructure i.e. fencing, noise barriers and culverting of watercourses to provide required crossings around the site, as well as indirect fragmentation/severance impacts through, introduction of artificial lighting and vibration which could act as barrier to the movement of species. It has also been identified that it is proposed to install new culverts and realign a section of a tributary of the Afon Dulais where it occurs in the sidings.

Mitigation measures are identified within the ES with regards to the anticipated fragmentation/severance of habitats. The waterbodies affected by the proposed road in the eastern extent of the Nant Helen site will be re-sited further east to avoid impacts from the new road and as such the severance/fragmentation impact to these habitats in light of the proposed mitigation is considered to be minimal. The realignment and installation of new culverts on the Afon Dulais tributary will cause modification to the natural river system, the ES identifies that the realignment and installation of culverts will be designed to comply with current guidelines and enable the same volume and rate of flow as the existing tributary. The applicant should be mindful that the installation of new culverts and realignment of the watercourse may also require Ordinary Watercourse Consent from the relevant Lead Local Flooding Authority.

Measures to enable continued safe movement of species identified as utilising the site have been outlined within the ES including the installation of wildlife crossings for bats, otters and badger, indicative locations for these features have been provided on Fig 7.9 and general principles for their design have been outlined in the ES, however it has been identified that the finalised locations and technical specifications will be confirmed at the reserved matters stage of the development. The proposed measures are considered to be acceptable in principle to mitigate the impacts of habitat severance/fragmentation to these species. Should you be minded to approve the application an appropriate condition will need to be attached to secure the submission of a detailed scheme to maintain and enhance wildlife corridors supporting wildlife movement in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. The submitted scheme will need to include (but is not limited to) the following:

- Locations of culverts/wildlife crossings.
- Detailed design specification of culverts/wildlife crossings.
- A plan showing key wildlife corridors across the site, as informed by up-to-date ecological surveys.
- Details of landscaping and fencing features to encourage use.
- Protocol for monitoring of use of culverts/wildlife crossings by target species.

In addition it is recommended that a suitably worded condition to secure the submission of a scheme for long term fencing of the site in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. This scheme will need to include (but is not limited to) the following:

- Details of any fencing locations and design specifications.
- Assessment of ecological impacts, including upon wildlife movement and collisions; details of how wildlife corridors and movement will be accommodated.

It has been identified that impacts of fragmentation/severance associated with introduction of artificial lighting at the site will be addressed through the production of a lighting design scheme and associated plan in accordance with the Bat Conservation Trust's (BCT) 'bats and Lighting' publication, it should be noted that this guidance document has been superseded by the BCT and ILP Guidance note 08/18: bats and artificial lighting in the UK bats and the Built Environment series <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/> . In order to ensure that any artificial lighting proposed to be installed at the site is appropriate and would not result in negative impacts to nocturnal and crepuscular species including bats, badger and otter; a suitably worded condition to require the submission of an external lighting scheme will need to be included should you be minded to approve the application in order to ensure compliance with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. The scheme will need to take into account all of the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas. The scheme will need to include:

- A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and, expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole.
- A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimising the day and night-time visual impact of the installation.
- An Environmental Lighting Impact Assessment against conservation requirements for protected species and designated landscapes.

Invasive Non-Native Species

Japanese knotweed, montbretia, rhododendron and cotoneaster species have been recorded on site. Construction and operational activities associated with the proposed

development have potential to result in the spread of invasive non-native species (INNS) which would in turn have potential to result in damage to habitats on site and in the wider environment. The ES identifies that an INNS management plan is proposed to be identified to ensure appropriate management, should you be minded to approve the application it is recommended that the submission of a detailed INNS Management Plan is secured through an appropriately worded planning condition in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 – this could form a separate planning condition or could be incorporated into the requirements of the CEMP and EMMP conditions.

Species

Surveys undertaken at the to inform the scheme have identified the presence/potential presence of protected and notable species at the site namely:

- Fungi
- Invertebrates
- Amphibians
- Reptiles
- Breeding Birds
- Wintering Birds
- badger
- otter
- Roosting bats
- Commuting/foraging bats
- Notable Mammals

Fungi

The development will result in the loss/disturbance to small areas of valuable fungi habitats within the Washery area. The ES identifies that it is intended to re-use the substrate of this area to re-establish fungi assemblages at other locations within the Washery (such as the location of the sidings) plus habitats created in other areas of the development, e.g. embankments of the test track, have been identified for the establishment of acid grassland which the ES identified will be suitable for fungi establish on. It should be noted that these habitats will take time to establish i.e. 20-30 years. Therefore long-term management and monitoring of these features is important to deliver this outcome – in order the ensure secure appropriate long-term management and monitoring to it will be necessary to secure the submission of an EMMP as detailed previously in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016..

Invertebrates

No evidence of the presence of marsh fritillary butterflies was found on site during surveys, targeted surveys for this species found that the majority of habitats associated

with species present on site were degraded and largely lacking the larval food plant (Devil's-bit scabious -*Succissa pratensis*) for this species, where this plant species was present searches for both adults and larvae found no evidence of their presence and the surveys concluded that there is not currently an established breeding population of marsh fritillary at the Site.

The development will result in the loss of habitats i.e. grassland, marshy grassland, woodland and waterbodies, supporting important invertebrate species including rare/notable/S7 species such as small blue butterfly, dingy skipper. In order to address the impacts of the proposed development to invertebrate species retained areas of suitable invertebrate habitats will be protected and enhanced through the proposed development e.g. Gorsllwyn Meadows SINC, in addition new areas of habitat suitable to support invertebrates have been incorporated into the development, e.g. species rich grassland. The ES identifies that the proposals with regards to habitat creation and enhancement aim to provide a more diverse and species rich mosaic of habitats across the site including increased presence of the food plant of marsh fritillary which will increase the ability of the site to support invertebrates which will in turn increase invertebrates at the site and potentially provide opportunities to support and extend the range of marsh fritillary metapopulations known to occur in the wider environment.

As discussed previously, impacts associated with potential for changes to water quality and quantity may impact wet habitats, which may have an impact upon aquatic invertebrates. Mitigation measures set out within the ES with regards to protection of surface and ground water during the construction and operation phases are considered appropriate to address the risks to aquatic invertebrates.

The ES identifies that there is a low risk that invertebrates such as butterflies may be killed by collision with trains. Whilst direct mitigation is not easily provided for this impact, the enhancement and creation of habitats suitable for invertebrates will support and in time increase local populations; hopefully offsetting minor losses due to collision.

Reptiles and Amphibians

No evidence of great crested newts was found during surveys for any of the existing waterbodies at the site, therefore the proposed development has negligible potential to impact GCN. Amphibian surveys undertaken in 2019 confirmed the presence of common frog, common toad, smooth and palmate newts at the site. Reptile surveys undertaken in 2019 confirmed the presence of common lizard and slow worm at the site.

Small areas of reptile and amphibian habitat will be lost as a result of the proposed development. The ES identifies that the development proposes to mitigate the impacts of habitat loss for amphibians and reptiles through the creation and enhancement of habitats elsewhere on site, such as grasslands and creation of SUDs features. In addition to habitat loss, reptile and amphibian habitat will be temporarily fragmented by the construction of the track but connectivity and movement between habitats will be reinstated through underpasses and it may be the case that final fencing design will allow small animal passage. The ES concludes that there will also be a low risk of slower

moving animals such as the S7 species common toad being harmed by collisions with trains and other site vehicles; whilst vegetation clearance may also harm and injure animals.

Reptiles species identified as present at the Site are afforded protection under the Wildlife and Countryside Act 1981 (as amended) against killing and injury; The ES identifies that there is potential for reptile species known to be present on the site to be impacted during the construction phase of the proposed development particularly with regards to vegetation clearance required to facilitate the GCRE infrastructure. In order to address and mitigate the potential for negative impacts to occur during these works it has been identified that a trapping and relocation programme will be implemented to ensure such animals are moved from harm's way to a suitable receptor site. Should you be minded to approve the application it is recommended that the submission and implementation of a scheme for the conservation of reptiles will need to be secured through a suitably worded planning condition in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.. The Reptile Conservation Scheme will need to include (but is not limited to) the following:

- Details of the location of any receptor sites to be used and detail of landownership/control of the sites.
- Evidence to confirm the suitability of receptor sites for reptiles that will include estimated existing populations presented based on up-to-date survey information.
- Specifications of any enhancement measures to be implemented on receptor sites.
- Trapping and re-location methodologies and timing.
- Monitoring proposals.
- Details of any necessary agreement with landowner.

Birds

Habitats that support bird populations, including S7 species such as skylark and linnet, will be lost to the development. However, as mentioned previously retained habitats will be enhanced and new areas of habitat are proposed to be created to compensate such loss. In addition, the ES identifies that it is proposed to erect artificial nesting boxes for species such as house sparrow (on-site) and barn owl (at suitable locations off-site). Construction and operational lighting, noise and vibration may also disturb bird species, especially whilst nesting. This is of particular concern for rare or protected species such as crossbill and curlew. Species may be temporarily displaced from the site, which will have a negative effect on local populations for a short-term, however species are likely to habituate to disturbance associated with the proposed development over time.

Measures to minimise disturbance and injury from vegetation clearance will be implemented, with clearance avoiding the nesting season as far as reasonably practicable – where this is not possible additional measures have been identified as being required to ensure compliance with relevant legislation. Whilst collision with trains and other vehicles using the site is not considered likely for most bird species; potential for impacts to barn owls remains a concern. barn owl are afforded legal protection under

Schedule 1 of the Wildlife and Countryside Act 1981 as amended. To encourage barn owl away from the site, nest boxes have been proposed to be installed off-site at least 3km away from the active tracks. This will be on land controlled by the applicant or under agreement with another landowner. In order to secure the proposed mitigation/compensation with regards to barn owls should you be minded to approve the application it is recommended that a Barn Owl Compensation Scheme that includes the provision of a minimum of 2 barn owl boxes, 1 in NPT and 1 in Powys, will need to be secured through an appropriately worded planning condition in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. The scheme will need to include (but is not limited to):

- Details of locations and details of landownership.
- Box design/specification.
- Demonstration of agreements with relevant landowners.
- Details of monitoring use.
- Provisions for replacement where damage or deterioration prevents intended use.

Mammals

A number of legally protected mammal species have been recorded on site or close to the site; including badger, otter and various species of bat; along with other notable and S7 species such as polecat, hedgehog and brown hare.

Whilst badger setts have been recorded on site these are considered to be only outliers and are located outside of the development footprint and as such no active setts will be lost to the development.

No evidence of otter using the site was found and no breeding or resting sites for otter would be impacted by the proposed development, however they are known to be active on the Afon Dulais and therefore should be assumed to have potential forage or commute through the site.

Within the Washery one tree was identified as having low suitability and a number of buildings were also assessed as having low to moderate suitability for roosting bats. Whilst potential was identified further detailed surveys including climbing inspections found no evidence to confirm that these features are used by roosting bats – as such no direct negative impacts to roosting bats is anticipated as a result of the proposed development.

The ES identifies that precautionary pre-commencement checks for protected mammals will be undertaken before construction and if necessary, appropriate licences will be obtained. Foraging habitat for badger, otter, bats and other notable mammals may be lost, however as such species activity on-site is limited this loss is unlikely to be significant to the local population. The loss of habitat will be mitigated through the enhancement to retained habitat and the creation of new. Fencing during construction and operation may form a barrier to movement this is considered to be temporary as

badgers are likely to dig under any fencing erected and otter will still be able to travel along the Afon Dulais, underpasses will also to be provided.

Construction and operational lighting, noise and vibration have been identified as having potential to disturb mammal species known to occur at the site or within the local environment. Species may be temporarily disturbed and displaced from the site, which will have a negative effect on local populations for a short-time, however species are likely to habituate to disturbance over time. The ES identifies that negative impacts associated with artificial light spill are intended to be minimised through sensitive lighting design so disturbance to nocturnal mammals will be reduced.

Standard construction best practice will ensure excavations do not trap animals overnight. Collision risk for most mammals present is considered low, due to the limited activity of such species on site. However, bats are noted to be at higher risk of collision with trains and with some of the rarer species, such as greater horseshoe bat, recorded on-site this impact is a concern. Underpasses are to be installed to minimise such collision risk.

The ES identifies that avoidance/mitigation measures associated with the construction phase of the proposed development as outlined in Sections 7.16.5 and 7.21.3 of the ES and considered above will be incorporated into a CEMP and Ecological Protection Plan (EPP) - including measures for habitats and protected sites, protected and notable species and control of invasive non-native species. It is therefore recommended that should you be minded to approve the application a condition is included to secure the submission and implementation of a detailed Ecological Protection Plan in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. (this could be secured as a standalone document or as part of the CEMP). The EPP will need to include (but is not limited to) the measures set out in Sections 7.16.5 and 7.21.3 of the Ecology Chapter of the ES.

Provision of biodiversity enhancement through development is a requirement of the Environment (Wales) Act 2016, In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. The need for identification of biodiversity enhancements has been clarified in the letter from Welsh Government to Wales LPA Heads of Planning dated 23rd October 2019 which states that 'where biodiversity enhancement is not proposed as part of an application, significant weight will be given to its absence, and unless other significant material considerations indicate otherwise it will be necessary to refuse permission'.

The long-term habitat management proposals that will be included in the EMMP will deliver improvements to habitat condition over time with associated benefits for species. In addition Section 7.23 of the ES makes proposals for further biodiversity enhancements that could be achieved through the proposed development including consideration of

creation of green-brown roofs on buildings within the Washery as well as species specific provisions including birds – provision of artificial nest boxes, bats – provision of artificial bat roost features (bat boxes and/or bat bricks), otter – provision of an artificial otter holt, and reptiles – provision of artificial refugia. These additional recommendations regarding biodiversity enhancements are welcomed, however it is recognised at this stage given the outline nature of the application that full details and commitments to the provision of these measures it not possible – therefore further details regarding biodiversity enhancements will need to be provided these can be secured through an appropriately worded planning condition.

Section 7.21.3 of the ES identifies that where there a delay to site clearance/construction it may be necessary to confirm whether further surveys are required, given the complex nature of the application and assumptions made with regards to the 'Future Baseline' it is recommended that in order to ensure that an appropriate strategy is in place to identify when further surveys are required and as to how the results of these would be incorporated into the development that a condition requiring the submission of a Strategic Biodiversity Plan to the LPA for approval. Given the scale and nature of the proposed development it may be appropriate to consider a provision within the condition to take into account potential for development to be undertaken in a phased manner i.e. through the production of phase specific Biodiversity Plans (PBP)

Therefore should you be minded to approve the application I recommended inclusion of a suitably worded condition(s) to secure the submission of a Strategic Biodiversity Plan (SBP) and if considered appropriate Phase-Specific Biodiversity Plans (PBP) in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016., these Plans will need to include (but not be limited to) the following:

- Detailed methodologies and principles for scheduling of pre-commencement ecological checks and where necessary updates to ecological surveys, particularly for protected species, taking account of CIEEM Advice note on the Lifespan of Ecological Report and Surveys.
- Details setting out a methodology to update and confirm the quantitative assessment of habitat loss and creation (updating ES 7.19.48, table 7.8 and Appendices 7T and 7V).
- A detailed biodiversity enhancement scheme that will set out the approach to the design and implementation of enhancement measures including, but not limited to, the measures set out in Sections 7.23.1-7.23.7 (inclusive) of the Environmental Statement and include details regarding locations, numbers, types, design specifications and monitoring management requirements.
- Details regarding the mechanism, including principles to be applied, for the review of the adequacy of mitigation, compensation and enhancement measures in light of pre-commencement ecological checks and or surveys. This will include the inclusion of new, revised and additional measures where necessary to ensure the scheme delivers an overall net benefit.

In conclusion subject to the proposed mitigation, compensation and enhancement measures outlined in the ES being implemented and inclusion of appropriate conditions as detailed above I consider that the proposed development would not result in the loss of or significant negative impacts biodiversity and that the development would comply with the requirements of Local and National Planning Policies with regards to Ecology and Biodiversity as well as relevant environmental legislation, It should be noted that in the long-term the development has potential to result in increased benefits for biodiversity through the long term management and enhancement of habitats created and retained within the proposed development which in turn have potential to enhance the resilience of habitats and species present at the site and in the wider environment.

PCC- Environmental Protection

20th July 2021

Alongside colleagues in Neath Port Talbot Environmental Protection has taken part in EIA Scoping and detailed pre-application consultations with regard to this application and its proposals. We have also liaised closely with our counterparts in Neath Port Talbot to ensure that consistent advice has been provided from both Local Authorities.

Environmental Protection has previously provided comments regarding the earlier Nant Helen Earthworks application (20/0738/FUL) which was approved in July 2020 and is intrinsically linked to this application.

Environmental Protection (EP) has considered the environmental impacts of noise and air quality arising from the proposed development and having reviewed in detail the Environmental Statement and the associated appendices and with regard to the information submitted we have no objection to the approved development subject to conditions as detailed below.

Construction and Demolition

We have reviewed the Outline CEMP and are in agreement with the outline proposals. We recommend that a planning condition is included requiring a detailed CEMP (Construction Condition 1).

Noise

GEH has previously provided comments regarding construction noise in the Nant Helen Earthworks application (20/0738/FUL). However, The Washery did not form part of the Nant Helen Earthworks application and therefore, further comments regarding noise associated with construction from The Washery have been provided in this consultation.

A baseline noise survey has been carried out to establish existing noise levels at identified receptor locations, followed by an assessment of construction noise impacts adopting a reasonable worst case scenario. The predictions do not identify significant widespread impacts from construction at the identified receptors. However, at receptor

7 (R7), located within the Neath Port Talbot area there is a predicted short term impact during the demolition of The Washery. These predictions do not take into account any mitigation measures that may be provided to reduce the impact, such as those referred to in the Outline CEMP in Appendix 3A. We are in agreement that the majority of impacts of construction can be managed with a Construction Environmental Management Plan (CEMP). We have reviewed the draft CEMP submitted within Appendix 3A and are happy with this approach.

On this basis we do not wish to object to the application however, we recommend that a condition requiring the submission of a detailed CEMP prior to commencement of the development (Construction Condition 1). The CEMP should include a detailed demolition plan for The Washery, identifying any potential noisy activities and available mitigation measures to minimise the impact, in particular on R7.

An essential element to the control of impacts from the construction and demolition phase will be the ongoing monitoring of noise emanating from the site. We recommend the inclusion of a condition requiring continued monitoring of noise from both the construction and operation of the site (Noise Condition 7). Not only will this reduce the burden on the Local Authority to monitor noise levels but it also encourages a proactive approach to any noise issues reducing the impact on neighbouring communities. It would be our preference that the monitoring is continuous with a system for real time alerts if agreed limits are breached. This enables investigation and action at the time rather than after the event has occurred.

Working hours of 8am-6pm Monday to Fridays and 8am-1pm on Saturdays, have been proposed with no construction activities on a Sunday or Bank Holiday. These hours differ slightly from the other approved hours for the earth works planning application and therefore we have recommended a separate hours of construction condition for The Washery for clarity (Construction Condition 2).

Air Quality

The air quality impacts of construction are in relation to fugitive dust emissions.

The following activities have been considered as the most likely to give rise to dust emissions;

- Demolition;
- Earthworks (i.e. soil stripping, ground levelling, excavation and land);
- Construction; and
- Trackout (i.e. incidental movement of dust and dirt from the construction or demolition site onto the public road network).

We are satisfied that the applicant has identified the most likely dust generating activities. In assessing the impacts they have adopted the IAQM (2016) Guidance on the Assessment of Dust from Demolition and Construction (Version 1.1) which is an appropriate approach for a development of this scale. We have considered the

proposed mitigation within the Outline CEMP and are satisfied that these will be sufficient to mitigate the impact of construction dust on air quality, we recommend a CEMP is required as a planning condition (Construction Condition 1).

Operation- Noise

GEP has considered in detail Chapter 10 of the Environmental Statement in relation to noise and the supporting appendices. We have reviewed the noise assessment and modelling. We are in agreement with the operational noise criteria as these values are derived from current UK Guidance and provide adequate protection to residential amenity.

We have considered the predicted noise levels and are satisfied that these have been derived from sensible comparative operations.

A BS 4142 assessment be carried out of The Washery activities and this has been included within the ES. We acknowledge that the final layout and operation of this area may change but in order to set a baseline for the noise assessment we considered this a vital step.

Whilst we acknowledge that there may be noise arising from the development that may impact on nearby residents we are satisfied with the applicant's proposals for mitigation within the scheme which will minimise those impacts to an acceptable level and therefore do not object to the application on the grounds of noise. In order to ensure that the levels quoted within the noise chapter are achieved in reality we recommend that an Operational Noise Management Plan (ONMP) is required for the site that is subject to periodic review (Noise Condition 1).

The Washery should be restricted in accordance with these assumptions, we recommend a condition specifically prohibiting those activities (Noise Condition 2).

It is proposed that a final level of mitigation will be provided by the use of an acoustic barrier around areas of the site predicted to result in noise breakout. Provisional design has been provided and Table 10.5 shows predicted noise levels with and without the protection of an acoustic barrier, however, full design specifications of this barrier are not currently available and as such we recommend that you include a condition requiring the specification of acoustic barriers prior to installation (Noise Condition 3).

Potentially noise sensitive receptors are proposed within the development itself, i.e. the offices, research and development facility and the staff overnight accommodation. Prior to construction of those buildings the specification for the sound insulation and noise reduction will be required, we recommend that you include a planning condition for those details (Noise Condition 4).

Fixed plant and machinery that is likely to be installed in The Washery could not form part of the current BS4142 as the details are not yet known. Therefore, we recommend

a condition requiring specification and a revised BS4142 assessment prior to the installation of any fixed plant or machinery on the site (Noise Condition 5).

We recommend that a condition is included requiring compliance monitoring and noise assessment within the first 12 months of operation of the site to demonstrate that predicted levels are being achieved (Noise Condition 6) and we then recommend the ongoing noise monitoring of the site as detailed above in the construction section to reduce the burden on the local authority for monitoring compliance with conditions (Noise Condition 7). We recommend a separate condition controlling noise limits to the agreed criteria (Noise Condition 8).

We recommend a condition requiring a protocol for dealing with complaints (Noise Condition 9) and a condition requiring regular stakeholder meetings where complaints and monitoring data can be discussed (Noise Condition 10).

Air Quality

We have reviewed Chapter 14 of the Environmental Statement entitled Air Quality, we agree that with reference to relevant technical guidance (LAQM TG16) the development is unlikely to have a significant effect on air quality and there is nothing to suggest that exceedences of air quality objectives would be likely as a result of the proposed development. Therefore we do not have any objection to the development on the grounds of Air Quality.

Recommended conditions

Construction and Demolition Recommended Conditions

Construction Condition 1 – Construction Environmental Management Plan (CEMP)

No development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include the following information: -

- Construction methods: details of the extent and phasing of development; details of construction materials or techniques to be used; details for the storage and management of plant and materials used in constructing the development.
- General Site Management: details of the construction programme including timetable; details of site clearance; details for erection and maintenance of security hoarding including decorative displays and facilities for public viewing; details of complaint investigation procedures.
- Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management

controls necessary to mitigate noise & vibration emissions; details of dust & odour control measures and measures to control light spill.

- Traffic Management: details of site deliveries; details for the loading and unloading of plant and materials; details of wheel wash facilities; details for the parking of vehicles of site operatives and visitors.
- Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
- Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

The CEMP shall be implemented as approved throughout the site preparation and construction phases of the development.

Construction Condition 2 - Hours of Construction and Demolition (The Washery)

Construction and demolition works on the site of the former washery (also applying to the starting up and/or warming up of any vehicles, equipment and machinery) shall not occur outside of the following times:

07.00 to 18.00 hours Mondays to Fridays (excluding Bank/Public Holidays) and;

08.00 to 13.00 hours on Saturdays

No construction or demolition activities shall occur on Sundays or Bank/Public Holidays.

Noise Recommended Conditions

Noise Condition 1 – Operational Noise Management Plan

Prior to the facility being brought into beneficial use the operator shall submit for the written approval of the Local Planning Authority an Operational Noise Management Plan (ONMP) detailing the necessary controls to ensure compliance with the agreed noise criteria set out within the Environmental Statement. As a minimum it shall include any assumptions that have been made regarding the operation of the site in deriving the predicted noise levels as detailed in Appendix 10C of the Environmental Statement. The ONMP shall be subject to periodic review not less than every 12 months, with the results of such review submitted to the Local Planning Authority for its approval in writing, and any recommended changes to operational activities that may be recommended within such revised ONMP thereafter implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority. .

All operations at the site shall be carried out in full accordance with the ONMP (as approved or revised) for the duration of its operation

Noise Condition 2 - Prohibition of Noisy Activities during Evenings and Night-time

During the hours of 19.00 and 07.00 hours the following activities shall not take place within the former washery site.

- Use of the train wash facility
- Use of the maintenance shed without the air curtain switched off and doors closed

During the hours of 19.00 and 07.00 hours all train movements within the former washery site shall be electric-powered, unless the operator has first had submitted to and approved in writing a scheme (supported by appropriate noise assessment) dealing with the number, speed and specification of movement of trains during such defined period.

Noise Condition 3 - Acoustic barrier

Prior to the facility being brought into beneficial use, all acoustic barriers identified on Figures 10.1 to 10.3 within the Environmental statement shall have been constructed/ provided on site in full accordance with a detailed location plans and specification, which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter all acoustic barriers shall remain in place for the life of the development

Noise Condition 4 - Sound Reduction Quality of the Buildings

Any buildings incorporating offices and / or staff accommodation, shall be constructed ensuring that the sound insulation performance of all such buildings achieves internal ambient noise levels that do not exceed the values detailed within British Standard BS8233:2014.

Noise Condition 5 - Fixed Plant

Prior to the installation of any fixed plant or machinery an updated BS4142 assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must demonstrate that the approved noise criteria specified in condition 8 (based on Table 10.1 of the Environmental Statement) can still be achieved at any noise sensitive receptor (and shall include details of any necessary mitigation to achieve such levels). All fixed plant or machinery and identified noise mitigation measures shall thereafter be maintained as approved and operated at all times to ensure that the approved noise criteria in condition 8 are not exceeded.

Noise Condition 6 - Monitoring for Compliance with Predicted Noise Levels

For the purposes of demonstrating compliance with Condition 8 and the *“Total overall predicted scheme noise level with noise fence barriers”* stated in Table 10.5 of the Environmental Statement (reproduced below) during the first 12 months of operation the operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the site, according to a measurement protocol which shall first have been agreed in writing by the Local

Planning Authority.

Receptor (see fig. 10.1 in ES)	Total overall predicted scheme noise level L_{Aeq} (15 mins) with noise fence barriers			
	Daytime L_{Aeq} (15 mins)	Evening L_{Aeq} (15 mins)	Night Time L_{Aeq} (15 mins)	$L_{Amax, F}$
R1	29	29	26	56
R2	41	41	37	58
R3	40	40	37	58
R4	41	41	38	59
R5	42	42	39	57
R6	39	38	35	54
R7	45	33	29	49
R8	37	37	33	53
R9	40	36	31	50
R10	36	36	33	53
R11	41	41	38	59
R12	35	22	18	48
R13	33	27	23	47
R14	42	35	31	57

No later than 13 months after the development is first brought into beneficial use, a noise emissions assessment completed at the expense of the developer shall be submitted to the Local Planning Authority for approval. Should the assessment conclude that the predicted noise levels as identified within Table 10.5 of the Environmental Statement are being exceeded, then a scheme for further mitigation shall accompany any assessment and shall thereafter be implemented within three months following the written approval from the Local Planning Authority. The mitigation as approved shall thereafter be retained and maintained in accordance with the details as approved

Noise Condition 7 - Ongoing noise monitoring

Prior to the commencement of the use hereby permitted a scheme for the ongoing monitoring of noise during operation of the site shall have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (but not be limited to);

- Access to monitoring data by the Local Planning Authority at no additional cost to the authority;
- A scheme for identifying exceedances and initiating an investigation and corrective action to address any exceedance of the agreed criteria set out in condition 8.
- A procedure for the reporting of the outcome of the investigation and any action taken to the Local Planning Authority within 24 hours of the exceedance

Once approved the scheme shall be implemented for the duration of the operation of the site. Development thereafter shall proceed in line with the approved scheme and shall remain as such for the duration of the operational use of the site.

Noise Condition 8 - Noise limits during operation

The rating level of noise arising from operation of the test tracks shall not exceed the values set out in, or derived from, the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission.

Receptor (see fig. 10.1 in ES)	Total overall predicted scheme noise level L_{Aeq} (15 mins) with noise fence barriers			
	Daytime L_{Aeq} (15 mins)	Evening L_{Aeq} (15 mins)	Night Time L_{Aeq} (15 mins)	$L_{Amax, F}$
R1	29	29	26	56
R2	41	41	37	58
R3	40	40	37	58
R4	41	41	38	59
R5	42	42	39	57
R6	39	38	35	54
R7	45	33	29	49
R8	37	37	33	53
R9	40	36	31	50
R10	36	36	33	53
R11	41	41	38	59
R12	35	22	18	48
R13	33	27	23	47
R14	42	35	31	57

Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Table specified as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling.

All measurements shall be taken using a type 1 sound level meter with a microphone height between 1.2m and 1.5m in free field conditions (3.5 m from a reflective surface).

Noise Condition 9 - Acting Upon Receipt of Complaints

On receipt of a justified complaint to the Local Planning Authority the Local Planning Authority may request in writing that the applicant obtain an assessment of the noise arising from the operations on the site. The noise assessment shall be undertaken by a competent and suitably qualified acoustic consultant, who shall be a Member of the

Association of Noise Consultants (ANC) or the Institute of Acoustics (IOA).

Prior to undertaking the noise assessment and within 14 days of receipt of the written request from the Local Planning Authority following receipt of a complaint, the consultant shall contact the Local Planning Authority and shall agree a methodology and most appropriate standards which shall include timeframes for the completion of the noise assessment.

Following the noise assessment, a copy of the report shall be submitted to and approved by the Local Planning Authority along with evidence that the control measures recommended within the report are implemented and maintained thereafter.

Representations

Eight letters of public representation have been received at the time of writing this report. The concerns raised can be summarised as follows:

- Noise from breaking of vehicles
- Operations running 5 days, 3 evenings and 3 nights. Little respite for local residents
- Why track is located on a raised plateau
- Site not a sufficient size for the high-speed track
- 50dB in the day and 60dB at night is excessive and unacceptable
- If planning consented should be only on basis of monitoring and controls at all times
- Potential impact to cycle path adjacent to the A4067
- Visual impact from Caehopkin
- Track and fence visible and impact to local communities
- Impacts on local communities and businesses

Planning History

App Ref	Description	Decision	Date
20/0738/FUL	Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation to create a flexible and adaptable area of land that could be used for a variety of uses including agriculture, nature conservation, leisure, tourism and industrial, research and	Approve	28th Jul 2020

development/business uses
 (potentially including a proposed rail
 testing, research and development
 and storage facility). (Cross-
 boundary application, see Neath
 Port Talbot CC Application ref.
 P2020/0362)

Principal Planning Constraints

Ancient Woodland	Plantation on Ancient Woodland
Coal Authority	
Contaminated Land	
Public Right of Way	
Scheduled Ancient Monument	Tramroad at Ystradgynlais
Mineral Safeguarding Sandstone Cat 2	

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
NATPLA	Future Wales - The National Plan 2040		National Development Plan 2021
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM9	Existing Mineral Workings	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRE	Renewable Energy SPG	Local Development

		Plan 2011-2026
SPGRES		Local Development Plan 2011-2026
SPG Plan	Archaeology	Local Development
SPG	Historic Environment	Local Development Plan

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

Consent is sought in outline (with all matters reserved) for works to the land at and surrounding Nant Helen Open Cast Coal Site (OCCS), Powys and, Onllwyn Distribution Centre, Neath Port Talbot.

The application site is located approximately 1.1km east of Penrhos; 1km east of Cae'r-bont; 100m south of Caehopkin; 750m south of Abercrave; 150m south-west of Coelbren; 350m north-west of Onllwyn and 450m north of Seven Sisters. The Brecon Beacons National Park lies to the north, the closest point being some 100m from the application site. Nant Llech SSSI lies within the National Park at approximately 115m to the north of the application site.

The site covers an area of some 416 hectares and forms part of the Celtic Energy Ltd landholding at the Nant Helen Surface Coal Mine which stretches over Powys County Council and Neath Port Talbot County Borough Council jurisdictions (NPT).

Coal extraction operations at Nant Helen will cease in 2021 at which point Celtic Energy Ltd will be required to restore the land in accordance with the approved restoration scheme. The restoration scheme was approved on 8th June 2020 (subject to a Section 106 Agreement) and also in connection with a further planning application

(20/0738/FUL) which was granted consent on the 28th July 2020 for the:

Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation to create a flexible and adaptable area of land that could be used for a variety of uses including agriculture, nature conservation, leisure, tourism and industrial, research and development/business uses (potentially including a proposed rail testing, research and development and storage facility).

The purpose of the above application was to create a flexible and adaptable landform that would be suitable for a variety of end uses whilst ensuring that the construction of the landform and the restoration of the surface mine could be undertaken in tandem.

The area of land under consideration and within PCC jurisdiction is the largest part of the site and is located partly within the Nant Helen Open Cast Mine. The Onllwyn Coal Washery Site located to the south-easterly portion of the site falls within NPT boundary.

Consent is sought, in outline, for the development of a Global Centre of Rail Excellence (GCRE), comprising of two test tracks of loop configuration being an electrified high speed rolling stock test track of 6.9km in length and an electrified low speed infrastructure test track of 4.5km, with overhead line equipment (OLE) and dual platform station test environment and associated accommodation.

It is proposed that the GCRE would be delivered over 3 development phases, these can be summarised as follows:

1. 4.5km test track largely for testing infrastructure and some stabling facilities, in 2023.
2. 6.9km test track primarily for testing rolling stock in 2024.
3. The addition of expanded stabling facilities and research facilities in 2025.

A part of the site also falls within the Mynydd-y-Drum Common over which Commoners' rights are currently suspended. In addition, a number of Public Rights of Way cross the site, but these are currently suspended due to the ongoing opencast coaling operation. It is intended to restore the common land and to reinstate the Public Rights of Way (with possible diversions where appropriate).

The site has a number of designated and non-designated historic assets within or nearby, of which the asset of most significance in itself and due to the potential impacts, is 'The Tramroad at Ystradgynlais (Claypon's Extension) (CH001)' which is a nationally important earthwork dating to the 1830s designated as a Scheduled Ancient Monument (SAM) and located on the boundary between Powys and NPT.

The southern area of the site is crossed by high voltage overhead lines with associated towers running roughly parallel to each other, the northern line carries Western Power

Distribution's (WPD) 132kV cables, the southern line carries National Grid's (NG) 400kV cables.

A total of 115.7 hectares (ha) within the development boundary is designated Common Land known as Mynydd-y-Drum, with a further area to the north of the site known as Land at Abercrave Station also designated Common Land.

Environmental Impact Assessment (Wales) (2017)

The development proposed falls within Schedule 1 development of the Environmental Impact Assessment (Wales) (2017) (EIA) regulations and therefore the application is accompanied by an Environmental Statement.

The Environmental information will therefore be fully considered throughout the report and when coming to a recommendation on the proposal for consideration.

Baseline Study

Members will recall the determination of planning application 20/0738/FUL which was granted consent on the 28th July 2020 for the:

Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation to create a flexible and adaptable area of land that could be used for a variety of uses including agriculture, nature conservation, leisure, tourism and industrial, research and development/business uses (potentially including a proposed rail testing, research and development and storage facility).

You will note that throughout the below considerations reference may refer to the 'future baseline' which for clarity is based on a consideration or prediction basis of the site further to the restoration earthworks as approved above.

This planning application before us today is however submitted in outline with all matters reserved and therefore the principle of development is for consideration only.

Further reserved matters applications will deal with the outstanding matters such as access, appearance, landscaping, layout and scale.

Principle of Development

Section 38 (6) of the Planning and Compulsory Purchase Act 2004, requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise. For the avoidance of doubt, the development plan in this instance is the Powys Local Development Plan 2011-2026.

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

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

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

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

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

Well-being goals identified in the Act are:

- A prosperous Wales
- A resilient Wales
- A healthier Wales
- A more equal Wales
- A Wales of cohesive communities
- A Wales of vibrant culture and thriving Welsh language
- A globally responsible Wales

A core principle of achieving sustainable development is using previously developed land in preference to greenfield land where possible.

Planning Policy Wales (Edition 11) (PPW) was revised and restructured in February 2021 to coincide with publication of, and take into account the policies, themes and approaches set out in, Future Wales - the National Plan 2040 (see below) and to deliver the vision for Wales that is set out therein.

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015 and the Well-being of Future Generations (Wales) Act 2015.

PPW11 takes the seven *Well-being Goals* and the five *Ways of Working* as overarching themes and embodies a placemaking approach throughout, with the aim of delivering *Active and Social Places*, *Productive and Enterprising Places* and *Distinctive and Natural Places*. It also identifies the planning system as one of the main tools to create sustainable places, and that placemaking principles are a tool to achieving this through both plan making and the decision-making process.

The following guidance is of particular relevance in the assessment of this planning application:

In terms of the provision of new infrastructure, Paragraph 3.62 states that '*Planning authorities should, in conjunction with key providers, take a para strategic and long term approach towards the provision of infrastructure as part of plan making. This may involve collaboration between planning authorities and key infrastructure providers to ensure infrastructure provision is sustainable, fit for purpose and can be co-ordinated and timed to support placemaking aspirations*'.

Chapter 4 'Active and Social Places' addresses transport, stating that people should have access to jobs and services through more efficient and sustainable journeys, by walking, cycling and public transport. It further states that "*new development should prevent problems from occurring or getting worse such as...the reliance on the private car and the generation of carbon emissions.*" It further notes that land use and transport planning should be integrated to minimise the need to travel, reduce dependency on the private car and enable sustainable access to employment, local services and community facilities.

By influencing the location, scale, density, mix of uses and design of new development, the planning system can improve choice in transport and secure accessibility in a way which supports sustainable development, increases physical activity, improves health and helps to tackle the causes of climate change and airborne pollution by:

- Enabling More Sustainable Travel Choices – measures to increase walking, cycling and public transport, reduce dependency on the car for daily travel; and
- Network Management – measures to make best use of the available capacity, supported by targeted new infrastructure;

Chapter 5 'Productive and Enterprising Places' covers the economic components of placemaking and states that "*a more Equal Wales can be achieved through promoting sufficient employment and enterprise opportunities for people to realise their potential and by recognising and building on the existing economic strengths of places to assist in delivering prosperity for all.*" PPW11 recognises (in chapter 4) the need to "*realise the*

potential of new sustainable transportation infrastructure to create new or renewed hubs of activity to support sustainable communities which capitalise on their location and the opportunities these present.”

The Productive and Enterprising Places theme of planning policy topics covers economic development, physical infrastructure, energy and the efficient use of resources. Key issues identified include:

- Promoting and diversifying our rural economy to ensure it is fit for the future and economically sustainable while ensuring that unnecessary development in the countryside is controlled;
- Making our transportation infrastructure adaptable to future innovations;
- Embracing the challenge of decarbonising our energy and transport sectors including phasing out of fossil fuels;
- Supporting and enabling renewable, low carbon globally responsible material choices and their efficient and most appropriate use, so as to prevent waste and ensure finite resources are not unnecessarily diminished;
- Recognising the importance of transportation infrastructure to the economy; and
- Maximising the use of our sustainable transport infrastructure, including railways, to directly support freight opportunities and serve economic development opportunities.

Paragraph 5.3.1 states that *“the provision of sustainable transport infrastructure is essential in order to build prosperity, tackle climate change, reduce airborne pollution and to improve the social, economic, environmental and cultural wellbeing of Wales”* and that *“the planning system should facilitate the delivery, decarbonisation and improvement of transport infrastructure in a way which reduces the need to travel, particularly by private vehicles, and facilitates and increases the use of active and sustainable transport”*.

PPW11 further sets out at paragraph 5.3.2 that “Planning authorities should support necessary transport infrastructure improvements, where it can be demonstrated that such measures are consistent with Welsh Government policy to encourage and increase use of sustainable transport and reduce reliance on the private car for daily journeys.”

Section 5.4 deals directly with Economic Development, with 5.4.1 noting that for planning purposes the Welsh Government defines economic development as “the development of land and buildings for activities that generate sustainable long term prosperity, jobs and incomes”.

The planning system should ensure that the growth of output and employment in Wales as a whole is not constrained by a shortage of land for economic uses, with (5.4.2) “growth in innovative, emerging technology and high value added sectors such as advanced engineering, renewable and low carbon energy, digital and bio-technology sectors are ... strongly supported” such that (5.4.4) wherever possible, planning

authorities should encourage and support developments which generate economic prosperity and regeneration.

Noting the need to steer economic development to the most appropriate locations (5.4.10) the effective planning for the economy requires planning authorities to work strategically and co-operatively directing development and investment to the most efficient and most sustainable locations, regardless of which local authority area they are in.

(5.4.13) Planning authorities should aim to:

- co-ordinate development with all forms of infrastructure provision such as transport and utilities;
- support national, regional, and local economic policies and strategies;
- align jobs and services with housing and sustainable transport infrastructure, to reduce the need for travel, and dependency on travel by car;
- promote the re-use of previously developed, vacant and underused land;
- deliver physical regeneration and employment opportunities to disadvantaged communities;
- control and manage the release of unwanted employment sites to other uses;
- propose specific locations for locally and strategically important industries which are detrimental to amenity and may be a source of pollution;

Notably for this project, para 5.6.4 also emphasises that “to unlock the full potential of rural areas, planning authorities should adopt a positive approach to employment arising from foundation and innovative and technology based sectors, including research and development”.

- Future Wales – the National Plan 2040

Future Wales – the National Plan 2040 is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities.

The Wales Transport Strategy provides the framework for transport related activities and sets out the strategic priorities of a safe, integrated, sustainable, efficient and economic transport system serving Wales.

The Economic Action Plan supports the delivery of Prosperity for All – the national strategy for Wales. It sets out a vision for inclusive growth based on strong foundations, future industries and productive regions. It aims to build resilience and future proof the economy. The Plan focuses funding support on businesses which align with decarbonisation objectives, are innovative and entrepreneurial, seek to export and

import, support skills development and high quality employment, and support automation, research and development and digitalisation.

Future Wales:

- supports a low carbon economy and the decarbonisation of industry, and the growth of sustainable and renewable energy
- supports the sustainable location of economic land uses
- supports the growth of innovation, research and development, and better linkages between higher education and private industry
- supports the development of advanced manufacturing in each region
- recognises the importance of key future sectors such as advanced engineering, renewable technologies, Artificial Intelligence, transport, automation and digital innovation
- supports the foundational economy and identifies a regional and sub-regional approach to economic development delivered through Strategic Development Plans and Local Development Plans
- supports infrastructure development, including transport, energy, and digital communications.

Policy 11 (National Connectivity) states that the Welsh Government will support and invest in improving national connectivity. Our priorities are to encourage longer-distance trips to be made by public transport, while also making longer journeys possible by electric vehicles. The Welsh Government will work with Transport for Wales, local authorities, operators and partners to support the delivery of the following measures to improve national connectivity through Rail Networks by transforming the rail network and improve the quality of rail services for passengers.

With specific regard to the importance of rail, it is also noted that Future Wales emphasises that *“Our rail infrastructure and services are fundamental to an effective and efficient transport network and central to national connectivity across Wales and its regions. Their continued development and expansion will contribute to the ambition to develop a stronger, inclusive and more equitable economy and to deliver prosperity for all by connecting people, communities and businesses across Wales to jobs, services and markets”*.

Under the Powys Local Development Plan (2018) (LDP) the application site is located outside of any settlement development limit or area allocated for employment or other uses under the LDP. Whilst the LDP therefore has no policy specific to the GCRE development, policy T1 does support transport infrastructure projects which should *“promote sustainable growth, maximise the efficiency and safety of the transport systems, improve public and private transport integration and encourage passenger and freight rail operations”*

The Washery area which falls under the Neath Port Talbot (NPT) boundary is identified as a freight facility, it is considered that this project would therefore enhance that

existing use in connection with the development proposed.

Whilst therefore there is no policy identified directly within the LDP for the GCRE development consideration has been given to national policies and the economic development proposed in line with Technical Advice Note 23 (TAN23) given that it will include a development which will generate jobs, income and wealth. Furthermore, it is noted that Future Wales and PPW support developments which allow for a low carbon economy and the decarbonisation of industry, and the growth of sustainable and renewable energy which supports the growth of innovation, research and development.

Under the Powys County Council Local Development Plan (LDP) Policy E2 supports proposals for employment development on non-allocated sites where it is demonstrated that no other suitable existing or allocated employment sites or previously developed land can reasonably accommodate the proposal, and where at least one of the following criteria is met:

- 1. The proposal is up to 0.5ha. and is located within or adjoining a settlement with a development boundary.*
- 2. The proposal is for the limited expansion, extension or environmental improvement of existing employment sites and buildings.*
- 3. The proposal is appropriate in scale and nature to its location and is supported by a business case which demonstrates that its location is justified.*

It is considered that for a development of this scale there is no other suitable existing or allocated employment site where the development could reasonably accommodate the proposal.

Whilst the land within Powys County Councils jurisdiction is not considered to be brownfield land or previously developed land it is noted that the area within the NPT jurisdiction known as 'The Washery' satisfies the definition of previously developed land, and it is considered that this development will bring forward substantial and significant new development onto a previously-developed site, giving it life for future generations.

It could therefore be considered that the proposal would support the existing re-use of a previously developed site, appropriate in scale and nature to its location and is supported by a case which demonstrates that its location is justified.

It is considered that the GCRE project will also support UK train manufacturers, tackling ever-rising costs across the rail sector by allowing new technologies to be effectively tested and commissioned and by providing further opportunities for sustainable technologies associated with the rail sector to be explored (electric, battery, links to sustainable generation) which in turn then complies with policy T1 of the LDP in that it supports a wider transport infrastructure project which will in turn improve and modernise public transport throughout the UK.

Further consideration of material planning considerations will therefore be considered

below and a planning balance on all matters weighing economic benefit will be appropriately considered and concluded within the report.

Socio- Economic Impact

The application documents have provided an extensive set of supporting submissions relating to the need for, and benefits arising from, the proposed development of a Global Centre of a Rail Excellence. Most notably, it is emphasised throughout that the UK does not currently have available anything approaching such a high-quality facility as that proposed at the site, with both public and private sector organisations currently, and frequently, having to use test facilities in Europe and the USA. In this respect, all the associated economic benefits of such activities go outside the UK, while also having further disadvantage of such facilities often being owned and operated by a single commercial entity, which stifles access to testing and innovation.

With projects such as HS2, CrossRail2, Northern Powerhouse Rail and the Cardiff Valleys transformation approaching, together with the soon to be time-expired status of the majority of the UK's signalling infrastructure (in itself an estimated £35 bn renewals programme from 2025), the submissions emphasise that the need for safe and efficient testing to drive performance and cost-efficiency in the UK has never been greater, while operational independence and full open-market access is considered critical to allow competition and innovation to flourish.

Within this context, the GCRE project has, to date, been 'Welsh Government-led and supported by Industry' but is now moving towards an industry-led project supported by UK Government. In this regard, the GCRE is being progressed to address a number of specific industry issues, as well as offering wider socio-economic opportunities, as follows:

- Supporting UK train manufacturers and encouraging the establishment of further UK manufacturing facilities and testing capacity.
- Supporting the development of a UK digital railway industry by providing high quality and safe testing facilities for digital signalling, train control and asset management technologies.
- Delivering high-tonnage endurance testing of railway infrastructure particularly track and structures; such a facility will enable infrastructure to be rapidly tested and verified and would be unique in Europe, potentially attracting customers from around the world – Network Rail has a strong and confirmed interest in this element.
- Removing risk from the introduction of new trains and other assets by allowing them to be thoroughly tested prior to deployment. This would avoid the need for new trains being tested on the national network or rushed into service before all performance risks had been dealt with (note issues with new inter-city trains; certain electrification assets; and projects such as Crossrail). With infrastructure and rolling stock testing in a single location, more robust systems integration testing can be conducted.

- Tackling ever-rising costs across the rail sector by allowing new technologies to be effectively tested and commissioned rather than committing them to operations before they are fully developed.
- Generating high quality employment and economic opportunities for communities in South West Wales.
- Providing further opportunities for sustainable technologies associated with the rail sector (electric, battery, links to sustainable generation).

There are essentially six main components to the proposal that form an integrated rail infrastructure project, which in combination, would make this a unique facility in the UK and Europe. Those components in summary are:

- Infrastructure Testing
- Vehicle Rolling Stock Testing
- Maintenance and Refurbishment
- Research and Development
- Decommissioning
- Power and Energy
- Education and Training

Central Government's recent Rail Sector Deal has identified the potential of the UK rail industry for driving innovation, employment and exports, with the test facilities and associated R&D activities at the proposed GCRE likely to be instrumental in both establishing UK industry at the leading edge of modern railway technology and enhancing performance, increasing efficiency and removing risk from the introduction of new trains and digital management and control technologies.

It is also noted that the UK Government sees the decarbonisation of transport as critical and the rail industry of significance in achieving a net-zero economy by 2050. To deliver on this objective, the strategy identifies the importance of taking up new technologies and the requirement for investment in both rail infrastructure and rolling stock. GCRE would provide a testbed for new, green railway technologies, hence helping the UK to becoming net-zero by 2050. This also demonstrates that GCRE is in line with the Well-being for Future *Generations* Act.

Benefits to the Wider Welsh Economy

The submissions indicate that the proposed GCRE's Economic Case demonstrates *Very High Value for Money* with a Net Present Value (NPV) of between £0.9bn and £1.4bn over the 60-year lifecycle.

Notably, the development is also estimated at delivering a Gross Value Added (GVA) uplift to the Welsh economy of between £51m and £122m (as well as bringing a number of long-term environmental benefits to the UK). The above figure is calculated based on 10 years of employment impacts (direct, indirect, and temporary construction jobs) and

Wales GVA per job figures.

Socio-Economic Impacts at a Local Scale

In addition to the overall, wider economic and other benefits described above, the GCRE is anticipated to have a positive socio-economic impact on a local scale for communities surrounding the site both during construction and operation.

During construction, for example, it is anticipated that there will be the potential for employment with the GCRE creating between 50 to over 160 jobs throughout the varying phases of the development. As well as providing economic benefits to the local areas through accommodation, shops, cafes etc in the local area from the workers present on site.

During operation, it is anticipated that a total of 298 jobs would be created through the final phase of the development. Whilst it is acknowledged that initially many of these jobs will be highly skilled and it is anticipated that not all will initially come from the immediate local community, there however will be a number of required roles e.g. site and facilities management, security, rail infrastructure maintenance, train maintenance and hospitality which could be filled from the wider study area.

Post-Covid Economic Situation

It is also clear that the application has been submitted and is being assessed during a time of health and economic crisis as a result of the global Covid-19 pandemic. The short-term impacts have, of course, been significant, with it being too early to predict with any accuracy the medium- and long-term economic impacts. Nevertheless, it is clear that the potential benefits of the GCRE would be welcomed at any time but especially so in a wider context where there is a need to invest in the future, and bring forward new development which can stimulate further investment and confidence in the region, in Wales and the wider UK.

The rail industry in particular has been hit hard by the steep decline in rail passenger journeys throughout the pandemic, leading to lost revenue. The UK Government and Transport for Wales have put in place temporary support and financial arrangements, but with the significant costs of the pandemic likely to be a burden on public finances for a generation, there will inevitably be an increasing need to deliver maximum efficiency and cost efficiency in the rail sector as we emerge from the national crisis and set a course for the future. Infrastructure spending will also be needed to kick-start the economy and the rail sector will need to innovate to accommodate changes in customer and operator user needs as a result of the pandemic, such as adapting to a future 'low contact economy'.

GCRE is well placed to provide a solution for both of these issues, through its focus on infrastructure (including digital infrastructure), innovation and transport delivery efficiency, and its potential contribution to supporting transport, mobility and the

economic benefits which come from connectivity. It can be an *immediate and positive response* to the economic impacts arising from the pandemic in Wales and in the UK, providing a short-term benefit, while developing an asset that will deliver positive outputs and outcomes over the longer-term.

Conclusion

It is considered that the introduction of and potential socio-economic impact from the proposed Global Centre of Rail Excellence is multi-faceted, at a local, regional and National level.

Landscape and Visual Impact

Future Wales (2040) confirms that Wales' natural resources, including its landscape support a range of activities and sectors and are assets of great value in their own right. Planning Policy Wales states that the countryside is a dynamic and multi-purpose resource. In line with sustainable development and the national planning principles and in contributing towards placemaking outcomes, it must be conserved and, where possible, enhanced for the sake of its ecological, geological, physiographic, historical, archaeological, cultural and agricultural value and for its landscape and natural resources.

The need to conserve these attributes should be balanced against the economic, social and recreational needs of local communities and visitors. Fostering adaptability and resilience will be a key aim for rural places in the face of the considerable challenge of maintaining the vibrancy of communities and availability of services as well as contributing to the Cohesive Communities well-being goals.

PPW confirms that planning authorities have a statutory duty to have regard to National Parks and AONB purposes. This duty applies in relation to all activities affecting National Parks and AONBs, whether those activities lie within, or in the setting of, the designated areas. The designated landscapes should be drivers of the sustainable use and management of natural resources in their areas, and planning authorities should have regard to their identified special qualities in the exercise of their functions and any relevant management plans. In this case the site is on the periphery of the Brecon Beacons National Park and therefore the Authority will need to consider the impact on the National Park both directly and on its setting.

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

Policies SP7 and DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes

and the visual amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

Consent was sought and granted under planning applications 20/0738/FUL (Powys) and P/2020/0362 (Neath Port Talbot), in July 2020 for the:

“Construction of complementary restoration earthworks to create 2 looped landform platforms (part in cutting and part on embankment) with associated drainage infrastructure and areas of landscaping and habitat creation”

It is acknowledged within the above recognised planning application that there would be an adverse visual impact on receptors in the BBNP during the construction phase and potentially for at least 15 years post-construction. This impact was therefore carefully balanced when coming to a decision where the socio-economic need for the development and the exceptional circumstances put forward by the applicant were appropriately considered. Overall, the proposal was deemed to create a flexible and adaptable landform to support a wide range of future uses and planning permission granted.

The proposed development's landscape and visual impact has been considered within Chapter 9: Landscape and Visual of the Environmental Statement, its figures and appendices, which include; Context Plan, ZTV Plan, Viewpoint Map, Mitigation proposals, Landscape Character Areas and photomontages. The ES advises that the impacts have been assessed based on worst-case winter conditions where screening by vegetation is least effective.

Landscape and Visual effects arising from the proposed development including changes to the landscape character within the zone of influence, and changes to features or composition of views have been considered. Effects on landscape and visual receptors (its characteristics, key features and special qualities, and visual receptors are people and changes to their visual amenity) is closely related but has been separately assessed within the ES.

It is also noted that mitigation proposed as part of the closely related Nant Helen Complementary Restoration Earthworks application (references 20/0738/FUL (Powys) and P/2020/0362 (Neath Port Talbot), that will also contribute to the mitigation of the effects of proposed development is described and accounted for throughout the assessment.

- Landscape Character

PPW states that LANDMAP is an important information resource, methodology, and monitoring baseline for the landscapes of Wales, which can help inform planning for the sustainable management of natural resources in an area. LANDMAP describes and evaluates the physical, ecological, visual, cultural and historic aspects of the landscapes

of Wales, and provides the basis of a consistent, quality assured national approach to landscape assessment.

PPW also states that where adverse effects on landscape character cannot be avoided, it will be necessary to refuse planning permission (para 6.3.4).

Landscape Character Areas (LCAs) are derived from existing landscape character assessments (where available) and from analysis of LANDMAP aspect areas. The site falls almost entirely within the Nant Helen Reclaimed Uplands Landscape Character Area, a landscape defined by past and present mining activity. Present mining activity dominates the north and eastern extents of the character area and there is evidence of previous mining activity to the south. Areas of upland moorland with predominantly rough grassland and bracken landcover and further areas of marsh and grassland. Large areas are used for grazing. The overburden mound associated with the mining activity stands as a prominent and evidently man-made feature visible from the wider landscape. A number of PROWs cross the character area, many of which are temporarily suspended through the mining site. Mining activity within the character area is a detractor from its use for recreational purposes. Pylons run from east to west along the southern extent of the character area and contribute to the overall large-scale industrial character. The Ystradgynlais Scheduled Monument Tramroad is further evidence of the industrial history of the character area and the importance of mining in the historical development of the wider landscape. The value of this Landscape Character Area is assessed as Low.

A small area of the north western part of the site extends into the Wooded Tawe Valley Landscape Character Area, which has a medium value, and a small area in the south eastern part of the site extends into the Head of Dulais Valley Landscape Character Area also of medium value.

It was acknowledged under the earthworks application that post construction, the introduction of engineered earthworks would result in the loss of key features of the landscape character area such as the Tramroad at Ystradgynlais and landcover that has already been restored. However, in combination with the Nant Helen Restoration, the loss of restored landcover will be offset by the filling of the opencast void, and loss of mining activity and the reduced prominence of the overburden mound and increased naturalistic character of the landform. In this respect the completed proposals in combination with proposals for restoring the surface mine, would plainly achieve betterment compared to the current environmental baseline and the negative effects these operations have on the landscape.

The proposed earthworks were therefore assessed in combination with proposals for restoring land currently subject to coaling operations at Nant Helen Surface Mine. It is acknowledged that the mine currently dominates and has a significant adverse effect on the area's landscape character and fundamentally the restoration was therefore considered to improve the landscape character.

- Visual Impact

The Environmental Statement (ES) considers the proposed development and acknowledges that it is assumed that the construction of the development will commence within 3 years of the completion of the Nant Helen Restoration and Nant Helen Complementary Restoration Earthworks which will represent the worst-case scenario whilst the landscape is restored. Whilst only in outline stage with all matters reserved currently it is also unknown whether the rail infrastructure will be single track or dual track, but in this instance and to capture the worst- case scenario, assessments have been completed based on consideration of the dual track within the PCC boundary.

Special Landscape Areas (SLAs) relevant to the study area only include Neath Port Talbot Special Landscape Area 2: Dulais Valley.

Construction includes the laying of the track bed and rail track and erection of overhead line equipment. To the south, where the rail tracks connect with the sidings at the washery, construction would include 2 platforms 230m in length and an associated station building (to be considered under reserved matters).

Works within the adjacent Head of Dulais Valley LCA and under NPT boundary would include the construction of maintenance and storage sheds, research and development centre and a multi-storey control centre building as well as rail sidings for up to 400 vehicles. These works would be at the location of the washery and would not directly impact on the LCA but would contribute to the overall sense of scale of construction works taking place.

Whilst the removal of previously restored areas of the LCA is not anticipated, the construction works within and adjacent to the LCA would introduce large-scale construction activity to the restored landscape. Evidence of historic mining activity and urbanising features including pylons, overhead lines and engineered landforms are characteristic of the LCA. Due to the activity being introduced to approximately half of the LCA but concentrated to the engineered earthworks and not resulting in removal of mature vegetation/habitats the magnitude of change would be Medium (Adverse) for this Medium sensitivity receptor. The significance of effect on the Nant Helen Reclaimed Uplands LCA would therefore be Moderate (Adverse)

The assessment identified 18 viewpoint locations, ranging from within the site up to long range views of the proposed development. An assessment has been completed considering firstly the effects from the construction phase through to the operation of the site.

- Design Mitigation

To reduce potential landscape and visual effects a number of mitigation proposals have also been incorporated into the proposed development design and description including:

- Landscape and visual mitigation planting. (The design of areas shown to receive mitigation planting shall be developed at detailed design to ensure they meet the minimum functional requirements as set out in this chapter).
- Acoustic barriers are to have wooden cladding on external faces to minimise visual impacts.
- Train carriages are to be unlit outside of daylight operational hours.
- The vehicle maintenance track shall be on the outside of the rail track. This ensures that the tallest features (overhead line equipment and trains) are furthest back from the embankment edge and any screening planting is most effective.
- Overhead line equipment shall be cantilevered to minimise visual effects.

All of the above design mitigation has been accounted for in the landscape and visual assessment.

- Construction/Operational Phase

The ES includes an assessment of the Zone of Theoretical Visibility (ZTV) and indicative photomontages from viewpoints to the north and south of the application site. The ZTV has been completed on an 8km study area surrounding the application site.

It is acknowledged that the landscape has some capacity to accommodate the proposed development without affecting its overall integrity due to the development taking place on engineered landforms within the restored landscape (please refer to previous planning permissions). The Landscape as existing also contains urban features such as electricity pylons and is surrounded by urban development (Ystradgynlais and Seven Sisters) and road infrastructure (A4109, A4221 and A4067).

The construction of the outer and inner rail tracks would be constructed on the existing Nant Helen Complementary Earthworks development. This rail infrastructure would tie into the Neath and Brecon Railway to the south and further associated sidings and buildings located at the washery. Construction includes the laying of the track bed and rail track and erection of overhead line equipment. To the south, where the rail tracks connect with the sidings at the washery, construction would include 2 platforms 230m in length and an associated station building.

The ES identifies that from 2 of the 18 viewpoints there will be a major adverse visual effect, with moderate adverse visual effects on a further 10 viewpoints from the construction of the development.

One of the major adverse visual effects identified was from the viewpoint at the Trig Point on the Cribarth located within the Brecon Beacons National Park (BBNP). It is acknowledged that recreation receptors within the National Park have a high susceptibility as their attention is concentrated on available views from the elevated topography. It is acknowledged that the construction works on the northern embankment would be most prominent within this location whilst the works at the

washery (NPT) would take place in a less prominent view.

Although 2km from the viewpoint, construction works would be taking place within a prominent, open upland area within the view. Works would be incongruous with the restored landscape and a large proportion of the proposed development would be visible, the magnitude of change would therefore be High.

The second viewpoint which would have major adverse visual effects was from western edge, Ynyswen which identifies that residential receptors have a high susceptibility to change. The construction activity would be visible within 1km of this viewpoint and again would have views of the northern embankment construction works.

Mitigation is recognised within the location however in the form of broadleaf woodland planting as part of the Nant Helen Complementary Restoration Earthworks which would filter the view of construction activity. It is however acknowledged that overhead line equipment and construction vehicles would still be clearly visible.

In relation to the operation of the site there are four viewpoints which would have a major adverse visual effect in year one of the operation of the site. These are identified as:

- Viewpoint 3- View from Trig point on Cribarth
- Viewpoint 4- View from Ogof Fynnon Ddu NNR
- Viewpoint 5- Western edge of Ynyswen
- Viewpoint 14- Ystradgynlais Footpath 10

However, mitigation proposals envisage to significantly reduce adverse landscape and visual effects by year 15 of the operation of the application site when planting has established, therefore reducing the major adverse visual effect to moderate and in some cases to low or minor. It is therefore considered that the mitigation will therefore help integrate the development into the surrounding landscape.

One viewpoint however which would not benefit from the mitigation proposed and maturing of the planting is at Viewpoint 14- Ystradgynlais Footpath 10. Due to the close proximity of the receptor from the proposed development and the upland character that offer open view the magnitude of change would not benefit from the mitigation proposed.

NRW and BBNPA have also considered the ES and the potential impacts the proposed development could have on the Brecon Beacons National Park (BBNP) which at its closest point is located approximately 96m from the development. The development would be prominent from several areas within BBNP, which are of high scenic quality and sensitivity.

Whilst both noting the assessments completed, they raise concern over the significant residual adverse effects on the landscape. Of particular note is concerns over the

tranquillity from the Trig point on Cribarth located within the BBNP (Viewpoint 3).

In response to the concerns raised the agent has noted that this location is *circa 2.5km from the proposed development site and at this distance they “would not anticipate noise levels from the site to be above existing background noise levels”*. They also confirm that the noise from the existing workings at Nant Helen is very different to the type of noise that would be generated by the proposed development and the application includes suitable mitigation in order to reduce / minimise noise effects. It is noted that from assessments on noise completed that beyond the application site boundary the development should not adversely affect residents which are in closest proximity to the application site therefore it is not considered that the development with the distances involved, would negatively impact upon the tranquillity of this area (in landscape and noisecape terms).

Notwithstanding the above however, it is clear that there will be an adverse visual impact of receptors in the BBNP during construction and potentially for at least 15 years post-construction. That impact must be given significant weight in the planning balance to be applied in this case.

NRW however acknowledge that there should be a careful consideration on balance of the proposal when considering the other benefits of the development and they support the recommendation of mitigation to achieve a high-quality design.

It should be noted that PPW states that in National Parks or AONBs, special considerations apply to major development proposals which are more national than local in character. Major developments should not take place in National Parks or AONBs except in exceptional circumstances. This may arise where, after rigorous examination, there is demonstrated to be an overriding public need, refusal would be severely detrimental to the local economy and there is no potential for locating the development elsewhere or meeting the need in some other way. Any construction and restoration must be carried out to high environmental standards. Consideration of applications for major developments should therefore include an assessment of:

- the need for the development, in terms of national considerations and the impact of permitting it or refusing it upon the local economy;
- the cost of and scope for providing the development outside the designated area or meeting the need for it in some other way; and
- any detrimental effect on the environment and the landscape, and the extent to which that could be moderated and/or mitigated.

It therefore stands to reason that if these exceptions would apply inside National Parks then they can also reasonably be applied to developments in areas which may impact on the setting of National Parks. The socio-economic need for the development and the exceptional circumstances the applicant has put forward in support of this proposal are considered in the socio-economic section above. The identified adverse visual impact of the development for the first 15 years will therefore have to be balanced against other

material considerations. In any event a condition requiring a Landscape Strategy and landscape details, for the northern embankment in particular, will be required in order to comply with Policy DM4 of the LDP.

- *Public Representations- Landscape*

Concerns have been raised by a local resident over the landscape and visual impact from the development and the visibility of the proposed track from Caehopkin. Whilst this application is in outline with all matters reserved the final details of the proposed tracks and associated infrastructure will therefore be fully appraised at the time of the Reserved Matters applications. However, it is noted and considered that in some locations the railway line and associated infrastructure may be visible.

The visibility or not of a development does not necessarily mean that it will have an unacceptable landscape and visual impact on the Powys Landscape.

The PCC SPG states that “*All proposals should be appropriate and sensitive in how they are designed and integrated within the landscape within that location*”. The scheme proposes landscaping and mitigation throughout the application site which will be appropriately conditioned to ensure full details are proposed throughout the phasing of the development.

Given the scale of the infrastructure proposed within the Powys area (which will be further assessed during Reserved Matters applications) it is considered that the proposal could be accommodated and provide sufficient landscaping which would ensure the development is sensitively designed and sited within the landscape. This however will be further appraised during the Reserved Matters applications.

External Lighting / Dark Skies

There is potential for the development to create light pollution which, given the proximity to the National Park and its International Dark Skies Reserve accreditation, is of notable importance. In this respect the submissions indicate that it will be important to restrict external lighting to the minimum necessary and use directional low lux lighting. It is also noted that train carriages will be unlit out of daylight operational hours.

A night-time assessment has been undertaken and is included as a separate appendix in the ES (Appendix 9E), albeit it is limited due to the level of development of the lighting design. Accordingly, a light pollution/dark skies assessment will be required to be undertaken and used to influence the final lighting scheme, which will be controlled by condition.

Cultural Heritage Impact

The Historic Environment (Wales) Act (2016) stands at the centre of an integrated suite of legislation, policy, advice and guidance for the historic environment, with National

policy incorporated within Chapter 6 of Planning Policy Wales (Edition 10) and guidance in Technical Advice Note 24: The Historic Environment (May 2017).

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 (TAN24) which requires that the setting of these to be considered in the determination of planning applications.

In addition to the above, Cadw has the following guidance which is of relevance to this proposal: -

- Conservation Principles for the Sustainable Management of the Historic Environment in Wales - sets out six principles for conservation, including that historic assets will be managed to sustain their values and that understanding the significance of assets is vital.
- Heritage Impact Assessment in Wales – emphasises principles for creating a Heritage Impact Statement, in particular the need for ‘sufficient information to enable both the significance of the asset and the impact of change to be understood’.
- Setting of Historic Assets in Wales - explains what setting is, how it contributes to the significance of a historic asset and why it is important.

PPW states that the planning system must take into account the Welsh Government’s objectives to protect, conserve, promote and enhance the historic environment as a resource for the general well-being of present and future generations (para 6.1.5). Therefore, any decisions made through the planning system must fully consider the impact on the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place.

The proposed development’s heritage impact has been considered within the Chapter 8: Cultural Heritage of the Environmental Statement (ES) and its appendices.

Section 8 of the ES identifies 113 heritage assets (listed buildings, scheduled monuments and a historic park and garden) within the inner and outer study areas, of which there is one SM and 35 non-designated heritage assets located within the site boundary (NPT & PCC).

Also located particularly close to the site is the Bryn Llechwen ring cairn (BR327), a funerary monument probably of Bronze Age date. Additionally, eight historic landscape areas were identified within or in proximity to the site.

- Scheduled Ancient Monuments (SAM)

BR074 Section of Road NE of Coelbren Fort
BR198 Ynysgedwyn Colliery, Fan House

BR201 Lefel Fawr Coal Adit
BR222 Abercrave Ironworks
BR327 Bryn Llechwen ring cairn
GM146 Coelbren Fort
GM343 Roman Marching Camp South East of Coelbren Fort
GM399 Tramroad at Ystradgynlais
GM420 Remains of Blast Furnaces at Banwen

Of the above, the asset of most significance in itself and due to the potential impacts, is '*The Tramroad at Ystradgynlais*' which is a nationally important earthwork dating to the 1830s designated as a Scheduled Monument (SM). Potential impacts are on the SAM and its setting.

The Tramroad is 6.44km in length and runs from Ystradgynlais across Mynydd y Drum towards where the Onllwyn Washery is today. It was built using a hybrid of horse-drawn and steam-driven technology, making it a historically significant feat of engineering and it was a part of the Brecon Forest Tramroad which was a vitally important route for the movement of raw materials for the flourishing iron trade in the area. It is a Scheduled Monument and a heritage asset of high value. Its national importance is derived from its potential to enhance and illustrate our knowledge and understanding of the raw materials transportation network from nineteenth century iron industries.

It was identified during the earthworks application that the proposal would cross the SAM near its eastern end, permanently burying a 450m section of it.

Cadw have been consulted and confirmed that the impact of the proposed development on the above scheduled monuments and their settings was considered with the application for the earthworks which included the construction of an embankment over part of scheduled monument GM399 Tramroad at Ystradgynlais. Cadw confirm that an application for scheduled monument consent for this work is currently being determined.

Cadw therefore have no objection to the determination of the current application subject to the outcome of the application for scheduled monument consent.

- Archaeology

It is acknowledged that the majority of archaeological impacts within the Powys area will occur at the restoration stage and it was agreed under that scheme (20/0738/FUL) that mitigation and approved archaeological written schemes of investigation which will allow archaeological recording to be completed before the new railway and associated buildings are constructed.

This approach has also been confirmed within the ES in section 8.5.6.

The primary area of interest in Powys is Area C (Fig. 8.4) where non-designated archaeology may be impacted. This will be mitigated via the earlier restoration

application where direct impacts from rail embankments occur and there will be no new impacts here in relation to the current outline application as mentioned in 8.8.4.

CPAT have confirmed that they agree with the mitigation statement in 8.9 which finds no new direct and significant impacts at this stage in the Powys area. They also agree that this should be confirmed at the reserved matters stage when the detailed final layout is known.

- Listed Buildings

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

Cadw ID 17922 Yard House included on the statutory list on 26/09/1994

Cadw ID 7468 Pont Yr Yard included on the statutory list on 11/06/1979

Cadw ID 6610 grade II* circular cow house included on the statutory list on 17/01/1963

Cadw ID 6605 Hen Noyadd included on the statutory list on 17/01/1963

Cadw ID 6606 10 Lamb and Flag Cottages included on the statutory list on 17/01/1963

Cadw ID 6607 12 Lamb and Flag Cottages included on the statutory list on 17/01/1963

Cadw ID 6608 The Pound included on the statutory list on 17/01/1963

Cadw ID 6609 Outbuildings opposite the Lamb and Flag included on the list on 17/01/1963

Cadw ID 23032 Sardis Chapel included on the statutory list on 21/03/2000

Cadw ID 25946 74 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25947 76 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25948 78 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25949 80 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 25950 82 Heol Giedd included on the statutory list on 12/04/2001

Cadw ID 7544 Cae'r Lan Castle included on the statutory list on 21/01/1994

Cadw ID 25953 grade II* Canal Aqueduct included on the statutory list on 12/04/2001

Cadw ID 25952 Fan house to former Ynyscedwen Mine included on the statutory list 12/04/2001*

* Fan house to former Ynyscedwen Mine is also a Scheduled Ancient Monument Cadw ID BR198 designated on 31/01/1992

The application site is large in scale and the area is considered to be rich in historic assets. TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

The documents submitted with the application Appendix 8A historic Environment Baseline Assessment and Chapter 8 of the Environmental Statement have identified the historic assets designated and undesignated within the site and within the study area.

The documents identify the methodology used to prepare the report and an assessment of the heritage assets and included, a search area of 3km for all designated assets and 5km for grade II* and scheduled monuments.

Within the 500m study area there were identified as being no listed buildings with then a number of listed buildings (identified above) being within the 3km to 5km study area.

The closest of these buildings have been appropriately considered and comments received from the Powys County Council Built Heritage Officer.

- Cadw ID 25952 Fan house to former Ynyscedwen Mine, noting that this listed building is associated with the mining tradition of the area it is not considered that the proposal would harm the setting of this listed building.
- Cadw ID 6610 grade II* circular cow house, this is a former agricultural building sited in agricultural land. It is furthermore also considered that the proposal would not harm the setting of this listed building.
- Cadw ID 17922 Yard House and Cadw ID 7468 Pont Yr Yard are sited adjacent to each other. Located beside a lane leading across Yard Bridge on the south side of the A4067. The cottages are on a precipice over the River Tawe next to the bridge. Both buildings are sited within woodland adjacent to the River Tawe and are not readily visible from the A4067. It is not considered that the proposal would harm the setting of this pair of listed buildings.
- Cadw ID 6606 10 Lamb and Flag Cottages , Cadw ID 6607 12 Lamb and Flag Cottages, Cadw ID 6608 The Pound and Cadw ID 6609 Outbuildings opposite the Lamb and Flag are all sited in close proximity.. Situated towards the lower end of terraced row at right angles to the Tawe, reached by a temporary bridge from the Rheolau Arms Inn. The group of buildings are readily visible from the A4067, however despite the proximity of the site the current coal workings are not visible due to topography and woodland. As such it is not considered that the principle of the development of this site would harm the setting of this group of listed buildings.
- Cadw ID 6605 Hen Noyadd is sited to the north of the A4067 and within a residential area and is predominantly surrounded by residential properties. It is

not considered that the proposal would harm the setting of this late medieval house. It is noted that the house was extensively remodelled in 1863 Morgan Morgan agent of the British Iron & Coal.

The remaining listed buildings are sited further away in the built-up areas of Cwmgiedd and Ystradgynlais and it is not considered that their setting would therefore be harmed by the principle of the proposal due to the distances from the application site and surrounding built development.

It is however acknowledged that this application is submitted in outline and when final details are submitted further consideration of built heritage assets should be appropriately considered. However, based on the information submitted to date it is appropriately considered that the proposal would not harm the setting of any nearby listed buildings and therefore fundamentally complies with TAN24 and the Local Development Plan.

Historic Landscape Areas

There are 11 historic landscape areas within the site or its immediate vicinity, with five areas having minor or negligible adverse impacts arising from the development. These impacts would be largely limited to the addition of the rail testing tracks, plus washery and associated development on top of the 'baseline' earthworks approval, which would introduce a much more visible presence as a new installation in the landscape, but not to an extent which would have an unacceptable adverse impact on the historic landscape.

Biodiversity, Ecology & The Environment

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

The Wellbeing of Future Generations Act includes a goal to maintain and enhance a biodiverse natural environment with healthy functioning ecosystems that support social, economic and ecological resilience and the capacity to adapt to change.

The principles of the Well-being of Future Generations Act are embedded within Planning Policy Wales and Future Wales which base their Policy position on the Environment (Wales) Act 2016, which was introduced to maintain and where possible enhance biodiversity and the resilience of ecosystems (Section 6 Duty).

Policy 9 of Future Wales (resilient ecological networks and green infrastructure) then states that "In all cases, action towards securing the maintenance and enhancement of

biodiversity (to provide a net benefit), the resilience of ecosystems and green infrastructure assets must be demonstrated as part of development proposals through innovative, nature-based approaches to site planning and the design of the built environment.

Technical Advice Note 5: Nature Conservation and Planning states that: Biodiversity, conservation and enhancement is an integral part of planning for sustainable development. The planning system has an important part to play in nature conservation.

Chapter 7: Biodiversity of the ES and its appendices include an extensive collection of habitat and species surveys, reports and figures which has considered the proposed development's impact on biodiversity. The Chapter also identifies measures to mitigate and provide compensation and enhancement measures in support of the proposed development.

Of consideration in the deliberation of impacts to Biodiversity is planning application 20/0738/FUL, which Members will recall was submitted for the site and granted planning approval in July 2020 for complementary earthworks. This previously approved application would be implemented prior to this current application (should consent be granted) and involves modifications to the habitats currently present at the site – as detailed in surveys undertaken in 2019. As the complementary earthwork's development has yet to commence the condition of habitats and associated ecology on the site prior to implementation of the current application can only be assumed.

The Ecology chapter of the ES has therefore taken a precautionary approach and has assumed that the ecological baseline with regards to the current application would be in line with the intended outcomes of application 20/0738/FUL referred to as the 'future baseline'. This approach is considered to be appropriate in light of the circumstances associated with the proposed development and associated planning approvals for the site, however it should be noted that this has made the assessment of the impacts of the current application and requirements for mitigation, compensation and enhancement complex.

- Statutory Designated Sites

The site of the proposed development is not subject to or immediately adjacent to any statutory designated sites.

Three National Site Network sites are present within 15km of the proposed development:

- Coedydd Nedd a Mellte Special Area of Conservation (SAC) approximately 2.9km south-east of the proposed development.
- Blaen Cynon SAC closest compartment located approximately 9.2km east of the proposed development.
- Cwm Cadlan SAC approximately 9.5km east of the proposed development

Given the presence of the identified SACs within 15km of the proposed development in accordance with the requirements of Regulations 63 of the Conservation of Habitats and Species Regulations 2017 the proposed development has been subjected to a Habitats Regulations Assessment. A draft Habitats Regulations Assessment has been provided in Appendix 7W of the ES, the information provided within this appendix has been reviewed and used to inform the HRA Screening of the application. The HRA Screening of the proposed development undertaken by the LPA concurs with the conclusions presented in Appendix 7W of the ES and has concluded that there would be No Likely Significant Effect to the National Site Network sites concerned either alone or in combination with other plans or projects. This screening assessment has considered the potential for a Likely Significant Negative Effect as a result of the proposed development in the absence of mitigation (in light of the 2018 CJEU ruling).

Individual Habitat Regulation Assessments (HRA) under Section 63 of the Conservation of Habitats and Species Regulations 2017 have been completed for Cwm Cadlan SAC, Blaen Cynon SAC and Coedydd Need -A- Mellte SAC.

The outcome for each individual HRA completed is that the screening concludes that the proposed development would not be likely to result in a direct or indirect likely Significant Negative Impact to either of the SACs and or their associated features either alone or in combination with other plans or projects.

12 Site of Special Scientific Interest (SSSI) are present within 5km of the proposed development, the closest of which:

- Gors Llwyn, Onllwyn is located approximately 40m east of the proposed development.

Of the 12 SSSIs identified within 5km of the proposed development 3 were identified as being hydrologically connected to the proposed development site –

- Nant Llech SSSI,
- Gors Llwyn,
- Onllwyn SSSI and
- Caeau Ton-y-Fildre SSSI.

The ES therefore identifies that there is potential for these statutory designated sites to be adversely affected by the proposed development through changes in water quality and water quantity during the construction phase of the proposed development. An Outline Construction Environmental Management Plan (CEMP) has been provided in Appendix 3A of the ES – the outline measures detailed with regards to protection of water quality and management of surface water during the construction phase are considered appropriate and in line with current recognised guidelines in order to avoid adverse impacts to the SSSIs and/or their associated features.

The production and submission of a detailed updated CEMP prior to the commencement of any development will be appropriately conditioned on any grant of

consent in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. The updated CEMP will need to build on the principles set out in Appendix 3A of the ES and include all items listed under sections 7.16.1 – 7.16.5 of the Ecology Chapter of the ES.

- Surface Water and Ground Water Quality

During the operational phase of the proposed development the ES identifies that there is potential for impacts to the SSSIs as a result of impacts to surface water and ground water quality, surface water and ground water quantity and changes in air quality.

With regards to adverse impacts as a result of impacts to surface water and ground water quality, surface water and ground water quantity the ES identifies that these potential adverse impacts would be mitigated through the adherence to best practice control measures and inclusion of best practice design mitigation including the use of Sustainable Drainage Systems within the development to manage and treat surface water at the site and maintain the existing hydrological regime.

Whilst limited detail is currently available with regards to the proposed SuDS, it is understood that further details regarding the drainage system design will be provided at the reserved matters stage and in addition technical details of the proposed SuDS will be subject to approval by the relevant SAB – subject to the final design of the proposed SuDS features meeting the requirements of the Standards set out in relation to SAB it is considered that these measures would be appropriate to prevent adverse impacts to the SSSIs which are identified as being hydrologically connected to the proposed development.

- Air Quality

With regards to impacts as a result of changes to air quality during the operational phase of the proposed development it is noted that dust emissions are proposed to be managed through standard pollution prevention measures. With regards to potential impacts as a result of emissions generated by the proposed development modelling provided within Chapter 14 of the ES has identified potential for an increase in nitrogen deposition above 1% of the lower critical load with regards to the Gors Llwyn, Onllwyn SSSI. Consideration has also been given to critical loads for relevant habitats at a number of SINC's and areas of Ancient Woodland.

The ES identifies that the air quality modelling has been based on conservative assumptions in relation to the type of trains and how they may be operated within the development, it is understood that the long-term intention is to replace diesel trains with zero emission trains if possible to do so. Correspondence has been received from NRW in relation to the potential for negative impacts to the Gors Llwyn, Onllwyn SSSI, in this they advise that in light of information and clarification provided as well as further

modelling based on a more realistic scenario i.e. the use of Class 802 train types for the test track which identifies that the predicted process contribution as a result of the proposed development would be 1.23% of the critical load they consider the emissions to the SSSI would be marginal and almost de-minimis.

NRW have confirmed they would not object to the proposed development subject to appropriate conditions being attached to the development to ensure that the development is built to only operate trains with NOx emissions within the parameters of the identified candidate train or below, it is considered that the suggested condition would be required in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

- Non-Statutory Designated Sites

The following non-statutory designated sites were identified as present (either wholly or partially) within the site of the proposed development:

- Gorsllwyn Meadows SINC
- Onllwyn Coal Washery SINC
- Dyffryn Cellwen SINC

In addition, Intervalley Road, Banwen SINC and adjacent to Gorsllwyn SINC were identified as being located immediately adjacent to the proposed development. A further three SINC's were identified as present within 1km of the proposed development located between 350m – 800m south of the site.

A number of areas of ancient woodland as identified on the Ancient Woodland Inventory are present within 1km of the proposed development site including several which are located within the site of the proposed development itself.

Potential for impacts to non-statutory designated sites are identified as habitat loss to the Onllwyn Coal Washery SINC – approximately 1ha of open mosaic grassland habitat and marshy grassland, habitat degradation due to changes in water quality/quantity and changes to air quality. As identified above potential impacts associated with surface/ground water quality/quantity changes are proposed to be addressed through standard pollution prevention control and mitigation measures during the construction phase and use of SuDS within the operational phase of the development, these measures are considered to be appropriate and achievable with regards to the proposed development and would prevent negative impacts to the non-statutory sites.

Whilst it is recognised that the modelling is based on a worst-case scenario and the intent to move to the use of low or zero emission trains at the facility within 5 years is recognised, at this time it is not possible to guarantee when or if changes to the trains used at the site will occur and therefore a precautionary approach would be appropriate

– as set out in Section 7.21.3 of the ES which identifies that it is proposed to carry out the following:

- *A review of the final design will be undertaken prior to submission of reserved matters, specifically relating to factors likely to affect air quality such as levels of diesel emissions, train speed/frequency of use and annual hours of operation in order to determine the requirement for updating the existing air quality assessment.*
 - *Where required, consultation will be undertaken with the relevant teams within NRW regarding impacts on the Gors Llwyn and Nant Llech SSSI, and SSSI assents obtained where these are deemed a requirement.*
 - *The LPA will be consulted regarding any revised impacts on SINC, which are considered likely to be affected by the Project, namely Onllwyn Coal Washery and Dyffryn Cellwen and Gorsllwyn Meadow.*
- Habitat Loss

The proposed development will result in the loss of areas of habitat in order to facilitate the construction of the tracks and working width of the railway track – approximately 66ha comprising a mixture of acid grassland and woodland, construction of the proposed road in the eastern extent of the Nant Helen Site and partly within the Washery Site – approximately 4ha comprising largely marshy grassland, acid grassland waterbodies and areas of mixed woodland, habitats within the Washery Site (NPT) – approximately 7ha comprising a mixture of habitats of negligible conservation value i.e. buildings, hardstanding, tarmac surfaces and spoil/bare ground as well habitats of higher biodiversity value i.e. neutral grassland, acid grassland, dry heath-acid grassland mosaic, scrub, ponds and ephemeral vegetation; and habitats rounds the sidings – approximately 4ha comprising a mixture of marshy grassland, ephemeral habitats and mixed woodland.

As identified previously the construction of the proposed development will result in the loss of approximately 1ha of the Onllwyn Coal Washery SINC – comprising a mixture of open mosaic grassland habitat and marshy grassland. A summary of habitat loss as a result of the proposed development is provided in the below table – further details of habitat loss from the proposed development are provided in Table 7.8 of the ES.

The ES identifies that in the absence of mitigation the collective loss of habitats as a result of the proposed development would be significant at a County Level, details of mitigation to address the impacts of habitat loss as a result of the proposed development have been provided on Fig 7.9 of the ES, these measures include new landscaping, new habitat creation including habitats associated with SuDS features and improvement of habitats in undeveloped areas of the site.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity through all of its functions which is further supported through the LDP Biodiversity and Geodiversity SPG (2018).

Developments are required to demonstrate that the proposals maintain and enhance biodiversity and that where impacts to features of high biodiversity are unavoidable it would be necessary to provide appropriate measures to mitigate and compensate for any loss.

The scheme aims to address the impacts of habitat loss through proposals which would result in an increase in the extent and diversity of habitats at the site as well as an intent to improve the condition of retained habitats within the development. (Please see below extracted table from the ES)

Habitat	Habitat loss (ha)	Habitat creation (ha)	Habitat retention and enhancement (ha)	Habitats retained and protected (ha) – not managed
Marshy grassland	17.80	16.91	10.05 (existing SINC)	34.74
Acid grassland	51.33	55.72	12.01 (existing SINC)	
Neutral grassland	1.76			
Dry heath / acid grassland	0.98			
Enclosed pasture	4.17			
Mixed woodland	0.76		1.98	
Broadleaved woodland	18.96	42.04		2.51
Conifer				2.60
Scrub	1.62			
Ephemeral vegetation	5.30			
Waterbodies / wetland features	1.86	50.90		
Total	104.54	165.57	24.04	39.85

In addition, the ES identifies that it is proposed to develop a scheme for the long-term management of these features through the identification and implementation of a long-term Ecological Management and Monitoring Plan (EMMP), the scheme would be for a minimum of 25 years and would be subject to review and extension where considered appropriate.

Taking into account the proposals for habitat creation and enhancement and proposals for long term monitoring and management through an EMMP it is considered that the measures proposed would be acceptable to maintain biodiversity at the site through the proposed development and demonstrate compliance with the requirements of Local and National planning policy.

In order to secure these proposals, it is recommended that a condition to secure the approval and implementation of a detailed EMMP will need to be secured through a suitably worded planning condition in order to ensure compliance with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to ecological qualities of the landscape and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016. The EMMP will set out the management and monitoring arrangements for all ecological features and mitigation measures of the development and will be implemented for a period of at least for 25 years. The EMMP will be required to be reviewed at the end of 25 years and ongoing management and monitoring measures post year 25 years will be agreed with the Ecological Management Committee.

- Wildlife Corridors

The ES concludes that the proposed development in the absence of mitigation would have potential to result in fragmentation/severance of habitats which could in turn have negative impacts to associated fauna, fragmentation/severance impacts would be caused as a result of both direct impacts to habitats i.e. construction of the proposed road in the eastern part of the Nant Helen site which is to be located through an area of connecting waterbodies which would result in their fragmentation, installation of infrastructure i.e. fencing, noise barriers and culverting of watercourses to provide required crossings around the site, as well as indirect fragmentation/severance impacts through, introduction of artificial lighting and vibration which could act as barrier to the movement of species. It has also been identified that it is proposed to install new culverts and realign a section of a tributary of the Afon Dulais where it occurs in the sidings.

Mitigation measures are identified within the ES with regards to the anticipated fragmentation/severance of habitats. The waterbodies affected by the proposed road in the eastern extent of the Nant Helen site will be re-sited further east to avoid impacts from the new road and as such the severance/fragmentation impact to these habitats in light of the proposed mitigation is considered to be minimal. The realignment and installation of new culverts on the Afon Dulais tributary will cause modification to the natural river system, the ES identifies that the realignment and installation of culverts will be designed to comply with current guidelines and enable the same volume and rate of flow as the existing tributary.

Measures to enable continued safe movement of species identified as utilising the site

have been outlined within the ES including the installation of wildlife crossings for bats, otters and badger, indicative locations for these features have been provided on Fig 7.9 and general principles for their design have been outlined in the ES, however it has been identified that the finalised locations and technical specifications will be confirmed at the reserved matters stage of the development.

The proposed measures are considered to be acceptable in principle to mitigate the impacts of habitat severance/fragmentation to these species.

A detailed scheme to maintain and enhance wildlife corridors supporting wildlife movement will be conditioned as part of any consent in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

- Invasive Non-Native Species

Japanese knotweed, montbretia, rhododendron and cotoneaster species have been recorded on site. Construction and operational activities associated with the proposed development have potential to result in the spread of invasive non-native species (INNS) which would in turn have potential to result in damage to habitats on site and in the wider environment.

The ES identifies that an INNS management plan is proposed to be identified to ensure appropriate management, and therefore it is recommended that the submission of a detailed INNS Management Plan is secured through the CEMP, an appropriately worded planning condition in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

- Species

Surveys undertaken at the to inform the scheme have identified the presence/potential presence of protected and notable species at the site namely:

- Fungi
- Invertebrates
- Amphibians
- Reptiles
- Breeding Birds
- Wintering Birds
- Badger
- Otter
- Roosting bats

- Commuting/foraging bats
- Notable Mammals

Fungi

The development will result in the loss/disturbance to small areas of valuable fungi habitats within the Washery area. The ES identifies that it is intended to re-use the substrate of this area to re-establish fungi assemblages at other locations within the Washery (such as the location of the sidings) plus habitats created in other areas of the development, e.g. embankments of the test track, have been identified for the establishment of acid grassland which the ES identified will be suitable for fungi establish on. The long-term management and monitoring of these features is important to deliver this outcome – in order to ensure secure appropriate long-term management and monitoring to it will be necessary to secure the submission of an EMMP as detailed previously in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016..

Invertebrates

No evidence of the presence of marsh fritillary butterflies was found on site during surveys, targeted surveys for this species found that the majority of habitats associated with species present on site were degraded and largely lacking the larval food plant (Devil's-bit scabious -*Succisa pratensis*) for this species, where this plant species was present searches for both adults and larvae found no evidence of their presence and the surveys concluded that there is not currently an established breeding population of marsh fritillary at the Site.

The development will result in the loss of habitats i.e. grassland, marshy grassland, woodland and waterbodies, supporting important invertebrate species including rare/notable/S7 species such as small blue butterfly, dingy skipper. In order to address the impacts of the proposed development to invertebrate species retained areas of suitable invertebrate habitats will be protected and enhanced through the proposed development e.g. Gorsllwyn Meadows SINC, in addition new areas of habitat suitable to support invertebrates have been incorporated into the development, e.g. species rich grassland. The ES identifies that the proposals with regards to habitat creation and enhancement aim to provide a more diverse and species rich mosaic of habitats across the site including increased presence of the food plant of marsh fritillary which will increase the ability of the site to support invertebrates which will in turn increase invertebrates at the site and potentially provide opportunities to support and extend the range of marsh fritillary metapopulations known to occur in the wider environment.

As discussed previously, impacts associated with potential for changes to water quality and quantity may impact wet habitats, which may have an impact upon aquatic invertebrates. Mitigation measures set out within the ES with regards to protection of

surface and ground water during the construction and operation phases are considered appropriate to address the risks to aquatic invertebrates.

The ES identifies that there is a low risk that invertebrates such as butterflies may be killed by collision with trains. Whilst direct mitigation is not easily provided for this impact, the enhancement and creation of habitats suitable for invertebrates will support and in time increase local populations; hopefully offsetting minor losses due to collision.

Reptiles and Amphibians

No evidence of great crested newts was found during surveys for any of the existing waterbodies at the site, therefore the proposed development has negligible potential to impact GCN. Amphibian surveys undertaken in 2019 confirmed the presence of common frog, common toad, smooth and palmate newts at the site. Reptile surveys undertaken in 2019 confirmed the presence of common lizard and slow worm at the site.

Small areas of reptile and amphibian habitat will be lost as a result of the proposed development. The ES identifies that the development proposes to mitigate the impacts of habitat loss for amphibians and reptiles through the creation and enhancement of habitats elsewhere on site, such as grasslands and creation of SUDs features. In addition to habitat loss, reptile and amphibian habitat will be temporarily fragmented by the construction of the track but connectivity and movement between habitats will be reinstated through underpasses and it may be the case that final fencing design will allow small animal passage.

Reptiles species identified as present at the Site are afforded protection under the Wildlife and Countryside Act 1981 (as amended) against killing and injury; The ES identifies that there is potential for reptile species known to be present on the site to be impacted during the construction phase of the proposed development particularly with regards to vegetation clearance required to facilitate the GCRE infrastructure. In order to address and mitigate the potential for negative impacts to occur during these works it has been identified that a trapping and relocation programme will be implemented to ensure such animals are moved from harm's way to a suitable receptor site.

A scheme for the conservation of reptiles will therefore be secured through a suitably worded planning condition in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Birds

Habitats that support bird populations, including S7 species such as skylark and linnet, will be lost to the development. However, as mentioned previously retained habitats will be enhanced and new areas of habitat are proposed to be created to compensate such

loss. In addition, the ES identifies that it is proposed to erect artificial nesting boxes for species such as house sparrow (on-site) and barn owl (at suitable locations off-site). Construction and operational lighting, noise and vibration may also disturb bird species, especially whilst nesting. This is of particular concern for rare or protected species such as crossbill and curlew. Species may be temporarily displaced from the site, which will have a negative effect on local populations for a short-term, however species are likely to habituate to disturbance associated with the proposed development over time.

Measures to minimise disturbance and injury from vegetation clearance will be implemented, with clearance avoiding the nesting season as far as reasonably practicable – where this is not possible additional measures have been identified as being required to ensure compliance with relevant legislation. Whilst collision with trains and other vehicles using the site is not considered likely for most bird species; potential for impacts to barn owls remains a concern.

Barn Owl are afforded legal protection under Schedule 1 of the Wildlife and Countryside Act 1981 as amended. To encourage barn owl away from the site, nest boxes have been proposed to be installed off-site at least 3km away from the active tracks. This will be on land controlled by the applicant or under agreement with another landowner.

In order to secure the proposed mitigation/compensation with regards to barn owls it is recommended that a Barn Owl Compensation Scheme that includes the provision of a minimum of 2 barn owl boxes, will be secured through an appropriately worded planning condition in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Mammals

A number of legally protected mammal species have been recorded on site or close to the site; including badger, otter and various species of bat; along with other notable and S7 species such as polecat, hedgehog and brown hare.

Whilst badger setts have been recorded on site these are considered to be only outliers and are located outside of the development footprint and as such no active setts will be lost to the development.

No evidence of otter using the site was found and no breeding or resting sites for otter would be impacted by the proposed development, however they are known to be active on the Afon Dulais and therefore should be assumed to have potential forage or commute through the site.

The ES identifies that precautionary pre-commencement checks for protected mammals will be undertaken before construction and if necessary, appropriate licences will be obtained. The loss of any habitat will be mitigated through the enhancement to retained

habitat and the creation of new. Fencing during construction and operation may form a barrier to movement this is considered to be temporary as badgers are likely to dig under any fencing erected and otter will still be able to travel along the Afon Dulais, underpasses will also to be provided.

Construction and operational lighting, noise and vibration have been identified as having potential to disturb mammal species known to occur at the site or within the local environment. Species may be temporarily disturbed and displaced from the site, which will have a negative effect on local populations for a short-time, however species are likely to habituate the disturbance over time. The ES identifies that negative impacts associated with artificial light spill are intended to be minimised through sensitive lighting design so disturbance to nocturnal mammals will be reduced.

The ES identifies that avoidance/mitigation measures associated with the construction phase of the proposed development as outlined in Sections 7.16.5 and 7.21.3 of the ES and considered above will be incorporated into a CEMP and Ecological Protection Plan (EPP) - including measures for habitats and protected sites, protected and notable species and control of invasive non-native species.

It is therefore recommended that a condition is included to secure the submission and implementation of a detailed Ecological Protection Plan in order to ensure compliance with Powys County Council's LDP Policy DM2 in relation to The Natural Environment, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Conclusion

In conclusion subject to the proposed mitigation, compensation and enhancement measures outlined in the ES being implemented and inclusion of appropriate conditions as detailed above it is considered that the proposed development would not result in the loss of or significant negative impacts to biodiversity therefore the proposed development would comply with the requirements of Local and National Planning Policies with regards to Ecology and Biodiversity as well as relevant environmental legislation, it should be noted that in the long-term the development has potential to result in increased benefits for biodiversity through the long term management and enhancement of habitats created and retained within the proposed development which in turn have potential to enhance the resilience of habitats and species present at the site and in the wider environment.

Amenity Impacts on Residential Property

Planning Policy Wales in promoting healthier places in line with the well-being goals recognises the importance of protecting against air and noise pollution and providing mitigation throughout any development where it would be impacted on.

Policy DM13 of LDP re-emphasises this by confirming that the amenities enjoyed by the occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

- Noise (Construction)

Technical Advice Note 11 confirms that “*Local planning authorities must ensure that noise generating development does not cause an unacceptable degree of disturbance. They should also bear in mind that if subsequent intensification or change of use results in greater intrusion, consideration should be given to the use of appropriate conditions.*”

The proposed development’s impact in respect of noise has been assessed within Chapter 10: Noise and Vibration of the Environmental Statement.

Members are reminded that the construction noise in relation to the Nant Helen Earthworks application (20/0738/FUL) was considered and conditioned as part of that application.

A baseline noise survey has been carried out to establish existing noise levels at identified receptor locations, followed by an assessment of construction noise impacts adopting a reasonable worst-case scenario.

The predictions as identified within the ES do not identify significant widespread impacts from construction at the identified receptors. The PCC Environmental Protection Officer has therefore agreed to the survey work completed to date but acknowledges that for receptor 7 (R7) which is predicted to have some short-term impact during the demolition of The Washery which falls under the NPT application.

However, these predictions do not take into account any mitigation measures that may be provided to reduce the impact, such as those referred to in the Outline Construction Environmental Management Plan (CEMP) which has been submitted as a mechanism for minimising construction noise and vibration (Appendix 3A). And in that respect the Officer is in agreement that the majority of impacts of construction can be managed through a detailed CEMP which should be conditioned. They have also confirmed that they have reviewed the draft CEMP and are happy with the approach therein.

The Officer has also noted that an essential element to the control of impacts from the construction and demolition phase will be the ongoing monitoring of noise emanating from the site. Accordingly, they recommend the inclusion of a condition requiring continued monitoring of noise from both the construction and operation of the site which will encourage a proactive approach to any noise issues reducing the impact on neighbouring communities.

- Noise (Operation)

For the purposes of assessing noise from the facility during its operation, three features of the scheme have been assessed:

- The rolling stock test track
- The high tonnage infrastructure test track
- The sidings and facilities in and around the old washery site (the washery)

It is proposed that a final level of mitigation will be provided by the use of an acoustic barrier around areas of the site predicted to result in noise breakout. Provisional design has been provided and Table 10.5 of the ES shows predicted noise levels with and without the protection of an acoustic barrier, however, full design specifications of this barrier are not currently available due to the outline nature of the application.

As such it is recommend that a condition is included requiring the specification of acoustic barriers prior to their installation.

A number of conditions were also recommended for operation hours of The Washery area (NPT).

- Monitoring

Given the level of uncertainty with the application site and noise surveys being completed on a prediction basis only it is recommended that within the first 13 months of operation of the site an emissions assessment is completed. Should it be identified that the predicted levels as identified in Table 10.5 of the ES are not being achieved then a further scheme for mitigation should accompany any such assessment completed.

This condition will therefore ensure the monitoring of noise on the identified receptors following the first operation of the site.

A further scheme will also then be secured by condition prior to the commencement of the use requiring details for the ongoing monitoring of the site throughout its operation including a Community Liaison Scheme and Stakeholder meetings which provide a mechanism for any complaints arising from the operation of the site.

Vibration

The ES identifies that vibration decays away much more rapidly through the ground with increasing distance than does noise through the air, and that vibration impacts are therefore only likely within tens of metres of construction or operational activities.

The closest dwelling to the facility is over 100 metres away, and therefore no likely significant vibration effects are predicted due to either construction or operation of the facility.

The EHO agrees with such assessment and thus raises no objection or requires any conditions addressing vibration.

Public Representations

Public representations and correspondence from Local Members raise concern over the potential noise impact from the proposed development and the impact it may have on the amenities of nearby residential properties.

It is identified and acknowledged that without appropriate mitigation for 5 of the 14 residential receptors identified there would have been an exceedances of noise levels. However, with the proposed mitigations proposed as part of the development in the form of acoustic fencing/bunds, this reduces predicted noise from the development site to ensure that there would no exceedances on any of the residential receptors identified.

Given the uncertainty surrounding the noise levels for this development appropriate measures have therefore been put in place to ensure future monitoring of the site, along with a community liaison scheme so that any concerns can be raised directly and discussed during stakeholder meetings (A full consideration of conditions will be clarified further below).

Based on the predicted levels proposed the Environmental Health Officer does not therefore consider that the proposed development would result in an unacceptable impact to the amenities of neighbouring residential properties.

Noise Conclusion

The above section has reviewed in detail the potential impacts on residential amenity arising from the proposed GCRE during construction/demolition and operation of the facility. The detailed submissions have also been carefully considered by the Council's Environmental health Officer, who has raised no objections to the development subject to the imposition of conditions covering matters including: -

- Construction Environmental Management Plan (CEMP)
- Hours of Construction and Demolition (The Washery)
- Operational Noise Management Plan
- Prohibition of Noisy Activities during Evenings and Night-time
- Acoustic barrier
- Sound Reduction Quality of the Buildings
- Fixed Plant
- Monitoring for Compliance with Predicted Noise Levels
- Ongoing noise monitoring
- Noise limits during operation
- Acting Upon Receipt of Complaints

- Stakeholder Meetings

Accordingly, it is concluded that the proposal would not lead to unacceptable levels of noise which cannot be controlled through embedded noise mitigation and / or by condition, such that the development would accord with the aims and objectives within PPW11, TAN11 and Future Wales, and with Policies DM13 of the Local Development Plan.

- Air Quality (Dust)

Chapter 14 of the Environmental Statement entitled Air Quality, considers the likely significant effects of the proposed development on air quality in terms of dust created through the construction/ operation of the site and also through the testing of locomotives and rail infrastructure.

The Environmental Health Officer has confirmed that they are in agreement with reference to relevant technical guidance (LAQM TG16) that the development is unlikely to have a significant effect on air quality and there is nothing to suggest that exceedances of air quality objectives would be likely as a result of the proposed development.

It is confirmed that the previously recommended CEMP condition (Construction Environmental Management Plan) will secure the control of nuisances during construction which includes details for the control of dust and odour on site.

The Councils Environmental Health officer therefore confirms that they do not have any objection to the development on the grounds of Air Quality.

Public Access and Common Land

In Planning Policy Wales, PRow and other publicly accessible recreational areas that are natural or semi natural in character, such as Common Land, are treated as forms of green infrastructure, collectively with other features of a similar nature including wildlife corridors.

PPW also specifically identifies Common land as a finite resource that should not be developed unnecessarily. Access to it should not be prevented or impeded unnecessarily to ensure its proper management (para 6.3.17). It should be noted that, in addition to planning permission, certain works which prevent or impede access to or over common land or involve new resurfacing require consent from Welsh Ministers.

National Planning policy requires that green infrastructure is treated as being important in facilitating opportunities for people to improve their health and wellbeing. It also considers that planning system should protect and enhance green infrastructure assets and networks on this basis.

The PRoW and common land are predominantly located within Powys but extend into Neath Port Talbot, albeit beyond the limits of the site. Notwithstanding that, the contiguity of features and uninterrupted cross boundary usage by the public will be important to preserve.

Powys Local Development Plan Policy DM13 stipulates that the PRoW network should be enhanced and integrated into development proposals or appropriate mitigation measures should be put in place where necessary.

Many of the PRoW were suspended or diverted to facilitate the operation of Nant Helen Surface Mine. The Environmental Statement includes the suspension order and mapping which was applied for by Celtic Energy under Section 15 of the Opencast Coal Act 1958 to suspend some routes and to provide alternative routes. These have been in place since 1997. Access to the Common Land has also been suspended by legal agreements in place between the Commoners and the applicant.

Both PRoW and common land suspension conditions are expected to persist during construction of the proposed development and potential for further adverse effects are therefore limited during this time. Post completion, the baseline used for assessment is that created by the restored state of Nant Helen Surface Mine, reinstating both access to common land, and PRoW in accordance with the definitive map.

It was considered that alongside the proposed earthworks, in the applicant's view it would complement the restoration scheme, allowing for the reinstatement of PRoW and common land access.

Some of the PRoW will not be reinstated along their historical alignment and modest diversions will be required to facilitate the development. It is not considered that these diversions will undermine the holistic function of the PRoW network or impinge on public rights of access, whether within or across the site, or where PRoW may form contiguous links beyond. A statutory process for the diversion of the definitive routes will however have to be followed.

It is likely that the construction of the Global Centre of Rail Excellence will require the de-registration of part of the common land with an alternative area of land being required in exchange. A separate legal process is currently undergoing and reviewing that application.

The landscape and visual effects from the development have been fully considered above. Whilst it is noted that there will be a visual change on some of the recognised receptors and users of PRoW this will need to be carefully balanced in terms of the wider benefit of the proposed development. Notwithstanding statutory processes required, it is not considered there is any conflict with Policy DM13(9) and SP7 of the Local Development Plan.

Highways and Transportation

Policy T1 and DM13 of the Powys Local Development Plan 2018 state that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts. This is supported by Technical Advice Note 18 which states the location of major travel generating uses including employment, can significantly influence the number and length of journeys, journey mode and the potential for multi-purpose trips.

For consideration are potential impacts on the County Class I Highway, A4221 and the A465 trunk road.

The application is supported by the submission of both a Transport Assessment (TA) and an Environmental Statement (ES), which examines the likely transport impacts arising from the development.

The site currently accommodates the Onllwyn Distribution Centre, a preparation and washery facility for the open cast mining processes undertaken on the site. The current site is served by the Class I, A4221 county highway, which provides excellent links to the wider highway network, via the A4067 and A40119 county highways. The current site utilises three points of access from the highway network, only one of which, the Nant Helen access, is served direct from the Powys network. Whilst there is a secondary link to the site via Onllwyn Road, access from the A4221 cross-roads, is restricted by an existing 7.5 Ton weight limit in force at that location.

Access to the site from Onllwyn Road is therefore primarily provided from the A4109, which is within the N&PT boundary.

Automated traffic surveys and junction assessments have been undertaken at various locations across the surrounding network to establish the existing baseline traffic conditions; these are all detailed within the TA. The summary clearly demonstrates that the current levels of traffic utilising the surrounding network are relatively modest, given the nature of the network.

Robust traffic generation forecasts, covering both the construction and operational phases of the scheme have been produced, and these have been used to undertake an analysis of the network and all the associated highway junctions.

It should also be noted that, following a request from PCC, trip generation comparisons have been undertaken to assess the level of development traffic (both construction and operational) against the levels of existing traffic generated under the sites current use.

It is of note that the current site generates significant levels of HGV traffic and it should be noted that these, will be removed from the network when the current operations on the site cease.

The analysis demonstrates that the development will likely result in a slight reduction in the current levels of traffic, under both the construction and operational scenarios.

The Powys Highway Authority have confirmed that it is therefore clear that there will be no detrimental impacts on the existing PCC highway network, arising from the proposed development.

The Welsh Government as highway authority for the A465 trunk road has confirmed that they do not issue a direction in respect of this application.

- Active Travel

PPW and Future Wales emphasise that the planning system has a clear role in implementing the Active Travel legislation, by ensuring that new development is located in places which support active travel and minimise car use. Indeed Future Wales Policy 12 (Regional Connectivity) states that “Active travel must be an essential and integral component of all new developments, large and small. Planning authorities must integrate site allocations, new development and infrastructure with active travel networks and, where appropriate, ensure new development contributes towards their expansion and improvement”.

In this respect development proposals must seek to maximise walking and cycling accessibility by prioritising the provision of appropriate on-site infrastructure and where necessary off-site infrastructure. Walking and cycling infrastructure and services should be prioritised and put in place from the outset, before travel patterns have been established.

Concerns have been raised locally of the impacts the proposed development may have upon the National Cycle Network route which is adjoining the application site.

A condition will ensure an Active Travel Plan is submitted for consideration which shall include improvements to (but not limited to) bus facilities and to the National Cycle Network 43.

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

Welsh Language

The Well-being of Future Generations Act 2015 includes as one of its 7 well-being goals ‘*A Wales of vibrant culture and thriving Welsh language*’, with Future Wales: The National Plan 2040 setting out an ambition to create ‘a Wales where people live in places with a thriving Welsh language’.

PPW11 emphasises that the Welsh language is ‘part of the social and cultural fabric’ of

Wales and that 'the land use planning system should take account of the conditions which are essential to the Welsh language and contribute to its use and the Welsh language goal' (of a million speakers by 2050). The National Placemaking Outcomes in particular emphasise the need for development which '*enables the Welsh language to thrive,*' as well as cultural considerations including '*how far the proposal supports the conditions that allow for the use of the Welsh language*'

TAN 20 focuses on 'Planning and the Welsh Language' and notes at paragraph 3.1.2 that 'in determining individual planning applications ... considerations relating to the use of the Welsh language may be taken into account so far as they are material.' It also states that 'When a LPA receives a proposal for a large development on a windfall site in an area it has defined as linguistically sensitive or significant, an assessment of the likely impact of the development on the Welsh language may be undertaken.

Policy DM12 of the Powys Local Development Plan relates to development in Welsh speaking strongholds. These are identified within the Plan, and three identified strongholds: Ystradgynlais, Abercrave and Coelbren are located within proximity of the proposed development site for GCRE. The policy states that any proposals for residential development (of 10 or more dwellings) within these locations will be subject to a Welsh Language Impact Assessment.

The proposed GCRE development would create new employment opportunities during construction and operation in proximity to Welsh speaking strongholds. Both of these impacts would be likely to contribute to the retention of Welsh speaking people in this area, particularly among the younger population, helping to mitigate issues related to outward migration thereby safeguarding the continued use and prevalence of the Welsh language.

There is considered to be no doubt that the project has potentially far-reaching economic and social benefits, and that these would extend to cultural benefits in respect of the Welsh language.

The submissions emphasise that the applicant will work with the local authorities and other partner organisations to consider suitable further mitigation and support measures at detailed design stage, having regard to approved guidance. This will include the need (in accordance with statutory requirements) for all signage and promotion in relation to the site to be bilingual, with additional mitigation measures including: -

- Welsh language awareness courses for all employees,
- Courses to ensure frontline staff can deliver a Welsh Language Service
- suitable support structures in place for the provision of bilingual signage and announcements

All of the above would need to be developed in conjunction with local groups, which may also be able to identify opportunities for off-site gain relating to Welsh language/

heritage/ cultural assets or projects.

The application submissions also indicate that the GCRE would include measures to improve the interpretation and understanding of cultural heritage assets surrounding the site. As noted by the Future Generations Commissioner for Wales, cultural heritage in Wales is very much connected to the Welsh language. This would benefit both populations working and living in the local area, as well as visitors to the area, enhancing the tourism offer.

Given that all such measures would need to be developed, it is considered that these can be achieved through a two-stage condition which would require a Welsh language assessment / strategy to be submitted with first reserved matters (outlining all measures and engagement pre-operation to assess the impacts on Welsh language and identification of opportunities), and a detailed Welsh Language Action Plan approved prior to first operation.

Overall it is considered that, particularly with additional support measures in place, GCRE would have a positive impact on the Welsh language, and for the reasons outlined above would serve to contribute to the Well-being Goal of creating a 'Wales of vibrant culture and thriving Welsh language' and comply with the need to promote the Welsh language in accordance with Policy DM12.

Drainage

Policy DM6 (Flood Prevention Measures and Land Drainage) states that development proposals must avoid unnecessary flood risk by assessing the implications of development within areas susceptible to all types of flooding. It is noted that satisfactory provision shall be made for land drainage in all developments, and this should include consideration of the use of Sustainable Drainage Systems (SuDS).

The use of SuDS to manage surface water flows can be an important tool in minimising flood risk by increasing permeable surfaces in an area which allows water to seep into the ground rather than running off into the drainage system. Consideration in all development should therefore be given to the Welsh Government document "Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems" (January 2016).

A Drainage Strategy has been submitted as part of this application, contained within Appendix 11B of the Environmental Statement and it is confirmed that Sustainable Drainage (SAB) approval would be required for the whole development prior to any work commencing.

An update received from PCC Land Drainage Team of the 16th July confirms that the SUDs application is currently being reviewed by both Powys and NPT SAB teams.

Dwr Cymru Welsh Water has no objection to the proposed development and have requested that should Members be minded to approve the application they request that appropriate conditions and advisory notes are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy and an informative will be attached informing of the required of SAB approval prior to any works commencing on site.

Contaminated Land/ Ground Stability

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

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

Whilst PPW11 states that where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction.

The site is identified and acknowledged as being a coal mine, and contains a washery and other infrastructure which are potential contaminative land uses. The application site is also located within an area defined as being within a *Development High Risk Area* due the coal mining features and hazards.

The Coal Authority have confirmed that records indicate that within the site, or within 20m of the site boundary, there are 99 mine entries. The site is also in an area of recorded and likely unrecorded coal workings at shallow depth and is within the boundary of a site from coal has been removed by surface mining methods.

Section 6 (and its appendices) of the ES includes a Geotechnical and Geo-environmental desk study. Whilst the efforts of the reports have been supported by the Contaminated Land Officer he notes that there is the omission of mine gas risk assessment which includes consideration of the impact from gas both on or off site from the development.

The Contaminated Land Officer therefore confirms that subject to appropriately worded conditions he would offer no objection to the proposed development.

- *Coal Authority*

Section 6 of the ES also acknowledges that there is significant coal mining legacy on the site, mine entries and potential shallow coal workings, and recommends that appropriate intrusive site investigations are carried out in order to establish the exact situation in respect of coal mining legacy issues.

The Coal Authority note that the intrusive site investigations should be designed and undertaken by competent persons and should be appropriate to assess the ground conditions on the site in order to establish the coal-mining legacy present and the risks it may pose to the development and inform any remedial works and/or mitigation measures that may be necessary.

The applicant should note that Permission is required from the Coal Authority Permit and Licensing Team before undertaking any activity, such as ground investigation and ground works, which may disturb coal property.

The Coal Authority has therefore confirmed that they no objection to the proposed development subject to the imposition of a condition or conditions to secure the above.

Mineral Safeguarding

The application site is located within a Mineral Safeguarding zone for Sandstone (Category 2) and within a Coal Resource Safeguarding Area.

Policy DM8 and SP7 of the LDP states that non-mineral development proposals within mineral safeguarding areas will only be permitted where it can be justified in line with policy DM8.

It is noted that the proposal will involve works for the creation of a railway track which will have minimal impact to the future resources which could restored to a condition that would allow for any future extraction.

Additionally, the national importance of the scheme is noted as previously considered and therefore it is considered in this instance that there is an over-riding need in the public interest for the development proposed.

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

Placemaking and Wellbeing Goals

Planning Policy Wales (2021) plays a significant contribution to the improvement of well-

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

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

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

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

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

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

Climate Change

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

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

Climate Change has been considered in Chapter 15 of the ES. The climate change topic consists of two parts:

- effects on climate – this considers the impacts of greenhouse gas (GHG) emissions from the scheme; and
- vulnerability of the scheme to climate change – the Climate Change Resilience (CCR) assessment considers the resilience of the project in the context of projected future changes in climate variables.

In respect of the wider climate change issues associated with the rail project, the UK Government announced in 2019 its commitment to become carbon neutral by 2050. More recently, in March 2020, the DfT published 'Decarbonising Transport', which explains Government's strategy in developing a Transport Decarbonisation Plan (TDP) which will be published in Spring 2021.

Future Wales seeks to respond to the climate emergency and has at its heart the need for the planning system to drive sustainable growth, and achieve decarbonisation and climate resilience.

Set against a backdrop of progress in reducing greenhouse gas (GHG) emissions, with a reduction of 30% in the decade to 2018, it is clear that there remains much to do if the UK is to achieve its aim of reaching a net-zero economy by 2050. In 2018 transport was the third largest source of greenhouse gas emissions in Wales.

Within this context, as one of the most carbon-efficient modes of transport, particularly for medium and long distances, the rail industry has a key role to play in the decarbonisation of the transport industry as a whole. Key areas include the need for further electrification programmes, the importance of adopting new technologies and the need for investment in both rail infrastructure and rolling stock, all of which the proposed GCRE has a role in. Notably, the GCRE could help to achieve decarbonisation in a short timescale by providing a testbed for new, low-carbon technologies, sustainable energy capture and storage and other innovations.

Accordingly, it is concluded that the proposed development is therefore in accordance with national policy and strategic initiatives as well the aims within the Wellbeing of Future Generations Act.

Planning Balance

PPW11 refers to the need to assess the Sustainable Benefits of Development and (at 2.27) emphasises that Planning authorities should ensure that social, economic, environmental and cultural benefits are considered in the decision-making process and assessed in accordance with the five ways of working to ensure a balanced assessment is carried out to implement the Well-being of Future Generations Act and the Sustainable Development Principle.

Technical Advice Note 23 (weighing economic benefit) also considers that it should not

be assumed that economic objectives are necessarily in conflict with social and environmental objectives. Planning should positively and imaginatively seek such 'win-win' outcomes, where development contributes to all dimensions of sustainability.

It is a central objective of the planning system to steer development to appropriate locations, unless the harm is outweighed by the additional benefit of development at the original site in question.

It is recognised that quantifying the economic impacts is not always straight forward. To assess these benefits and weigh them against any social or environmental damage that development may cause, local planning authorities should use a qualitative, criteria-based approach as set out below.

Where a planning authority is considering a planning application that could cause harm to the environment or social cohesion, it should ask three questions in order to help clarify and balance the economic, social and environmental issues. These questions should be used to assist the normal planning decision making processes. In all cases robust evidence should be provided to support these tests:

1. **Alternatives:** if the land is not made available (i.e. the application is refused), is it likely that the demand could be met on a site where development would cause less harm, and if so where?

The application has not provided any other sites which have been identified within Wales for the proposed GCRE development. It is noted that the application is being supported by the Welsh Government to provide the UK its first high-quality facility. Such facilities of which are currently utilised in Europe or the USA.

The coaling operations at the site of Nant Helen Surface Mine, Onllwyn are coming to an end and final restoration by Celtic Energy was consented in June 2020 under a section 73 application 19/1899/REM.

The project site has been extensively worked as an open cast coal mine and therefore currently consists of restored land, overburden mounds, coal stocking areas, barrel wash and plant maintenance areas, site office facilities and a void which is currently being mined. Much of the site has been revegetated. The areas currently known as The Washery will therefore be re-development to form part of the buildings associated with the development.

An existing rail connection is located to the south and the southern area of the site is crossed by high voltage overhead lines and pylons running roughly parallel to each other, the northern line carries Western Power Distribution's (WPD) 132kV cables, the southern line carries National Grid's (NG) 400kV cables.

It is therefore considered that the site has been selected to ensure minimal disruption and re-use/connection to existing facilities which already serve the

application site.

2. **Jobs Accommodated:** how many direct jobs will be based at the site?

For the construction phase an estimate suggests that depending on the phase of the development that between 53-163 net direct jobs could be created during construction (only 10-20% of which would require a 'specialist workforce')

During the operation it is considered that between 141 (during phase 1) and 298 (phase 3) direct and indirect net jobs could be created at GCRE.

3. **Special Merit:** would the development make any special contribution to policy objectives?

The ES addressed that the UK does not possess anything approaching such a high-quality facility as that planned at GCRE. Both public and private sector organisations frequently use test facilities in Europe and the USA, supporting jobs and building competing expertise in other countries. Moreover, these other facilities are often owned and operated by a single commercial entity, which stifles access to testing and innovation. With projects such as HS2, CrossRail2, Northern Powerhouse Rail and the Cardiff Valleys transformation approaching, together with the soon to be time-expired status of the majority of the UK's signalling infrastructure (in itself an estimated £35 bn renewals programme from 2025), the need for safe and efficient testing to drive performance and cost-efficiency has never been greater. Operational independence and full open-market access is critical to allow competition and innovation to flourish.

It has been considered that the GCRE will address a number of specific issues which have been identified as follows:

- Supporting UK train manufacturers and encouraging the establishment of further UK manufacturing facilities and testing capacity.
- Supporting the development of a UK digital railway industry by providing high quality and safe testing facilities for digital signalling, train control and asset management technologies.
- Delivering high-tonnage endurance testing of railway infrastructure particularly track and structures; such a facility will enable infrastructure to be rapidly tested and verified and would be unique in Europe, potentially attracting customers from around the world – Network Rail has a strong and confirmed interest in this element.
- Removing risk from the introduction of new trains and other assets by allowing them to be thoroughly tested prior to deployment. This would avoid the need for new trains being tested on the national network or

rushed into service before all performance risks had been dealt with (note issues with new inter-city trains; certain electrification assets; and projects such as Crossrail). With infrastructure and rolling stock testing in a single location, more robust systems integration testing can be conducted.

- Tackling ever-rising costs across the rail sector by allowing new technologies to be effectively tested and commissioned rather than committing them to operations before they are fully developed.
- Generating high quality employment and economic opportunities for communities in South West Wales. Providing further opportunities for sustainable technologies associated with the rail sector (electric, battery, links to sustainable generation).

It is therefore clear from the assessment above that the proposal has 'special merit' in providing a unique testing facility which is currently not provided elsewhere within the UK.

PPW advises that the planning system should particularly support the low-carbon economy, innovative business / technology clusters and social enterprises which are defined as businesses that are particularly important in providing opportunities for social groups disadvantaged in the labour market.

With the imminent closure of Nant-Helen Surface Mine it is considered that the application would also have socio-economic benefits for the local area in the creation of jobs and use of local services in connection with the development.

RECOMMENDATION

Conclusion

The decision to recommend planning permission has been taken in accordance with Section 38 of The Planning and Compulsory Purchase Act 2004, which requires that, in determining a planning application the determination must be in accordance with the Development Plan unless material considerations indicate otherwise.

Having particular regard to the advice in PPW and TAN23, along with the recent guidance on post Covid-19 recovery in Wales: *Building Better Places: The Planning System Delivering Resilient and Brighter Futures*, and having considered the likely significant effects of the development on the environment – which can largely be mitigated by conditions – it is concluded that in the overall planning balance the proposed GCRE would create an innovative facility, which would create significant social, economic, cultural and environmental benefits which would outweigh the temporary identified impacts caused by the development.

It is therefore considered that the decision complies with Future Wales - the National Plan 2040, the Well-being of Future Generations (Wales) Act 2015 and relevant policies contained with Powys County Councils Local Development (2018).

The recommendation is therefore one of conditional consent and for the determination of the application to be delegated to the Lead Professional and Chair of the Committee to allow for the expiration of the press notice (30th July 2021).

I can confirm that the Environmental Information has been fully considered when coming to this recommendation.

Conditions

- 1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
- 2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
- 3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
- 4 The development hereby permitted shall be carried out in substantial accordance with the principles and mitigation measures as set out within the Environmental Statement and Addendum unless provided for in any other conditions attached in this permission.
- 5 The development hereby permitted shall be carried out in accordance with the following documents and plans or as otherwise modified by other conditions, schemes or approvals by the Local Planning Authority:
 - o ES - Volume I - Main Text - Combined
 - o ES Volume II Front Cover and Table of Contents
 - o ES Volume III Front Cover and Table of Contents
 - o Drawing 001 Site Location Plan
 - o Drawing 002 Parameter Plan
 - o Drawing 004 Proposed Demolition Plan
- 6 Before beginning any development at the site, you must do the following: -
 - a) Notify the Local Planning Authority in writing that you intend to commence development by submitting a Formal Notice under Article 24B of the Town and

Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) in the form set out in Schedule 5A (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect); and

- b) Display a Site Notice (as required by Section 71ZB of the 1990 Act) in the form set out in Schedule 5B (a newly inserted Schedule) of the DMPWO (or in a form substantially to the like effect), such Notice to be firmly affixed and displayed in a prominent place, be legible and easily visible, and be printed on durable material. Such Notice must thereafter be displayed at all times when development is being carried out.
- 7 Prior to the submission of any application for the approval of reserved matters, the applicant / developer shall have submitted to and had approved in writing by the Local Planning Authority a plan sub-dividing the overall site area into phased development areas to substantially accord with the illustrative masterplan and parameters submitted to and approved as part of this application, together with details of the supporting information which is to be submitted for each phase under the relevant conditions of this consent
- 8 As part of the submission of the first reserved matters application for each phase of development as agreed under Condition 7 which proposes new buildings, a schedule of external materials (including samples where requested) shall be submitted to and approved in writing by the Local Planning Authority. The development of that phase shall be carried out in accordance with the details as approved.
- 9 Prior to the commencement of work on each phase of development as agreed under Condition 7, and notwithstanding the submitted details which refer to palisade fencing, full details of all boundary enclosures / treatments within the site and on the site boundaries including their siting, design and materials, together with an assessment of ecological impacts (including upon wildlife movement and collisions and details of how wildlife corridors and movement will be accommodated) shall have been submitted to and approved in writing by the Local Planning Authority. The boundary treatments within each phase shall be carried out in accordance with the details as approved before the use of the associated land within that phase is commenced or buildings occupied and thereafter retained as approved.
- 10 No development shall take place (including demolition, ground works, and vegetation clearance) until such time as the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written scheme of investigation, which has been submitted by the applicant and approved in writing by the Local Planning Authority. The archaeological programme of work will be undertaken and completed in accordance with the relevant Standards and Guidance laid down by the Chartered Institute for Archaeologists. A copy of the resulting report

should be submitted to the Local Planning Authority. After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Clwyd-Powys Archaeological Trust, The Offices, Coed y Dinas, Welshpool, SY21 8RP for inclusion in the regional Historic Environment Record and the National Monuments Record, RCAHMW. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

- 11 Notwithstanding the draft Construction Environmental Management Plan (CEMP), no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until an updated phase-specific Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall be made with reference to the requirements of British Standard BS5228-1:2009 - "Code of practice for noise and vibration control on construction and open sites". The CEMP should include as a minimum the following information: -
- o Risk assessment of potentially damaging construction activities.
 - o Construction methods: details of construction materials or techniques to be used;
 - o General Site Management: details of the construction programme including timetable; details of site clearance; details of complaint investigation procedures.
 - o Resources Management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater, and energy use.
 - o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
 - o Pollution Prevention Plan: demonstrating how relevant Guidelines for pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
 - o Invasive Non-Native Species Management Plan.
 - o Details of task and security lighting to avoid disturbance of habitats of importance to crepuscular or nocturnal species.
 - o Responsible persons and lines of communication and emergency contact details.
 - o Use of protective fences, exclusion barriers and warning signs.
 - o Control of Nuisances: Identification of the significant construction and demolition noise & vibration sources; details of physical and operational management controls necessary to mitigate noise & vibration emissions; details of dust & odour control measures and measures to control light spill.
 - o Hours of working on site, including specified hours for deliveries; details of restrictions to be applied during construction and demolition works (including timing, duration and frequency of works) to prevent noise or nuisance amenity issues to surrounding properties.
 - o Responsible Persons: details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details

- o All items listed under para. 7.16.1 - 7.16.5 of the ES

The approved CEMP shall be adhered to and implemented throughout the site preparation and construction period strictly in accordance with the approved details.

12 No development shall commence until a Construction Method Statement/ Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The statement shall provide for:

- (i) Details of the traffic management to be provided to protect the highway network and NCN 43, including details of the approved route for construction traffic (which should seek to avoid heavy vehicles using the route through Seven Sisters);
- (ii) Details of wayfinding and pedestrian/cycle (active travel) routes to serve the site during the construction phase.
- (iii) Details on vehicle and cycle parking for site operatives and visitors.
- (iv) Detail on loading and unloading areas for plant and materials.
- (v) Detail on storage of plant and materials during the construction phase.
- (vi) Details covering the erection and maintenance of security hoarding.
- (vii) Wheel washing facilities

The approved Statement shall be adhered to throughout the construction period.

13 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until an Ecological Protection Plan (EPP) has been submitted to and approved in writing by the local planning authority. The EPP shall include but is not limited to the measures set out in 7.16.5 and 7.21.3 of the ES.

- o Risk assessment of potentially damaging construction activities.
- o Details of Pre-commencement Surveys, including methodologies and timing.
- o Identification of "biodiversity protection zones".
- o Reptile trapping and relocation method statement including details of receptor sites.
- o Vascular Plant Species translocation method statements (specifically common wintergreen, lesser bulrush, floating bur-reed, greater tussock sedge and spiked water milfoil, royal fern and viviparous fescue).
- o Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts to retained features of ecological importance during construction (may be provided as a set of method statements).
- o The location and timing of sensitive works to avoid harm to ecological features of importance.
- o The times during construction when specialist ecologists need to be present on site to oversee works.
- o Responsible persons and lines of communication.
- o The role and responsibilities on site of an Ecological Clerk of Works (ECoW) or

- o similarly competent person.
- o Use of protective fences, exclusion barriers and warning signs.

The approved EPP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

- 14 No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until details of the proposed site-wide strategy to maintain and enhance wildlife corridors supporting wildlife movement within and without of the development site has been submitted to and approved in writing by the Local Planning Authority. This will include but is not limited to the following:
- o Detailed specification of culverts
 - o Locations of culverts
 - o A plan showing key wildlife corridors across the site, as informed by up to date ecological surveys
 - o Details of landscaping and fencing to encourage use
 - o Monitoring of use

The scheme shall be implemented as approved.

- 15 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a scheme to maintain and enhance wildlife corridors has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be in line with, implement and demonstrate compliance with the approach set out in the strategy agreed under condition 14, and shall be implemented as approved.
- 16 No development shall take place (including demolition, ground works, site or vegetation clearance) until a scheme for the conservation of reptiles has been submitted to and approved in writing by the Local Planning Authority. This will include but is not limited to the following:
- o Location of any receptor sites to be used and detail of landownership/control of the sites
 - o Suitability of receptor sites for reptiles that will include estimated existing populations presented based on up to date survey information.
 - o Enhancement measures to be implemented on receptor sites
 - o Re-location methodologies and timing
 - o Monitoring proposals
 - o Details of any necessary agreement with landowner.

The scheme shall be fully implemented as approved in accordance with the agreed methodologies and timescales.

- 17 No development shall take place (including demolition, ground works, site or vegetation clearance) until a Barn Owl Compensation Scheme that includes the provision of a minimum of 2 Barn Owl boxes, 1 in NPT and 1 in Powys has been submitted to and approved in writing by the LPA. The scheme will include but is not limited to:
- o Details of locations and details of landownership
 - o Box design/specification
 - o Demonstration of agreements with relevant landowners
 - o Details of monitoring use
 - o Provisions for replacement where damage or deterioration prevents intended use

The scheme shall be implemented as approved.

- 18 No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until such time as a Strategic Biodiversity Plan (SBP) has been submitted to and approved in writing by the Local Planning Authority. The SBP shall set out the approach to be taken to the production of phase-specific Biodiversity Plans (PBP) under condition 19. The SBP shall include but is not limited to the following:
- o Methodologies and principles for scheduling of pre-commencement ecological checks and where necessary update to ecological surveys, particularly for protected species, taking account of CIEEM Advice note on the Lifespan of Ecological Report and Surveys.
 - o Methodology to update and confirm the quantitative assessment of habitat loss and creation (updating ES 7.19.48, table 7.8 and Appendices 7T and 7V).
 - o A biodiversity enhancement scheme that will set out the approach to the design and implementation of enhancement measures including, but not limited to, the measures set out in 7.23.1-7.23.7 inclusive, of the Environmental Statement.
 - o Detail the mechanism, including principles to be applied, for the review of the adequacy of mitigation, compensation and enhancement measures in light of pre-commencement ecological checks and / or surveys. This will include the inclusion of new, revised and additional measures where necessary to ensure the scheme delivers an overall net benefit.

The Plan shall be implemented as approved.

- 19 No development shall take place in each individual phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until such time as a Phase Biodiversity Plan (PBP) has been submitted to and approved in writing by the Local Planning Authority. The PBP shall be in line with, implement and demonstrate compliance with the approach set out in the SBP agreed under condition 18. The Plan shall be implemented as approved.

- 20 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance, or machinery being brought onto site) until protective fencing and warning signs have been erected on site in accordance with the approved Construction Environmental Management Plan and Ecological Protection Plan. All protective fencing and warning signs will be maintained during the construction period in accordance with the approved details.
- 21 Notwithstanding those works already permitted and approved in accordance with planning approval 20/0738/FUL, no development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- o A desk study
- o A non-intrusive site reconnaissance
- o Formulation of an initial conceptual model
- o A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

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

- 22 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. A mine gas risk assessment should form part of the overall

assessment.

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

23 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 22 has been received from the local planning authority.

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

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

24 No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) where foul connections are required until a foul water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The scheme shall thereafter implemented in accordance with the approved details prior to the occupation of the development.

25 No development shall take place in any phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) - where such phase affects sewers and water mains - until details of a method statement and risk assessment for the protection of the structural condition of the public sewers and watermains crossing the site has been submitted to and approved in writing by the Local Planning Authority. The approved protection

measures shall be implemented in full before any other development hereby permitted has commenced, and shall be retained at all times for the duration of the approved operations including the restoration works.

- 26 No development shall take place in each phase of development as identified in condition 7 (including demolition, ground works, site or vegetation clearance) until details of both hard and soft landscape works have been submitted to and approved in writing by the local planning authority. These details shall include (but not be limited to):
- i) A statement setting out the design objectives and how these will be delivered;
 - ii) any earthworks showing existing and proposed finished levels or contours;
 - iii) means of enclosure and retaining structures;
 - iv) other vehicle and pedestrian access and circulation areas;
 - v) hard surfacing materials; and
 - vi) minor artefacts and structures (e.g. furniture, play equipment, refuse or other storage units, signs, etc.)
 - vii) A landscape management plan, including management responsibilities and maintenance schedules for all landscaped areas, which shall cover a period of no less than 20 years

Soft landscape works shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants noting species (native only), plant supply sizes and proposed numbers/densities where appropriate; an implementation programme (including phasing of work where relevant).

Development thereafter must be completed in full accordance with the details and implementation programme as agreed, and the landscaping shall thereafter be maintained in accordance with the approved management plan.

- 27 Prior to the submission of any application for approval of reserved matters, a scheme of intrusive site investigations shall be carried out on site to establish the risks posed to the development by past coal mining activity. As part of (or alongside) the first reserved matters submission full details shall be submitted detailing (a) the findings of the intrusive site investigations carried out to locate the mine entries and shallow coal mine workings; and (b) details of any remediation works and/or mitigation measures to address land instability arising from coal mining legacy as may be necessary, which should include a plan showing the established locations of the mine entries present on site and how these relate to the development layout.

The intrusive site investigations and remedial works shall be carried out in accordance with the approved details and with authoritative UK guidance.

- 28 As part of the submission of the first reserved matters application (for any phase

of development as agreed under Condition 7) a site wide landscape Strategy and associated scheme of Landscape Mitigation Planting (to include a timetable for implementation; shall be submitted to the Local Planning Authority for its approval in writing. Such landscape strategy shall cover a period of no less than 20 years, and shall include a mechanism for review and extension in the event planting has not mitigated the impacts on the National Park to the extent identified in the Environmental Statement. This strategy will include indications of all existing trees and hedgerows on the land, and details of any to be retained, taking into account potential growth, together with measures for their protection in the course of development. No development shall commence until such landscape strategy has been approved in writing, and thereafter the scheme shall be implemented in accordance with the approved details.

- 29 As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a detailed light pollution/dark skies assessment shall have been undertaken and submitted to the local planning authority for its approval in writing. The result of such assessment shall be used to inform and influence the final external lighting scheme required under condition 51.
- 30 As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a site wide Energy Strategy shall be submitted to the Local Planning Authority for its approval in writing. Thereafter, for each phase of development as agreed under Condition 7, the first reserved matters submission for that phase shall be accompanied by an Energy Assessment which shall include, but not be limited to proposed methods of energy production and generation, including renewable energy, together with passive methods to be implemented to achieve energy reduction, to demonstrate compliance with the overarching energy strategy for the site. The development of each phase shall thereafter be operated in accordance with the scheme as approved.
- 31 As part of the submission of the first reserved matters application (for any phase of development as agreed under Condition 7) a site wide / overarching waste management strategy / Plan shall be submitted to the Local Planning Authority for its approval in writing, detailing the control, management, storage and disposal of any waste material generated during the demolition and construction of the development. The development of each phase shall thereafter be undertaken in accordance with the scheme as approved.
- 32 In support of the submission of the first of the reserved matters for each phase of development identified in Condition 7, a scheme detailing the phasing approach for the development reflecting the car parking (including a minimum of 10% spaces with Vehicle Charging Points for Ultra Low Emission Vehicles (ULEV)), delivery and manoeuvring requirements on site for that phase, to include shall be submitted to the Local Planning Authority for its approval in writing. The

approved scheme shall be implemented on site prior to any related part of the development being brought into beneficial use, in accordance with the agreed scheme and phasing.

- 33 No later than six months before the development is first brought into beneficial use, a detailed 25 year Ecological Management and Monitoring Plan (EMMP) shall be submitted to the local planning authority for its approval in writing. The purpose of the plan shall be to set out strategies for the management, maintenance and monitoring measures of the ecological, environmental and landscape features at the site as outlined in the submitted Environmental Statement. The content of the EMMP must include (but not be limited to) the following:
- o The measures set out in 7.22.2 and 7.25 excluding details provided under condition 14 (wildlife corridors), 9 (fencing), 51 (lighting), 17 (barn owls).
 - o Details of the management and monitoring of enhancements provided in the Bio enhancement scheme under conditions 18 & 19.
 - o Description and evaluation of features to be managed.
 - o Ecological trends and constraints on site that might influence management
 - o Aims and objectives of management
 - o Appropriate management options for achieving aims and objectives
 - o Prescriptions for management actions
 - o Preparation of a work schedule (including an annual work plan capable of being rolled forward over 5 year phases).
 - o Details of the body or organisation (and funding thereof) responsible for implementation of the plan.
 - o Ongoing monitoring and remedial measures.

The use hereby approved shall not commence until such Ecological Management and Monitoring Plan (EMMP) has been approved in writing, and thereafter the EMMP shall be implemented in accordance with the approved details.

A Report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the EMMP. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

- 34 No less than three months prior to the first beneficial use of the facility hereby approved, a scheme shall be submitted detailing:

1. The predicted nature and type of trains using the facility, which as a minimum should ensure that unless required for shunting of other trains within the facility, all trains using the test tracks hereby approved shall as a minimum

fall within the environmental parameters as set out in Chapter 14 of the Environmental Statement;

2. Updated air quality modelling and assessments relating to statutory, non-statutory sites and ancient woodland based upon such identified parameters; and
3. Any necessary mitigation and long-term monitoring measures to be implemented to minimise adverse impacts upon the ecology of these sites.

The development shall not be brought into beneficial use until such scheme has been approved, with any mitigation and long-term monitoring identified within the assessments thereafter implemented in accordance with the agreed details and timescales

- 35 The approved remediation scheme under condition 23 must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

- 36 Following submission of a remediation strategy, if deemed necessary as part of that strategy a monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

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

- 37 In the event that contamination is found at any time when carrying out the approved development that was not previously identified, work on the affected area of the site shall cease immediately and shall be reported in writing to the Local Planning Authority. A Desk Study, Site Investigation, Risk Assessment and where necessary a Remediation Strategy must be undertaken in accordance with the following document:- Land Contamination: A Guide for Developers (WLGA, WAG & EAW, July 2006). This document shall be submitted to and agreed in writing with the Local Planning Authority. Prior to occupation of the development, a verification report which demonstrates the effectiveness of the agreed remediation, shall be submitted to and agreed in writing with the Local Planning Authority.
- 38 Prior to the facility being brought into beneficial use the operator shall submit for the written approval of the Local Planning Authority an Operational Noise Management Plan (ONMP) detailing the necessary controls to ensure compliance with the agreed noise criteria set out within the Environmental Statement. The ONMP shall be subject to periodic review not less than every 12 months, with the results of such review submitted to the Local Planning Authority for its approval in writing, and any recommended changes to operational activities that may be recommended within such revised ONMP thereafter implemented in accordance with a timetable to be agreed in writing by the Local Planning Authority.
- All operations at the site shall be carried out in full accordance with the ONMP (as approved or revised) for the duration of its operation.
- 39 Prior to the facility being brought into beneficial use, all acoustic barriers identified on Figures 10.1 to 10.3 within the Environmental statement shall have been constructed/ provided on site in full accordance with a detailed location plans and specification, which shall first have been submitted to and approved in writing by the Local Planning Authority. Thereafter all acoustic barriers shall remain in place for the life of the development.
- 40 Prior to the installation of any fixed plant or machinery an updated BS4142 assessment shall be submitted to and approved in writing by the Local Planning Authority. The assessment must demonstrate that the approved noise criteria specified in Table 10.1 of the Environmental Statement will be achieved at any noise sensitive receptor (and shall include details of any necessary mitigation to achieve such levels). All fixed plant or machinery and identified noise mitigation measures shall thereafter be maintained and operated as approved.
- 41 During the first 12 months of operation the operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise emissions from the site, demonstrating compliance with the "Total overall predicted scheme noise level with noise fence barriers" stated in Table 10.5 of

the Environmental Statement (reproduced below) according to a measurement protocol which shall first have been agreed in writing by the Local Planning Authority.

Receptor (see fig. 10.1 in ES)	Total overall predicted scheme noise level L_{Aeq} (15 mins) with noise fence barriers			
	Daytime L_{Aeq} (15 mins)	Evening L_{Aeq} (15 mins)	Night Time L_{Aeq} (15 mins)	$L_{Amax, F}$
R1	29	29	26	56
R2	41	41	37	58
R3	40	40	37	58
R4	41	41	38	59
R5	42	42	39	57
R6	39	38	35	54
R7	45	33	29	49
R8	37	37	33	53
R9	40	36	31	50
R10	36	36	33	53
R11	41	41	38	59
R12	35	22	18	48
R13	33	27	23	47
R14	42	35	31	57

No later than 13 months after the development is first brought into beneficial use, a noise emissions assessment completed at the expense of the developer shall be submitted to the Local Planning Authority for approval. Should the assessment conclude that the predicted noise levels as identified within Table 10.5 of the Environmental Statement are being exceeded, then a scheme for further mitigation shall accompany any assessment and shall thereafter be implemented within three months following the written approval from the Local Planning Authority. The mitigation as approved shall thereafter be retained and maintained in accordance with the details as approved.

42 Prior to the commencement of the use hereby permitted a scheme for the ongoing monitoring of noise during operation of the site shall have been submitted to and approved in writing by the Local Planning Authority.

The scheme shall include (but not be limited to);

- o Access to monitoring data by the Local Planning Authority at no additional cost to the authority;
- o A scheme for identifying exceedances and initiating an investigation and corrective action to address any exceedance of the agreed criteria set.
- o A procedure for the reporting of the outcome of the investigation and any action taken to the Local Planning Authority within 24 hours of the exceedance.

Once approved the scheme shall be implemented for the duration of the operation of the site. Development thereafter shall proceed in line with the approved scheme and shall remain as such for the duration of the operational use of the site.

43 Not less than three months prior to the first operation of the facility/site, a community liaison scheme, which shall include (but not limited to):

- a) a mechanism for dealing with complaints from the Local Community;
- b) Details of a nominated representative of the operator who will have the lead role in liaising with local residents and the relevant planning authority; and
- c) the composition and operation of a regular Stakeholder Meeting (to include representatives of the communities surrounding the site)

shall be submitted to the local planning authority for its approval in writing. The facility/site shall not be operated until such time as the scheme has been approved in writing by the local planning authority, and the liaison and approved stakeholder meetings shall thereafter continue in accordance with the approved scheme for as long as the facility operates.

44 At twelve months, three years and five years after the first beneficial operation of the facility hereby approved, additional traffic impact surveys shall be undertaken to ascertain the actual traffic flows, and such survey data and assessment of the need (if any) for further or additional traffic management or orders as required to be implemented (and including a timetable for implementation) shall be submitted within one month of the survey date to the Local Planning Authority for its approval in writing. The recommendations within the approved assessment shall be implemented in accordance with the approved details.

45 Prior to the commencement of the use hereby permitted a traffic management scheme to prevent vehicular obstruction at both site entrance off Wembley Ave/Heol Gaer (A4109) and the Intervalley Road (A4221) (e.g TROs) shall have been submitted to and approved in writing by the local planning authority. The approved scheme shall be implemented in accordance with a timetable agreed within the approved scheme.

46 No part of the development hereby approved shall be brought into beneficial use until such time as a scheme of Active Travel Improvements, to include (but not limited to) improvements to bus facilities at Wembley Avenue (NPT) and improvement works required along NCN43 (Powys) and wider links to the site has been submitted to and approved in writing by the Local Planning Authority. All identified improvements shall be implemented in accordance with a timescale approved under the scheme.

47 At twelve months and five years after the first beneficial operation of the facility hereby approved - or in the event a specific request is made in writing by the Local Planning Authority - a survey of the highways surrounding the site shall be

undertaken to ascertain whether unplanned visitors to the facility are causing problems on the local highway network, with the results submitted to the Local Planning Authority for approval in writing. If such monitoring identifies adverse impacts, a scheme shall be submitted to the Local Planning Authority for its approval in writing within one month of the survey date detailing potential mitigation measures (which could include parking provision or regulations, or other visitor-related proposals). The recommendations within the approved scheme shall be implemented in accordance with the approved details and timescales.

- 48 No part of the development hereby approved (or such phase that may be approved under condition 7) shall be brought into beneficial use until such time as a signed statement or declaration prepared by a suitably competent person confirming the completion of any remedial works and/or mitigation necessary to address the risks posed by past coal mining activity, and confirming that the site is, or has been made, safe and stable for the approved development, has been submitted to and approved in writing by the Local Planning Authority.
- 49 No later than six months before the development is first brought into beneficial use, a Welsh language Impact Assessment / strategy shall be submitted to the Local Planning Authority for its approval in writing, outlining all measures and engagement pre-operation to assess the impacts on Welsh language and identification of opportunities arising from the proposed development.
- 50 Prior to first beneficial operation of any part of the development hereby permitted a detailed Welsh Language Action Plan, founded on the impacts and opportunities identified within the Impact Assessment approved under condition 49, and identifying specific measures and a timetable and implementation plan, shall have been submitted to and approved in writing by the local planning authority. All measures identified within the Action Plan shall be implemented in full accordance with the approved plan.
- 51 No external lighting shall be installed or operated at the site other than in accordance with a detailed external lighting scheme, which shall first have been submitted to and approved in writing by the local planning authority. The scheme shall take into account the Dark Skies Assessment required by condition 29, together with the lighting needs and mitigation requirements associated with the development during operational hours and shall be the minimum required to perform the relevant lighting task. It shall also be specifically designed to minimise the risk of light spillage beyond the development site boundary and within ecologically sensitive areas.

The scheme shall include:

- o A report, prepared by a lighting engineer, setting out the technical details of the luminaires and columns, including their location, type, shape, dimensions and,

- o expected luminance output and specifically explaining what design attributes have been chosen to minimise light pollution.
- o A plan illustrating illuminance levels across the development site and at the boundary of the site. The level of illuminance should be appropriate to the character of the surrounding area as a whole.
- o A statement which demonstrates how the lighting scheme will be viewed against the wider landscape and, where appropriate, the potential role of landscaping in minimising the day and night-time visual impact of the installation.
- o An Environmental Lighting Impact Assessment against conservation requirements for protected species and designated landscapes.

All lighting installed at the site shall be in full accordance with the approved details.

52 Prior to the facility being brought into beneficial use the operator shall submit for the written approval of the Local Planning Authority a scheme addressing any required areas of external storage, together with those area(s) identified for decommissioning of trains or similar rail related items. There shall be no external storage of materials or parts (including those arising from the decommissioning of trains or similar rail related items) other than in accordance with such agreed details.

53 The site access onto / from the Intervalley Road (A4221) shall be restricted solely to construction traffic, emergency vehicles and deliveries only, and shall at not times be used by staff or other persons working on or visiting the site. Prior to first beneficial use of any part of the former washery site, the access shall be provided with permanent gates and signage in accordance with details which shall first have been approved in writing under this condition or an associated reserved matters submission, with the gates and signage thereafter retained in accordance with the approved details.

54 Construction and demolition works on the site of the former washery (also applying to the starting up and/or warming up of any vehicles, equipment and machinery) shall not occur outside of the following times:

07.00 to 18.00 hours Mondays to Fridays (excluding Bank/Public Holidays) and;
08.00 to 13.00 hours on Saturdays

No construction or demolition activities shall occur on Sundays or Bank/Public Holidays.

55 During the hours of 19.00 and 07.00 hours the following activities shall not take place within the former washery site;

- o Use of the train wash facility
- o Use of the maintenance shed without the air curtain switched off and doors closed

56 During the hours of 19.00 and 07.00 hours all train movements within the former

washery site shall be electric-powered, unless the operator has first had submitted to and approved in writing a scheme (supported by appropriate noise assessment) dealing with the number, speed and specification of movement of trains during such defined period.

- 57 Any buildings incorporating offices and / or staff accommodation, shall be constructed ensuring that the sound insulation performance of all such buildings achieves internal ambient noise levels that do not exceed the values detailed within British Standard BS8233:2014.
- 58 The rating level of noise arising from operation of the test tracks shall not exceed the values set out in Table 10.5 of the ES, and the tables attached to this condition at any dwelling which is lawfully existing or has planning permission at the date of this permission.

Receptor (see fig. 10.1 in ES)	Total overall predicted scheme noise level L_{Aeq} (15 mins) with noise fence barriers			
	Daytime L_{Aeq} (15 mins)	Evening L_{Aeq} (15 mins)	Night Time L_{Aeq} (15 mins)	$L_{Amax, F}$
R1	29	29	26	56
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R3	40	40	37	58
R4	41	41	38	59
R5	42	42	39	57
R6	39	38	35	54
R7	45	33	29	49
R8	37	37	33	53
R9	40	36	31	50
R10	36	36	33	53
R11	41	41	38	59
R12	35	22	18	48
R13	33	27	23	47
R14	42	35	31	57

Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Table specified as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling.

All measurements shall be taken using a type 1 sound level meter with a microphone height between 1.2m and 1.5m in free field conditions (3.5 m from a reflective surface).

- 59 On receipt of a justified complaint to the Local Planning Authority the Local Planning Authority may request in writing that the applicant obtain an assessment of the noise arising from the operations on the site. The noise assessment shall be undertaken by a competent and suitably qualified acoustic consultant, who shall be a Member of the Association of Noise Consultants (ANC) or the Institute of Acoustics (IOA).

Prior to undertaking the noise assessment and within 14 days of receipt of the written request from the Local Planning Authority following receipt of a complaint, the consultant shall contact the Local Planning Authority and shall agree a methodology and most appropriate standards which shall include timeframes for the completion of the noise assessment.

Following the noise assessment, a copy of the report shall be submitted to and approved by the Local Planning Authority along with evidence that the control measures recommended within the report are implemented and maintained thereafter.

- 60 Any accommodation (whether temporary staff facilities or permanent lay-down and mess facilities) provided at the site shall be for short-term accommodation of staff associated with the GCRE, or associated visitors to the site, and shall not be utilised as permanent residential accommodation, or occupied at any time by any person(s) as their sole or main place of residence.
- 61 Prior to the facility being brought into beneficial use, adequate water supplies for firefighting purposes shall have been provided on site.

Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 3 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 4 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development in line with Environmental Impact Assessment regulations.

- 5 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 6 To comply with procedural requirements in accordance with Article 24B of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 (DMPWO) and Section 71ZB of the Town and Country Planning Act 1990.
- 7 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 8 In the interests of visual amenity of the area and to ensure the development complies with policy DM13 of the Local Development Plan.
- 9 In the interests of visual amenity and biodiversity in the area in accordance with policy DM13 and DM2 of the Local Development Plan, Technical Advice Note 5, and Planning Policy Wales (2018)
- 10 To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource, and generally to protect the historic environment as required by Planning Policy Wales and Policy SP7 of the Powys County Council Local Development Plan.
- 11 In order to ensure necessary management measures are agreed and implemented to protect local amenity, especially for people living and/or working nearby, highway safety during construction, and to ensure all ecological mitigation measures are applied in line with the ES, and to accord with Planning Policy Wales (Edition 11), TAN 5: Nature Conservation and Policies DM13 and DM2 of the Local Development Plan (2018).
- 12 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 13 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.
- 14 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.
- 15 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.
- 16 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.
 - 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.
 - 19 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.
 - 20 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.
 - 21 To ensure that risks from land contamination to the future users of the land are minimised in accordance with policy DM10 of the Local Development Plan.
 - 22 To ensure that risks from land contamination to the future users of the land are minimised in accordance with policy DM10 of the Local Development Plan.
 - 23 To ensure that risks from land contamination to the future users of the land are minimised in accordance with policy DM10 of the Local Development Plan.
 - 24 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with DM13 of the Local Development Plan (2018).
 - 25 To ensure that the proposed development does not affect the integrity of the public sewerage and water supply system in the interests of public health and safety and in accordance with policy DM13 of the Local Development Plan (2018).

- 26 To ensure that an appropriate scheme of planting is provided to mitigate the visual impact of the earthworks, both from the Brecon Beacons National Park and from Neath Port Talbot and Powys area; and to ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, Planning Policy Wales, Future Wales, Technical Advice Note 5 and LDP Policies DM2, DM13 and DM4 of the Local Development Plan (2018).
- 27 To ensure that the scheme is designed and implemented with regard to the need to address the risks posed to the development by past coal mining activity, and to ensure compliance with Policies DM10 of the Local Development Plan (2018).
- 28 To ensure that an appropriate scheme of planting is provided to mitigate the visual impact of the earthworks, both from the Brecon Beacons National Park and from Neath Port Talbot and Powys area; and to ensure all ecological mitigation measures are applied in line with the ES; in compliance with wildlife legislation, Planning Policy Wales, Future Wales, Technical Advice Note 5 and LDP Policies DM2, DM13 and DM4 of the Local Development Plan (2018).
- 29 To ensure the extent, form and use of external lighting is minimised in the interest of protecting nearby Brecon Beacons National Park (Dark Sky Reserve) and to ensure compliance with Planning Policy Wales, Future Wales, and Policy DM7 of the Local Development Plan.
- 30 To demonstrate a sustainable and efficient use of resources in accordance with Policy DM13 of the Local Development Plan (2018).
- 31 To demonstrate a sustainable and efficient use of resources including waste reduction in accordance with Policy DM13 of the Local Development Plan (2018).
- 32 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 33 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.
- 34 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.
- 35 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy DM10 of the Local Development Plan (2018).

- 36 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy DM10 of the Local Development Plan (2018).
- 37 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised in accordance with policy DM10 of the Local Development Plan (2018).
- 38 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
- 39 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
- 40 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
- 41 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
- 42 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
- 43 To ensure that the operator has ongoing, formal engagement with the local community and specialist consultees, in the interests of protecting the amenity of nearby residential properties, and in accordance with Policy DM13 of the Local Development Plan (2018).
- 44 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 45 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 46 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 47 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 48 To ensure that a competent person has verified the works on site in order to mitigate any risks arising from the coal-mining legacy at the site, and to ensure compliance with Policy DM10 of the Local Development Plan.
- 49 To contribute to the Well-being Goal of creating a 'Wales of vibrant culture and

- thriving Welsh language' and comply with the need for such major development to promote the Welsh language in accordance with Technical Advice Note 20.
- 50 To contribute to the Well-being Goal of creating a 'Wales of vibrant culture and thriving Welsh language' and comply with the need for such major development to promote the Welsh language in accordance with Technical Advice Note 20.
- 51 To ensure the extent, form and use of external lighting is minimised in the interest of protecting the wider countryside, nearby Brecon Beacons National Park (Dark Sky Reserve) and to comply with Powys County Council's LDP Policies DM2, DM4, DM7, 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.
- 52 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
- 53 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 54 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
- 55 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
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- 59 To protect the amenity of nearby residential properties and wider locality and to accord with Policy DM13 of the Local Development Plan (2018).
- 60 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 61 To ensure that adequate water supplies are available on site for firefighting purposes on site as requested by Mid and West Wales Fire Service.

Informative Notes

- 1 No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.
- 2 The development requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Neath Port Talbot and Powys County Council, as the determining SuDS Approval Bodies (SABs), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.
- 3 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.
- 4 The applicant is 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 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

5 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.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

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

Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

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

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

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

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

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

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

Under The Conservation of Habitats and Species Regulations 2017 it is an offence for any person to:

- o Deliberately capture, injure or kill a great crested newt
- o Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution or abundance of great crested newts or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- o Deliberately take or destroy the eggs of great crested newts
- o Damage or destroy a breeding site or resting place. This is an absolute offence, in other words intent or recklessness does not have to be proved.

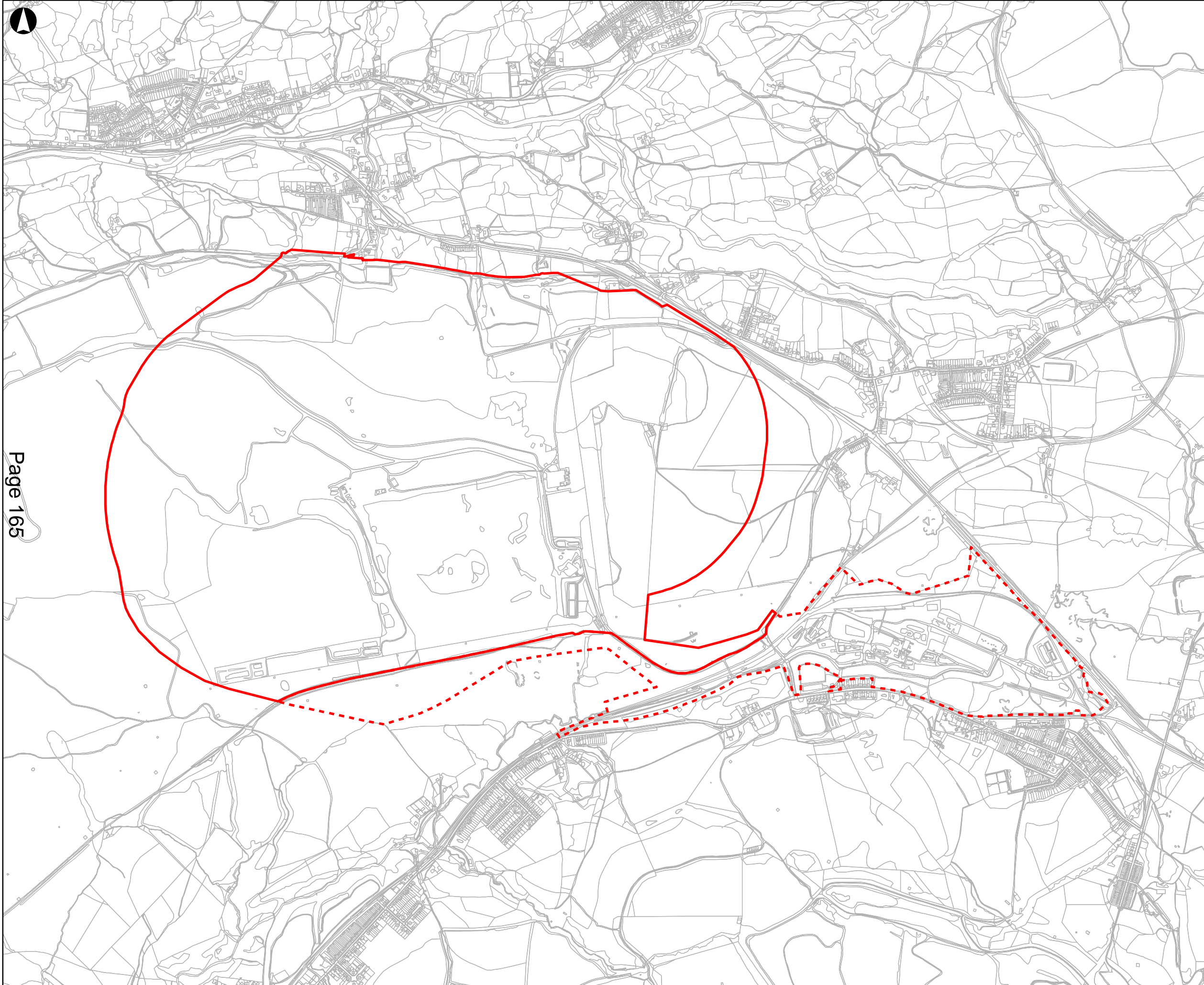
Under the Wildlife & Countryside Act 1981 (as amended) it is an offence to

- o Intentionally or recklessly disturb a great crested newt while it is occupying a structure or place which it uses for shelter or protection

- o Intentionally or recklessly obstruct access to their places of shelter or protection

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

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



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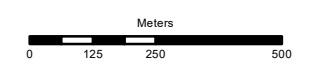
Legend

Planning Development Boundary

- Powys
- Neath Port Talbot

P0	2021-02-23	KD	TK	RE
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Issue	Date	By	Chkd	Appd



ARUP

4 Pierhead Street
 Cardiff CF10 4QP
 Tel +44 29 2047 3727 Fax +44 29 2047 2277
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Client



Llywodraeth Cymru
 Welsh Government

Job Title
Global Centre of Rail Excellence

Figure Title
SITE LOCATION PLAN (POWYS)

Scale at A3
1:15,000

Job No 264904-00	Drawing Status Planning
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Drawing No 001	Issue P0
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4.3

Planning, Taxi Licensing and Rights of Way Committee Report

Application

Number:

Grid Ref: E: 314200

N: 234827

Community Council: Bronllys Community

Valid Date: 19.04.2021

Applicant: Powys County Council

Location: Former Bronllys CP School, Bronllys, Brecon, Powys, LD3 0HP

Proposal: Residential development of 17 dwellings and all associated works

Application Type: Full Application

The reason for Committee determination

This application is coming before Planning Committee because the applicant is Powys County Council Housing.

Consultee Responses

Consultee

Received

PCC-Ecologist

15th Jun 2021

Thank you for the opportunity to comment on planning application 21/0583/FUL which concerns an application for residential development of 17 dwellings and all associated works at Former Bronllys CP School, Bronllys, Brecon, Powys, LD3 0HP.

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 533 records of protected and priority species within 1km of the proposed development. Species recorded within 500m of the proposed development include bat species; common pipistrelle, soprano pipistrelle, lesser horseshoe bat and noctule bat, and badger, hedgehog, common lizard, slow-worm, barn owl, swift, swallow, linnet, hobby, eel, white-clawed crayfish, charlock, and oak hook-tip moth.

Two statutory designated sites were identified within 1km of the proposed development:

- o Afon Llynfi Site of Special Scientific Interest (SSSI) - approximately 480m south of the proposed development
- o River Wye Special Area for Conservation (SAC) - approximately 480m south of the proposed development

One non-statutory designated site was identified within 1km of the proposed development:

- o Bronllys Castle Site of Interest for Nature Conservation (SINC)/Local Wildlife Site (LWS) - approximately 680m from the proposed development

One or more Ancient Woodland (AW) sites were identified within 500m of the proposed development. Having taken into account the location of the SINC/LWS and 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 SINC/LWS and AW and/or any associated features.

I have reviewed the Preliminary Ecological Appraisal produced by Ecological Services Ltd dated February 2019 and consider that the survey methods and effort employed were in accordance with current National Guidelines. It was noted that the survey was undertaken in late winter but it was considered that accurate assessment of habitats and presence/likely absence of protected species on site was not affected. No access to the interior roof space of the main building was possible.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 17th January 2019 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- o Building
- o Hardstanding
- o Scattered trees
- o Pond

- o Hedgerow
- o Semi-improved/amenity grassland

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

- o Great crested newt
- o Bats
- o Otter
- o Badger
- o Nesting birds
- o Reptiles

The former school playing field comprised species-poor grassland with a single mature oak tree located in the northern part. A man-made pond located near scattered trees in the eastern part of the site was found to be overgrown and full of leaf-litter; it was considered unsuitable to support breeding great crested newt (GCN) and presence of GCN on site is considered unlikely given the site's distance and connectivity to areas of potentially suitable habitat. The main school building and separate teaching unit were subject to an internal and external inspection of the buildings to identify potential bat access points, roost features and evidence of the presence of bats. No evidence of bats was detected and the main building was considered to have low potential for roosting bats, with potential roost/access points located some fascia and soffit boards. The detached teaching unit was identified as having negligible bat roosting potential. Given the presence of potential roost/access features further survey was recommended. A tree-line and hedgerows of native species formed part of the site boundaries. None of the trees on site were considered to have features suitable for roosting bats. The building and surrounding hedgerow and trees offered potential habitat for nesting birds and mitigation measures were recommended to avoid construction impacts. The site was considered unsuitable for otter, badger, dormouse and reptiles due to a lack of suitable habitat features. The potential wildlife importance of the pond was noted and recommendation was made for inclusion of pond habitat within the proposed development, for instance, as part of a SuDS scheme. Tree and hedgerow protection measures were also advised to avoid damage during construction. The boundary tree-line and hedgerows were identified as foraging and commuting habitat for nocturnal wildlife such as bats. Careful

consideration of external lighting of the proposed development would be required.

I have reviewed the Preliminary Bat Roost Assessment produced by Ecological Services Ltd dated April 2020 and consider that the survey methods and effort employed were in accordance with current National Guidelines. Another internal and external inspection of the two buildings were carried out on 22nd May 2019. A damaged area of soffit was noted on the detached teaching unit and examination using an endoscope confirmed the presence of bat droppings. No other evidence of bat presence was detected for either building. Two activity surveys were undertaken on 22nd May (dusk) and 30th June 2019 (dusk). During the first survey a common or soprano pipistrelle bat was recorded emerging from the damaged soffit of the teaching unit. No other bat emergences were observed on either building during survey, although foraging bats were observed using the western boundary. The detached teaching unit supports a transitional pipistrelle bat roost used by a single individual. The proposed development will result in the destruction of a bat roost and a European Protected Species licence will be required for the development.

Mitigation will be required through erection of a bat box prior to works commencing, supervised demolition of the building and sensitive external lighting design.

It is therefore recommended that adherence to the recommended bat mitigation measures is secured through an appropriately worded planning condition.

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

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

An Arboricultural Report produced by ArbTS Ltd has been submitted to inform the application. The tree survey was conducted on 8th January 2019 in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. The impact assessment identified that the majority of the trees and hedgerows on the site will be retained within the proposed development, including the mature sessile oak in the northern part of the former playing field. Six individual trees, a small group of crack willow and 5m of hedgerow, all categorised as being of low quality, will be lost to accommodate the development. It was considered that sufficient mitigation could be secured for loss of the trees through soft landscaping of the proposed

development. An Arboricultural Method Statement and Tree Protection Plan were provided to demonstrate that the development can be undertaken without adverse impact to the remaining trees and hedgerows on site.

It is, therefore, recommended that adherence to the submitted tree protection measures is secured through an appropriately worded planning condition.

A Planting Plan and Landscape Masterplan have been submitted with the application. The plans identify that 26 trees will be included within the development including oak, cherry, rowan and apple, which will mitigate loss of the existing trees and provide some biodiversity enhancement. The additional planting of hedges, beds and wildflower areas will also provide biodiversity enhancement and are welcomed. Planting specification and aftercare measures are provided to ensure the plan is implemented as proposed and to increase the chances of successful establishment. However, it is not clear who will be responsible for management of the open spaces and SuDS areas in the long-term to ensure that they will provide both amenity and biodiversity value.

It is, therefore, recommended that adherence to the submitted planting plan is secured through an appropriately worded planning condition. Further information is required regarding long-term management of the open space and SuDS areas to ensure biodiversity interest is retained within the development.

Both landscaping plans also identify that the plots will be bounded by hit-and-miss timber fencing with gravel boarding at the base. It is not clear how the boundaries will avoid adverse impact to small mammals, including hedgehog, moving through the site. Poorly designed and installed boundary features are considered highly detrimental to hedgehog populations because they hinder commuting, foraging and dispersal. Hedgehog is included on the Environment (Wales) Act 2016, s7 list of species of priority conservation importance within Wales. Therefore, in accordance with Powys LDP Policy DM2, all permanent fencing installed as part of a development is required to include gaps of sufficient size and number at ground level to enable hedgehogs to move through sites.

Access points comprising gaps of 130mm x 130mm (5" x 5") should be created within the fence line at ground level with at least one gap along each aspect of the fenced boundary. If gravel boards are to be used, hedgehog friendly designs are available and should be used. The submitted ecology survey report also states that hedgehog friendly fencing will be used and recommends enhancements for nesting birds with specific details provided for several plots. No information regarding the location of these enhancements is provided on any submitted plans.

It is, therefore, recommended that a biodiversity enhancement plan detailing location of

hedgehog friendly fencing and the recommended enhancements for nesting birds are submitted to ensure that the measures will be implemented during construction. Provision of sufficient information prior to determination of the application will remove the requirement for a pre-commencement condition.

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW's current planning advice, it is 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 existing and proposed private sewage treatment systems and the potential for additional phosphate to enter the River Wye SAC catchment.

The proposed development will connect to the existing main sewer network. DCWW have confirmed (18/05/2021) that Talgarth WwTW has sufficient capacity to accept the foul flows from the development and the WwTW has phosphate removal technology with a relevant permit from NRW.

It has been identified, in accordance with NRW's current planning guidance, that the proposal is not considered likely to result in the release of additional phosphate to the River Wye SAC catchment either directly or indirectly relative to the current scenario. Therefore, it is considered that the proposed development will not result in a Significant Effect on the designated features of the River Wye SAC in terms of phosphate inputs. I have attached a copy of the Screening Assessment for Phosphate Inputs for your records.

Community Council

17th May 2021

Bronllys Community Council fully support the development of the former Bronllys CP School site, however the addition of 2 houses within the current Neuadd Terrace play area were not on the original plans and the Community Council feel that this would be detrimental to the village. Over the past year, during the Covid 19 pandemic, the requirements for villages to have areas of green space has been proven to promote wellbeing and improved mental health within the community. Since the closure of Bronllys School the playing fields have been used by children to play football and exercise on a daily basis, an area for young children to run around and place to walk, away from the roads for the older generation. Whilst we welcome the inclusion of the green space in the centre of the development this should not come at the cost of losing

our existing play area, a play area which has been enjoyed by many children over many years but has been neglected over recent years by Powys County Council.

Bronllys has seen significant housing growth over recent years with the erection of Court Meadow, Orchard Close and Drovers Meadow, all projects which have provided no green space or play areas for the community and no financial contribution towards improving the existing play areas. Bronllys is also going to experience further housing growth from both the Bronllys school site and the adjacent Monmouthshire housing development so it does not make sense to see the removal of a play area which is a vital asset to the community.

Whilst we support the development of the school site, an area which is experiencing vandalism and anti social behaviour, there is significant concern amongst the local residents regarding the loss of a significant area of the current play area and we would like to support the community and see these two properties removed from the development.

PCC-Building Control

27th Apr 2021

Just to inform yourself the agent and the applicant that this scheme will require a building regulation application to be submitted prior to commencement of works on site.

Welsh Water

14th May 2021

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

Sewerage

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We can advise that Talgarth WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority.

Surface Water Drainage

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood

and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Conditions

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

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.

Sewage Treatment

No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site.

Water Supply

A water supply can be made available to service this proposed development. Initial indications are that a connection can be made from the 125mm diameter watermain at approximately 314216, 234877. The cost of providing new on-site watermains can be calculated upon the receipt of detailed site layout plans which should be sent to the above address.

Asset crossing

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

It may be possible to divert the public water main if the developer applies under Section 185 of the Water Industry Act. However, you may be able to formally abandon this main upon applying to Welsh Water and request you contact us to discuss this matter further. Alternatively, we recommend the proposed development is repositioned to accommodate for the required protection zone.

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. 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.

PCC-(S) Highways

24th May 2021

The application is supported by a Transport Statement (TS) which seeks to assess the likely travel characteristics of the proposed development and identify the impact of this travel on the surrounding transport network. This report also considers the on-site layout

with regard to vehicle access and parking provision.

Existing and Proposed Trip Generation & Existing Road Network

This site benefits from an extant planning use as a former CP school.

The TS includes a supporting vehicular trip generation analysis, which compares the volumes of traffic likely to have been generated by the former school, against the levels of traffic likely to be generated by the proposed residential development.

The output figures based on the last known pupil numbers on the roll (32), conclude that there would likely have been 13 vehicular movements to and from the school during both the am and pm peak hours, and a total of 55 movements daily. This would appear to be a conservative assessment.

Nonetheless, when these figures are compared against the likely trip generation figures arising from the proposed development, it is evident that both the am and pm peak hour development traffic movements, are likely to be below those generated by the former school, and that daily movements would only increase slightly.

Further, it should be noted that a school operating at anywhere near its consented capacity (180 spaces), would generate traffic volumes far in excess of those likely under the proposed use. Alternative uses permitted under the extant planning class use, would also likely generate vehicular movements, far in excess of those likely under the proposed residential use.

In consideration of the above, the HA contends that the proposed development would reduce peak hour traffic flows and not significantly increase daily flows. It would not therefore, have any detrimental impact on the existing highway network.

Site Access & Internal Site Layout

The site is to be served from two separate access points off Neuadd Terrace; 3 dwellings via the existing school access to the east, and the remaining 14 dwellings from an extended access to the north west, which will incorporate a traffic-calming feature. Whilst Neuadd Terrace does experience levels of on street parking, there are adequate carriageway widths available and adequate footway provision to service the new development. It should also be noted that the existing access which served the old school, will now only serve 3 new dwellings, which will significantly reduce the congestion experienced at that location, when the school was operational.

Internally the layout provides adequate pedestrian and vehicular provision and a turning head large enough to accommodate a refuge vehicle.

Car Parking Arrangements

The proposed car parking allocations are in line with CSS Wales Parking Standards. Visitor parking will be accommodated on street, which at 5.5m wide, offers adequate capacity.

Active Travel (AT)

Advice has been sought from the AT Department. They have confirmed that the proposed and existing AT links to and from the site, to the wider highway network and facilities, are considered to be acceptable, and in keeping with this level of development.

Conclusion

Based on the information submitted and from a highway perspective only, the proposals represent an acceptable form and level of development on this site. The HA are therefore supportive of the scheme, subject to the inclusion of the following highway conditions.

- o Notwithstanding the submitted details, prior to the commencement of the development' detailed highway engineering drawings covering the highway works within the site, proposed highway drainage and highway works along the frontage of the county highway, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
- o No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- o No other development shall commence until the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

- o The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
- o Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing 1005 S4 Rev 14. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- o No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the connection with the existing county highway.
- o No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.
- o The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
- o The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
- o Each private drive shall be surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.

Environmental Protection

27th Apr 2021

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

times be restricted as follows:

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

- 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.

Informative

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

PCC-Contaminated Land Officer

6th May 2021

Advice

1. The application site's former use as a school may have potentially caused localised areas of land contamination, associated with the presence of: asbestos, boilers and the storage of oil.
2. Previously, advice was provided, by email (ref: WK/201829142) dated 18 February 2019, in respect of pre-planning application enquiry 19/0017/PRE 'Demolition of Existing School Building and the Erection of 19 Dwellings'.

It was recommended, due to the potential for localised contamination and the sensitivity of the proposed development (residential), that a preliminary investigation and preliminary risk assessment ('Phase 1' Report) should be submitted in support of any application for planning permission.

3. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2021) states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development

proposed, as a planning authority does not have a duty of care to landowners."

4. Based on the available information the following is recommended:

I. The planning applicant could submit a preliminary investigation and preliminary risk assessment ('Phase 1' Report) in support of planning application 21/0583/FUL.

A preliminary investigation and preliminary risk assessment should be completed by a qualified and experienced environmental consultant, and in accordance with current guidance and best practice.

If a preliminary risk assessment identifies that there are any potential land contamination risks a detailed scope of works for an intrusive investigation, prepared by a qualified and experienced environmental consultant, should also be submitted for review and approval.

II. Alternatively, the following condition and note, to the applicant, could be attached to any permission granted for planning application 21/0583/FUL:

Condition A

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted

in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified

competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

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

Condition 3. Submission of Remediation Scheme

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

Condition 4. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the

remediation scheme works.

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

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is

subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

Condition 5. Long Term Monitoring and Maintenance

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

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance'.

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

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645.

Natural Resources Wales (Mid Wales)
DPAS

14th May 2021

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 25/04/2021.

NRW provided comments on this proposal at pre-application stage. Our advice on the proposed scheme has slightly changed because of changes to our planning position on developments that have the potential to increase phosphate levels within the catchment of riverine Special Areas of Conservation.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if you attach condition 1 to the permission and include the following document within the condition identifying approved plans and documents on the decision notice:

- o Ecological Services Ltd, February 2019, Extended Phase One Ecology Survey, Section 4
- o Ecological Services Ltd, April 2020, Bat Survey, Section 9
- o ArbTs Ltd, ArbTS_615.1_Former Bronllys Primary School, 30th June2020, Arboricultural Report, Appendix 4 - Tree Protection Plan.
- o Fiona Cloke Associates, Project 739 - Drawing No 01 Rev E, 17/06/2020, Landscape Master Plan.

Condition 1 - Lighting Plan: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- o Details of the siting and type of external lighting to be used
- o Details of lighting to be used both during construction and/or operation
- o Drawings setting out light spillage in key sensitive areas (hedge

lines, trees and proposed pond)

Protected Species

We note that the ecological reports submitted in support of the above application (Extended Phase One Ecology survey report dated February 2019 and Bat Survey report dated April 2020 by Ecological Services Ltd) have identified the presence of a small common pipistrelle bat roost at the application site and bats also use existing trees and hedgerows as flight lines.

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

- i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative, and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

We do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range provided all the recommendations made in the ecological reports are secured via appropriately worded condition and implemented.

We note the report refers to the need for an exterior lighting plan that will not be detrimental to bats' movements. We recommend you secure the submission and implementation of a lighting plan via condition.

We would refer the applicant to the Bats and artificial lighting in the UK Guidance Note

08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018 and recommend that you submit an exterior lighting plan with the planning application. If a lighting plan is not available when we are consulted at planning stage, we would advise the LPA to secure its submission and implementation via condition.

In line with the letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protectedspecies/?lang=en>

Demolition of the detached teaching unit should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017, (as amended), authorising the specified activity/development to go ahead.

Protected Sites

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphate levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We also issued Interim Planning Advice, which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted that foul drainage for the new seventeen property

development will be connected to the mains sewer system, there is therefore potential to increase the volume or concentration of wastewater and associated phosphate levels being discharged from the site.

We advise that further information is required and we refer you specifically to the bullet point list given on page 2 of our Interim Planning Advice, and confirm that provided this guidance is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we have no objection to the proposal.

However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

Landscape

We consider that impacts on the Brecon Beacon National Park (BBNP) are unlikely to be substantial, due to distances over 2km from viewpoints within the park to the development.

It is our opinion that visibility of the proposal from the BBNP would be limited as the proposal is closely associated with the village of Bronllys and would be partially screened by trees and existing vegetation to the site boundaries, which is to be retained as indicated in the Landscape Masterplan drawing 01 rev E dated 17/06/2020.

Other Matters

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

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

WG - Highways Directorate

26th May 2021

I refer to your consultation of 26/04/2021 regarding the above planning application and advise that the Welsh Government as highway authority for the A479 trunk road does not issue a direction in respect of this application.

CPAT

27th Apr 2021

We note the findings of the EDP heritage assessment report and would agree with the low archaeological potential stated. Cadw (cadwplanning@gov.wales) should be consulted for their final comments on the potential setting impact for the scheduled site to the east, although the impact is clearly negligible from the report supplied.

We would therefore have no objection to the proposed development.

Cadw - SAM

11th May 2021

Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments or registered historic park and garden listed in our assessment of the application below.

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

Assessment

Scheduled Monuments

BR058 Bronllys moated site

BR008 Bronllys Castle

BR047 Porthamel Tower

Registered Parks & Gardens

PO9 Bronllys Hospital

The impact of the proposed development on the settings of the above-designated historic assets has been assessed by EDP and they have concluded that it will have a low, but not significant, adverse impact on the setting of scheduled monument BR058 Bronllys moated site and no impacts on the settings of the other designated historic assets. We concur with this conclusion.

Representations

There have been 31 public representations to this application. 2 in support and 29 in objection.

The objections can be summarised as follows:

- highways,
- loss of public space and needing more open space on the proposed development,
- impact on local ecology,
- increase in traffic,
- amenity in relation to existing dwellings,
- increase in pollution,
- over-development,
- out of keeping with the area,
- noise nuisance,
- a strain on existing facilities,
- inadequate access,
- development too high,
- close to existing dwellings,
- loss of light,
- general dislike of proposal,
- loss of privacy,
- loss of view,
- inadequate parking provision,
- loss of parking, over-development,
- conflict with local plan,
- information missing from plans,
- not enough information given on the submission,
- disruption and noise through development.

Those in support are in relation to housing – particularly affordable homes - being much needed in the area.

In addition, Powys Ramblers offers their support that the rights of way have been considered within the development and will remain in situ. They ask that an informative be added to any consent to remind developers that the public rights of way must remain un-obstructed at all times throughout the development.

Planning History

App Ref	Description	Decision	Date
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None.

Principal Planning Constraints

Historic Landscapes Register	Middle Wye Valley
LDP Development Boundaries	Bronllys/ Bronllys
LDP Residential Allocations	Land adj Bronllys CP School, N
River SACs / SSSI	
Powys Open Space Assessment 2018	Bronllys School Playground
Right of Way	006/4/1
Right of Way	006/3/2
Right of Way	006/3/3
Trunk Road	

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
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN16	Sport, Recreation and Open Space		National Policy
TAN18	Transport		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN24	The Historic Environment		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development

		Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design	Local Development Plan 2011-2026
SPARC	Archaeology and Historic Environment	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
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
H1	Housing Development	Local Development

	Proposals		Plan 2011-2026
H2	Housing Sites		Local Development Plan 2011-2026
H3	Housing Delivery		Local Development Plan 2011-2026
H4	Housing Density		Local Development Plan 2011-2026
H5	Affordable Contributions	Housing	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application is the Former Bronllys School which is located to the south-western corner of the village of Bronllys which lies some 8 miles east of Brecon. For the purposes of the Local Development Plan (LDP), Bronllys is defined as a Large Village.

The site measures approximately 0.96 hectare and is located within the development boundary for Bronllys.

To the north and east of the application site is Neuadd Terrace, residential estate, whilst to the west and south is allocated housing site P07 HA1 which has an extant consent (P/2016/0793) for 30 dwellings.

The proposal site contains the former primary school (which was closed in 2017), car park for the school and school grounds. The remainder of the site is the former school playing field and grounds, aside from a section on the north of the site that is currently a children's play area and serves the local population.

This application is for the demolition of the former school and associated buildings, and for the erection of a total of 17 affordable dwellings and all associated works. The dwellings are in a crescent formation, with two separate dwellings then located on the existing children's play area at the north of the site. The proposed dwellings will be served by two non-linking highways both starting on the existing Neuadd Terrace – one to the west of Neuadd Terrace, and one that served the former primary school to the east of the proposed site.

The dwelling mix will comprise of:

- 1 x 1-bed bungalow
- 1 x 2-bed bungalow
- 4 x 1-bed flat
- 7 x 2-bed houses
- 2 x 3-bed houses
- 2 x 4-bed houses

A central area of public open space will sit in the centre of the site around an existing tree and will link to the remainder of the existing play area. Public areas will also be provided for in terms of a community garden and an informal play area with seating to be sited on the area set aside for the SUDs development.

The site will have parking for 34 parking spaces with cycle parking available for each dwelling.

The dwellings will be constructed of red stock facing brick and FSC Sweet chestnut cladding. The roofs will be feature reconstituted slate. The facias will be powder-coated pressured aluminium.

A wetland area with a small pond is proposed between plots 4 and 3, and a community garden is proposed to the rear of plot 7 and the east of plot 13.

Principle of Development

Policy DM11 of the Local Development Plan seeks to protect existing community facilities and services. Under the LDP a school is identified as being community facility which are considered to being essential to the social and physical well-being of communities.

Policy DM11 identifies that the loss of community facilities and services will only be permitted in respect of:

1. An existing community or indoor recreation facility where it can be demonstrated that:
 - i. Appropriate alternative provision is to be made available or the potential for continued use is no longer viable; and
 - ii. Alternative solutions to support the long-term use of the facility for the

community have been adequately explored.

Bronllys School was closed in 2017 as part of a school modernisation scheme which merged schools within the local area, alternative provision at that time was therefore made in Talgarth and to this day serves the residents of Bronllys.

In terms of the long-term use of the facility it is noted that following the closure of the school, there has been no intervening uses of the school building.

Bronllys has an existing community hall which already serves the residents at Royston Memorial Hall and therefore it is not considered that there is an extant need in the local area for this use. Additionally, the application has been submitted by the Council's Housing Service for an affordable scheme to meet a recognised local need and includes facilities to be utilised by the surrounding community in terms of open space provision.

It is therefore considered that the former school building is now a redundant facility within the community and the scheme proposed provides affordable housing development which meets a local recognised need.

In relation to the proposed development, LDP policy H1 seeks to ensure that housing development is appropriately located and suitable in scale and type and states that housing development proposals will only be permitted in Towns and Large Villages where:

- i. On sites allocated for housing or on other suitable sites within the development boundary; or
- ii. On sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6.

The village of Bronllys is classified as a Large Village within the Local Development Plan. The site is not a formal allocated housing site, being a Previously Developed Site (PDL) in the relation to the former school and associated buildings. It also consists of the former school playing field / grounds and a small area of designated children's play area.

The application site lies entirely within the development boundary of the village of Bronllys.

Concerns have been raised that the proposal is not in accordance with the local development plan, and that information is missing from the proposal. However, details have not been supplied to demonstrate what information is missing, or in what part of the development plan the proposal is not in accordance with.

In light of policy H1 and that the proposal is located within the settlement development limit for Bronllys, a large village under the LDP it is considered that the principle of development is in accordance with the policy remit, and in particular LDP policy H1.

Design and External Appearance

With respect to design, specific reference is made to LDP policies DM13 (Part 1). LDP policy DM13 requires development to be able to demonstrate a good quality design and to have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The dwellings are located to the south and west of an existing residential development known as Neuadd Terrace. The dwellings of Neuadd Terrace are a mixture of terraced and semi-detached two storey dwellings and bungalows. The dwellings are predominately constructed of red brick under a single pitched tile roof.

The proposed 4-bed dwellings are 6.5m deep by 8.9m wide. They are 6.6m to eaves height, 9.5m to pitch. The dwellings have attic rooms, hence the higher eaves height and pitch.

The block with the four flats is 15.4m wide, 8.17 m deep, 5.2 m to eaves height with a pitch of 8.8m.

The houses in the semi's are 6.2m wide by 8.2m deep. They are 5m to eaves height, 9.2 m to full pitch.

The bungalows are 9.5 m wide, 10.1m deep. The eaves height is 2.3m, with a full pitch of 6.1m.

In comparison to the proposed, the existing dwellings of Neuadd Terrace are slightly lower. The proposed dwellings reflect modern standards and therefore more generous floor-to-ceiling heights and greater insulation in the proposed dwellings. However, the difference is only 240mm which is considered to be negligible when comparing the whole site.

The proposed dwellings are also to be constructed of red brick but are to be softened with sections of wooden cladding. The proposals are for a mixture of detached, semi-detached and terraced dwellings – bungalows and houses - which are considered to be reflective of the local character, with a slightly more modern design which breaks up the repetition of the elevations.

Each dwelling has a porch, and the flats have connected extended sections to the front with porches and extended sections that house the stairwells.

Some of the public objections were concerned with the design of the proposal, but it is considered that the proposal has been designed to be reflective of the area and in accordance with policy DM13.

The proposed dwellings are spaciouly set out with a density of 18 units per hectare

and this is enhanced by the increased proportion of public open space within the development. This is considered further in the sections below that deal with density and public open spaces. However, the spacious nature also reflects on the design and so needs to be considered in this section.

The more spacious aspect of the site allows for the houses to be that slight bit taller than the neighbouring dwellings without making the houses seem over-bearing. The lower density and higher proportion of outdoor public space is a positive benefit to the site.

The boundary treatment of the site is a mix of 1.8m and 1m timber vertical slatted fencing, plus fences of horizontal slatted panels hung on brick pillars.

The setting of the site in terms of the retention of significant trees and hedgerows adds to the design and external appearance of the dwellings. The additional planting and landscaping will enhance this further.

It is therefore considered that the dwellings are acceptable in terms of their design and the materials used, and also the siting of them within the wider locality.

It is therefore considered that this application is in accordance with LDP policies DM13, H3 and the SPG Residential Design.

Residential amenity

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

Objections have been received from occupiers of existing dwellings within the Neuadd Terrace estate concerned about the impact of the proposed dwellings upon their amenity, privacy and loss of light – particularly the two dwellings (plots 16-17) to the north of the site to the immediate south of the existing dwelling of 22 Neuadd Terrace.

The side elevations of the two dwellings on plot 16-17 are situated 11.8 metres from the rear elevations of the existing dwellings of numbers 22 and 21 of Neuadd Terrace. The dwellings do have outbuildings at the rear of the site, but these are not habitable rooms. There is also an existing pathway that serves the ends of the existing rear gardens and provides a walkway along the side of the existing play area and this will be maintained, giving yet further physical and notional distance from the new development.

The SPG Residential Design deals with the proximity of new dwellings to existing dwellings and states how the proposed dwellings need to be situated in order to not unacceptably adversely impact on the amenity of existing dwellings.

Concern was raised about the proximity of dwelling on plot 16 because the roof was just failing the 25 degree rule (as per the Residential Design SPG) from the referenced

height of 2m of the rear elevation of the existing dwelling of 22 Neuadd Terrace.

Amendments were made to adjust the roof line by including a hipped roof on both sides of the semi-detached dwellings. This allows the line to be in accordance with the SPG guidance and therefore it is considered that it will not unacceptably adversely impact on the light available to numbers 22 and 21 of Neuadd Terrace.

Objections were received in terms of loss of view, but this is not a planning matter.

Objections were received in terms of impact of privacy on existing dwellings, but careful scrutiny of windows carried out in conjunction with the guidance given in the Residential Design SPG and it is considered that the proposed development will not be unacceptably adversely impacting on the privacy of existing dwellings.

Concerns were raised about the impact of the construction phase for existing residents. Environmental Health were consulted and requested that conditions and an advisory was included regarding times of construction hours and methods.

It is therefore not considered that this application will unacceptably adversely affect the amenity of neighbouring dwellings, subject to conditions referred to above, and is therefore acceptable within the remit of the LDP: DM13 (Part 12).

Highways

A safe access and parking is a fundamental requirement of any development. TAN 18, LDP policy T1, and section 10 of LDP policy DM13 deals with highway provision for proposed developments and requires proposals to be designed so as 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.

Access to the site is via the Neuadd Terrace estate which in turn connects to the main road running through the village of Bronllys, the C0085 which was the former A438 that was downgraded when the Bronllys bypass was developed in 2007.

The site is within the village of Bronllys, and has good connections to Talgarth, which is easily walkable. Good bus connections serve Bronllys.

The proposed section of the estate will be served by two additional roads: one serving the majority of the development – 15 dwellings to the western side of the development. The other will go to the east of the development to serve the two dwellings on the old school area.

Many of the objections relate to the problem of highways and traffic within the Neuadd Terrace estate saying the roads are already busy, and this is exacerbated with existing and apparently problematic on-street parking. Other concerns relate to a loss of parking on the existing primary school site. The public is concerned that the proposed

development will exacerbate current problems due to increasing traffic to and from the site which some people consider to be an inadequate access.

The Highway Authority has been consulted and has stated that because the site has been used as a primary school, they do not consider that the proposed use will have a greater impact on the local highways and traffic management than could be the case with the primary school – which does have capacity for 180 pupils, although numbers were in the 30s when the school was closed. Drop-off and pick-up times would have generated a greater deal of traffic than the proposed use which will be throughout a 24 hour period, rather than being concentrated around two peaks during the day. It was also noted that the parking within the school car park was not supposed to be available for local residents but was a bonus outside of school hours. Therefore, it cannot be reasonably considered a “loss”.

To conclude, Highways considered that the traffic going to the new dwellings can be accommodated within the local highway network.

The Highway Authority is satisfied that each dwelling has sufficient area available for off-street parking, including provision for bicycles. They have also stated that they are content that the wider access to the proposal is satisfactory.

PCC Highways have therefore concluded by saying that they are satisfied that the development is acceptable in terms of the local and wider highway network, subject to a number of conditions.

Welsh Government Highways were also consulted and stated that they have no objection/ direction to the proposal.

In light of the above it is therefore considered that, subject to conditions, the proposed development fundamentally complies with relevant planning policy and in particular, LDP policies T1 and DM 13, Section 10.

The Historic Environment

LDP policy DM13, strategic policy SP7 and TAN 24 deal with the historic environment. The policy framework requires that any development proposals within the vicinity of them take the assets into account in order that they shall be safeguarded for future generations.

There are three Scheduled Monuments (SM) located close to the site:

BR058 Bronllys moated site

BR008 Bronllys Castle

BR047 Porthamel Tower

In addition to this, the Bronllys Hospital is on the list of Registered Parks & Gardens (PO9), plus there are a number of listed buildings in the vicinity of Bronllys.

Care needs to be taken to ensure that none of these assets are to be unacceptably adversely affected by the proposal.

Bronllys moated site SM is the closest being a mere 45m from the western boundary of the moated site.

A Heritage Impact Assessment was submitted with the application and it confirmed that visibility from the moated site was considered to be minimal, if not non-existent. It was also considered that the site would not be visible from the other two SMs.

The Bronllys Castle SM (BR008) and three associated listed buildings are c600m from the proposal site. There is no intervisibility between the two sites, and therefore there is not considered to be any adverse harm on the SM or listed building settings from the development of the proposal site.

With regard to the proximity of the Bronllys Hospital Registered Park and Garden, the boundary of this is just 135m NW from the proposed site boundary. However, the land between the proposed site and the registered park and garden consists of trees, agricultural land, hedges, the junction between the A438 and Bronllys High Street plus woodland. There is not considered to be any intervisibility between the site and the park, and therefore it is not considered that the proposal will have any impact on the Bronllys registered park.

With regard to listed buildings, Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'.

Bronllys does have a historic core and notable listed buildings include the Grade II* St Mary's Bell-Tower and Grade II listed church which lie c150m to the east of the site.

The Heritage Impact Statement considered the proximity of the proposed in relation to the listed buildings and determined that the development would not result in an unacceptable adverse impact on the buildings and their settings.

The Middle Wye Valley is on the Historic Landscapes Register. The Historic Environment SPG (July 2021) requires all development proposals within such a landscape to have their impact considered on the historic character of the area.

In the case of this development proposal, it is considered that the site currently has

modern development to the north and east and has extant consent for development to the west, and therefore will technically be an infill plot within an already built-up area. Cadw and CPAT have considered the site and found it to be acceptable within the remit of listed buildings and their settings, the Registered Park and Garden and Scheduled Monuments.

On balance, it is therefore considered that the proposal is acceptable in terms of the Historic Landscapes Register, and therefore the Historic Environment SPG.

Cadw and CPAT were consulted and concurred with the Heritage Impact Statement and content that the proposal would not be considered to adversely affect or harm the heritage assets in the area. Therefore, it is considered that this proposal is acceptable within the remit of heritage and is in accordance with LDP policy DM13, SP7 and TAN 24.

Contaminated Land

LDP policy DM10 deals with land that either is or may be contaminated or unstable and seeks to ensure that development will not result in additional problems of ground instability or contamination or problems that may unacceptably adversely affect public health and safety.

Due to the application site being previously occupied by a busy school, there is the risk that some of the land may be contaminated: boilers, buildings etc. LDP policy DM10 states that development proposals will be permitted where they remediate the contamination and do not unacceptably adversely affect public health and safety. In this instance, the Contaminated Land Officer requested that conditions and an advisory note be attached to any consent to ensure that the proposal is acceptable within the remit of contaminated land.

It is therefore considered that the application is acceptable within the terms of LDP policy DM 10 Contaminated and Unstable Land.

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 (number 006/3/3) runs east-west across the northern boundary of the site and two others (numbers 006/4/1 and 006/3/2) meet it and clip the north-eastern corner of the site.

The positions of the rights of way will be respected and have been incorporated within the site layout. Powys Ramblers commented that they were pleased that the routes of the rights of way would remain in situ and asked that the developer be reminded that

they should remain unobstructed at all times. An informative can be included to remind the developers that the rights of way should either be temporarily closed during construction or made unobstructed and available for use at all times.

It is therefore 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

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected sites. In accordance with TAN 5: Nature, Conservation and Planning, and Powys LDP Policy DM2: The Natural Environment. As part of the planning process Powys LPA should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature and under Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity so any submission should incorporate enhancement proposals.

Two statutory designated sites were identified within 1km of the site:

1. Afon Llynfi SSSI – approximately 480m south of the proposed development.
2. River Wye SAC – approximately 480m south of the proposed development.

With Ancient woodland within 500m of the proposed development.

The PCC Ecologist and NRW were consulted. Both have considered the impact of the proposal on these habitats and are satisfied that there are not likely to be any negative impacts directly or indirectly to the designated sites.

A school pond on the site was considered to be of little ecological value due to its condition, and so was not considered important to retain. However, a new pond will be constructed in the south-east corner of the site as part of the proposal, and therefore this is considered a positive attribute to the site.

Hedgerows to the north and the eastern boundary were considered to have good wildlife potential, both for foraging and as a commuting habitat and therefore are to be retained, as is the treeline to the east. Mature trees within the site are to be retained and the Ecologist has requested a condition to require a Tree Protection Plan to ensure their protection during construction. This has been supplied and the document considered by NRW who have requested that it be conditioned to be adhered to.

The proposal included the disturbance of existing building fabric and therefore additional ecological information was provided in the form of a Preliminary Ecological Appraisal. This considered not only the demolition of the former school building, but also the proposed development of the site, which is currently a playing field, with cropped grassland.

An Extended Phase One Ecology Survey was submitted and showed that a single pipistrelle bat was found to be roosting in the outbuilding of the former school (not the actual school building). Therefore, the outbuilding is considered to be a formal bat roost, and mitigation is required to ensure that the protected species is not compromised. The bat survey gave this mitigation and was considered by the Ecologist and found to be acceptable. The demolition of the outbuilding will require an EPS licence, details of this can be included as an informative.

The majority of the site is currently cropped-grass and the survey concluded that this was species-poor grassland and so had little ecological value.

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity through all of its functions – this includes the planning process. The applicant has proposed a number of biodiversity enhancements and mitigation measures identified through the ecological survey which include (but not limited to):

- 3 sparrow terrace boxes
- Wildflower planting
- Hedgehog friendly fencing

Based on the findings of the Ecological Survey it is therefore requested that the survey and its mitigation be included in conditions to be adhered to.

Some of the objectors have raised concerns about the impact of the development upon local ecology, it is considered that the impact has been considered – in terms of the protection and management of existing ecology, but also in the provision of habitats for the future.

In conclusion, with regard to the ecology remit, it is therefore considered that this application is acceptable in relation to ecology and in particular, LDP policy DM2, and TAN5.

River Wye Special Area of Conservation (Phosphate)

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 an HRA to determine whether they are likely to have a significant effect on the SAC.

This application does sit within the River Wye catchment area and has been screened in accordance with Natural Resources Wales's advice for planning applications within the river Special Areas of Conservation (SACs) catchments (updated May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the advice:

*Any development connecting to a public wastewater treatment works where the permit has phosphate conditions in place **and** sewerage undertaker has confirmed that there is capacity to treat the additional wastewater **and** the additional phosphate from the proposed development.*

The discharge from the site will be pumped to Talgarth WwTWs which has a permit for phosphate extraction and the sewage undertaker has confirmed that there is capacity for the site to be connected to it. A pumping station will be constructed on the western side of the site in order to facilitate this.

It is therefore considered that this application is acceptable in terms of the River Wye SAC and passes the Test of Likely Significant Effects in terms of phosphate impact.

External Lighting

LDP policy DM7 deals with external lighting. It states that development proposals will only be permitted when a lighting scheme has been provided that demonstrates that the lighting will not individually or cumulatively cause unacceptable levels of light pollution, an adverse effect on the visibility of the night sky or protected species, or a nuisance or hazard to motorists, pedestrians or local residents.

A development of this size could cause a considerable impact if a sensitive plan was not put in place. As well as to the importance of ecology and when considering the proximity of the BBNP Dark Skies classification.

Therefore, it is considered important that a control is put on any future lighting plans through an appropriately worded condition.

It is therefore considered that the application is acceptable within the remit of external lighting and therefore is in accordance with LDP policy DM7.

Affordable Housing

LDP policies SP3 and H5, SPG Affordable Housing (2018) and Policy 7 (Delivering Affordable Homes) in Future Wales: The National Plan (2021) deals with the provision of affordable housing within and without settlement boundaries. I can confirm that for the purposes of the LDP, the site is located within the settlement boundary of a large

village.

The development is within the settlement development boundary of Bronllys, and whilst open-market housing would therefore be acceptable, it would be expected that a proportion of the proposed dwellings would be required to be affordable.

Given the location of Bronllys within the Central Powys region, Policy H5 requires a 30% contribution of affordable housing to accompany any planning application.

Whilst the application proposes 100% of the proposed dwellings are affordable housing for social rent and to managed by PCC Housing Services, the LPA are unable to secure above what is required by policy and therefore the 30% provision will be conditioned in line with policy H5.

Conditions can be added to ensure that if the application is successful, then the dwellings remain affordable for perpetuity. To ensure this, a condition can be added to ensure that the dwellings are small enough to be affordable and that permitted development rights be removed so that the dwellings cannot be extended without consent. The aim of this is to ensure that they remain of a size that will not price their rent too high to be realistically affordable for the local population.

It is therefore considered that this application is in accordance with the policy remit, and in particular SPG3 and SPG Affordable Housing.

Public Open Space

LDP policy DM3 deals with the provision of public open space. It requires that provision for public open space (POS) will be sought from all housing developments of ten or more dwellings.

The proposal site includes an area (136m²) of existing public open space that is currently available and used by the public as a children's play area with play equipment.

DM3 states that development proposals are permissible on existing POS as long as it can be demonstrated that alternative provision can be made available that is of enhanced or equivalent community benefit in terms of its size, characteristics, location and accessibility.

In this instance, as well as the formally designated area of POS, the remainder of the site is the former school site which many members of the public would have been used to using, even if it was not formally designated as such. It is therefore necessary for the proposal to offer enhanced community benefit if the area currently available has been removed and developed.

In terms of area, the proposal will result in a loss of approximately 136m² of existing public space, including a children's roundabout, yet this will be replaced by a total area of POS of 3188m² and so it is considered that it is a substantial gain in overall terms of

area. The roundabout will be relocated within the remaining play area, and a condition can be included to that effect.

Many of the objectors to the development were concerned with the loss of what they consider to be their existing public open space, but whilst that is certainly understandable, the site as in the school site, was never formal public space – although the area mentioned above (136m²) is. The Community Council expressed concerns about what they saw as the loss of their play area.

The proposed POS will consist of a grassed area around the existing mature oak tree in the north-east of the site and this will link to the existing play area at the south of Neuadd Terrace development. A sensory garden area with gabion basket seating to the north of plot 1, and a wetland area with a small pond that will be located in between plots 3 and 4. On the SUDs area to the south and west boundaries with boulders, seats and an area for informal play. A community garden is proposed to the rear of plot 7 and the east of plot 13.

The Ecologist expressed concerns that there was no management plan in place for the future of the POS and the ecological enhancements that were part of them. Therefore a condition can be put in place to require such a plan.

Whilst many of the objectors are concerned with a loss of open space, it is considered that the open space provision on this site is significantly higher in area than would typically be the case. It is therefore considered that the development is not lacking in open space for the new occupants and will also link to open space and therefore be readily available for existing residents of the estate.

It is therefore considered that sufficient public open space for a development of this size has been allocated within the development site. Therefore it is considered that the proposal is acceptable within the remit of LDP policy DM3.

Density

LDP policy H4 deals with density of dwellings on development sites in order to seek to make the most of sustainable and efficient use of land. It seeks a density of 27+ units per hectare for sites within Large Villages.

The density for this development is 18 dwellings per hectare, whereas in order for a site of this size to be in accordance with the policy, 23 +dwellings should be proposed. A number of the public objections have raised concerns that the proposal is “over-development” of the site, however it is considered given the under-supply in line with policy H4 that these concerns are not justified

Policy H4 does allow for variations from this density on acknowledged physical, biodiversity or infrastructure constraints on site.

In this instance, the developer has argued that they are seeking a higher level of public open space on site, which will not only provide a better environment for the residents of the proposed dwellings, but also the occupants of the existing dwellings on Neuadd Terrace that this site currently provides for. Whilst the playing field of the former school is not formally designated POS, the local residents have gotten used to using it as such, and therefore a generous provision is considered appropriate.

In addition to this, there are existing rights of way that need to be accommodated, plus the highway entrance points to the site are already pre-determined. The location of the existing play area, and the mature oak tree in the centre of the proposed POS have dictated the layout of the site and reduced the ability to have a free hand on layout. Existing hedges and other mature trees on the boundary have also provided a constraint that prevents the ability for a free hand in layout.

Furthermore, there is a foul pumping station to the west of the site, SUDs infrastructure and two bariatric bungalows which by definition need a larger footprint.

In conclusion, it is considered acceptable that the proposal does have a smaller density than that requested by LDP policy H4, and the reasons offered for this are acceptable in the context of the site and its constraints.

Landscape and Visual Impact

Policy DM4 seeks to ensure that proposals for new development outside the Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

This site is within a settlement boundary of a Large Village and therefore will not have the same level of scrutiny because the appropriateness of the site for development has already been considered within the LDP.

However, it is still important to consider the impact of the development upon the wider landscape, particularly in this instance as the site is so close to the BBNP.

LANDMAP identifies the area as being characterised as the following:

Geological Landscape- Moderate
Landscape Habitat- Moderate
Visual and Sensory- Moderate
Historic Landscape- Outstanding
Cultural Landscape- Moderate

The Historic Landscape is evaluated as being: *Small but complex medieval settlement based around a church, moated site and a handful of significant buildings. The main core of the village lies to the north of a stone built medieval castle and the whole sits*

within an extensive area of ridge and furrow cultivation marking the former medieval open field system (in an adjoining aspect area). Areas of former orchard also lie within the village. In the modern era the village has been dominated by the early 20th century hospital complex to its west.

The historical nature of the surroundings have been considered within the Built Heritage section of the report and the development has been found to be acceptable within that context.

NRW have also commented about the impact of the proposed development with regard to the proximity of the Brecon Beacons National Park and have concluded that there would not be an unacceptable adverse impact on the landscape of the BBNP as a result of this proposal.

It is therefore considered that because the site is within the development boundary of the settlement, is closely grouped to existing dwellings to the north and east, and an extant consent for more to the west, it is considered that this element of the proposal is acceptable within the local and the wider landscape.

On a site-level note, a landscaping plan has been submitted and found by the PCC Ecologist to be acceptable. She does however request that further detail regarding the scheme and its after-care be secured by a condition.

On the basis of the information submitted it is considered that the proposed development in its amended capacity would not have an unacceptable adverse effect on the character and appearance of the surrounding area. It is therefore considered that the proposed development is acceptable within the remit of policies SP7 and DM4 of the Local Development Plan and Planning Policy Wales.

RECOMMENDATION

Conclusion

In conclusion, it is considered that the proposal is a well-designed scheme in terms of design and the provision of public open space in terms of formal and less-formal areas. The ecological enhancements are considered sufficient to provide an enhancement to what currently exists on the site. The density is lower than required by the LDP, but it is considered that there are acceptable reasons for this in terms of the infrastructure that is provided.

There were many public objections to the site, but it is considered that these have been addressed and those with tangible concerns have been discussed and overcome. It is appreciated that for the local residents, they may have become used to the availability of the playing field to use as informal recreation, but it was not a designated formal site

identified in the Powys open space assessment.

In light of the above, it is considered that the proposed application would not result in an unacceptable impact upon the locality and its 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:

- 3866-PEN-XX-XX-DR-A-1005-S4-P15_Proposed Site Layout
- 3866-PEN-ZZ-ZZ-DR-A-2000-S3-P9 4B6P House Plans & Elevations Plot 1
- 3866-PEN-ZZ-ZZ-DR-A-2100-S3-P7 2B4P House Plans & Elevations Plot 2
- 3866-PEN-ZZ-ZZ-DR-A-2200-S3-P7 3B5P House Plans & Elevations Plot 3
- 3866-PEN-ZZ-ZZ-DR-A-2300-S3-P8 3B5P House Plans & Elevations Plot 4
- 3866-PEN-ZZ-ZZ-DR-A-2400-S3-P9 2B4P House Plans & Elevations Plot 5, 6, 13, 14 - submitted 20.7.2021
- 3866-PEN-ZZ-ZZ-DR-A-2400-S3-P9 2B4P House Plans & Elevations Plot 16, 17 submitted 20.7.21
- 3866-PEN-ZZ-ZZ-DR-A-2500-S3-P10 2B2P Bungalow Plans & Elevations Plot 8
- 3866-PEN-ZZ-ZZ-DR-A-2600-S3-P9 1B1P Bungalow Plans & Elevations Plot 7
- 3866-PEN-ZZ-ZZ-DR-A-2700-S3-P8 1B2P Walk-up Flats Plans & Elevations Plots 9, 10, 11 and 12
- 3866-PEN-ZZ-ZZ-DR-A-2800-S3-P8 4B6P Plans & Elevations Plot 15
- Ecological Services Ltd, February 2019, Extended Phase One Ecology Survey, Ecological Services Supplementary Report, dated 25th May, 2021.
- Ecological Services Ltd, April 2020, Bat Survey, Section 9
- ArbTs Ltd, ArbTS_615.1_Former Bronllys Primary School, 30th June2020, Arboricultural Report, Appendix 4 - Tree Protection Plan.
- Fiona Cloke Associates, Project 739 - Drawing No 01 Rev E, 17/06/2020, Landscape Master Plan.

3. 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.

4 Notwithstanding the submitted details, prior to the commencement of the development' detailed highway engineering drawings covering the highway works within the site, proposed highway drainage and highway works along the frontage of the county highway, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

5 No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 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.

6 No other development shall commence until the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

7 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

8 Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing 1005 S4 Rev 14. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

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

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

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

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

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

14 Each private drive shall be surfaced in bituminous macadam, concrete or block paviors, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.

15 Prior to commencement of development a plan for the relocation or replacement of the roundabout currently in the children's play area shall be submitted for approval in writing by the local planning authority. Thereafter the scheme shall be implemented in accordance with the approved details.

16 No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

17 The development shall be carried out in accordance with the mitigation proposed in Bat Survey, Aril 2020, V1.0 and maintained thereafter.

18 The tree protection measures detailed in the Arboricultural Method Statement and Tree Protection Plan shall be adhered to throughout the development of the site.

19 The measures detailed in the Planting Plan, dated 1.4.2021 shall be carried out and adhered to in full. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

20 Prior to the commencement of development a plan detailing the future management of the open spaces shall be submitted and approved in writing by the Local Planning Authority. Those details shall be carried out and adhered to for the duration of the development.

21 Prior to the commencement of development, a biodiversity enhancement plan detailing location of hedgehog-friendly fencing and the recommended enhancements for nesting birds shall be submitted and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved plans.

22 No development shall commence until a preliminary investigation and

assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

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

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

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

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

25 The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

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

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

The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

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

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance'.

27 No development shall begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 30% of housing units/bed spaces;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider;

- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

28 The affordable dwellings shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwellings shall not be subject to extensions, roof alterations and buildings other than those expressly authorized.

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

0800-1800 hrs Monday to Friday

0800-1300 hrs Saturday

At no time on Sundays and Bank Holidays

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

30 Prior to the commencement of development, a Construction Method Statement detailing the control of noise and dust during the landscaping and construction phases shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be undertaken strictly in accordance with the Construction Method Statement as approved.

31 Prior to the commencement of development the abandoned water main that crosses the site shall be accurately located and marked out on site. No operational development shall be carried out within 3m either side of the centreline of the pipe.

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 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.

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

Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

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

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

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.

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.

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.

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.

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

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.

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.

15 To safeguard the amenities of the locality in accordance with policy DM3 of the Powys Local Development Plan.

16 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.

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.

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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.

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22 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

23 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

24. In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

25 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

26 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

27 To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).

28 To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).

29 In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.

30 In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.

31 To protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

Informatives

Dwr Cymru

Water Supply

A water supply can be made available to service this proposed development. Initial indications are that a connection can be made from the 125mm diameter watermain at approximately 314216, 234877. The cost of providing new on-site watermains can be calculated upon the receipt of detailed site layout plans which should be sent to the above address.

Asset Crossing

The proposed development site is crossed by an abandoned watermain with the approximate position being marked on the attached Statutory Public Sewer Record. It may be possible to divert the public water main if the developer applies under Section 185 of the Water Industry Act. However, you may be able to formally abandon this main upon applying to Welsh Water and request you contact us to discuss this matter further. Alternatively, we recommend the proposed development is repositioned to accommodate for the required protection zone.

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. 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.

Ecology

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

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

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

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at

<https://naturalresources.wales/conservation-biodiversity-and-wildlife/european-protectedspecies/?lang=en>

Demolition of the detached teaching unit should not be commenced until the Applicant has been granted a licence by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations 2017, (as amended), authorising the specified activity/development to go ahead.

Building Regulations

Just to inform yourself the agent and the applicant that this scheme will require a building regulation application to be submitted prior to commencement of works on site.

Public Rights of Way

Three public footpaths cross the site. These public rights of way must remain unobstructed at all times throughout the development.

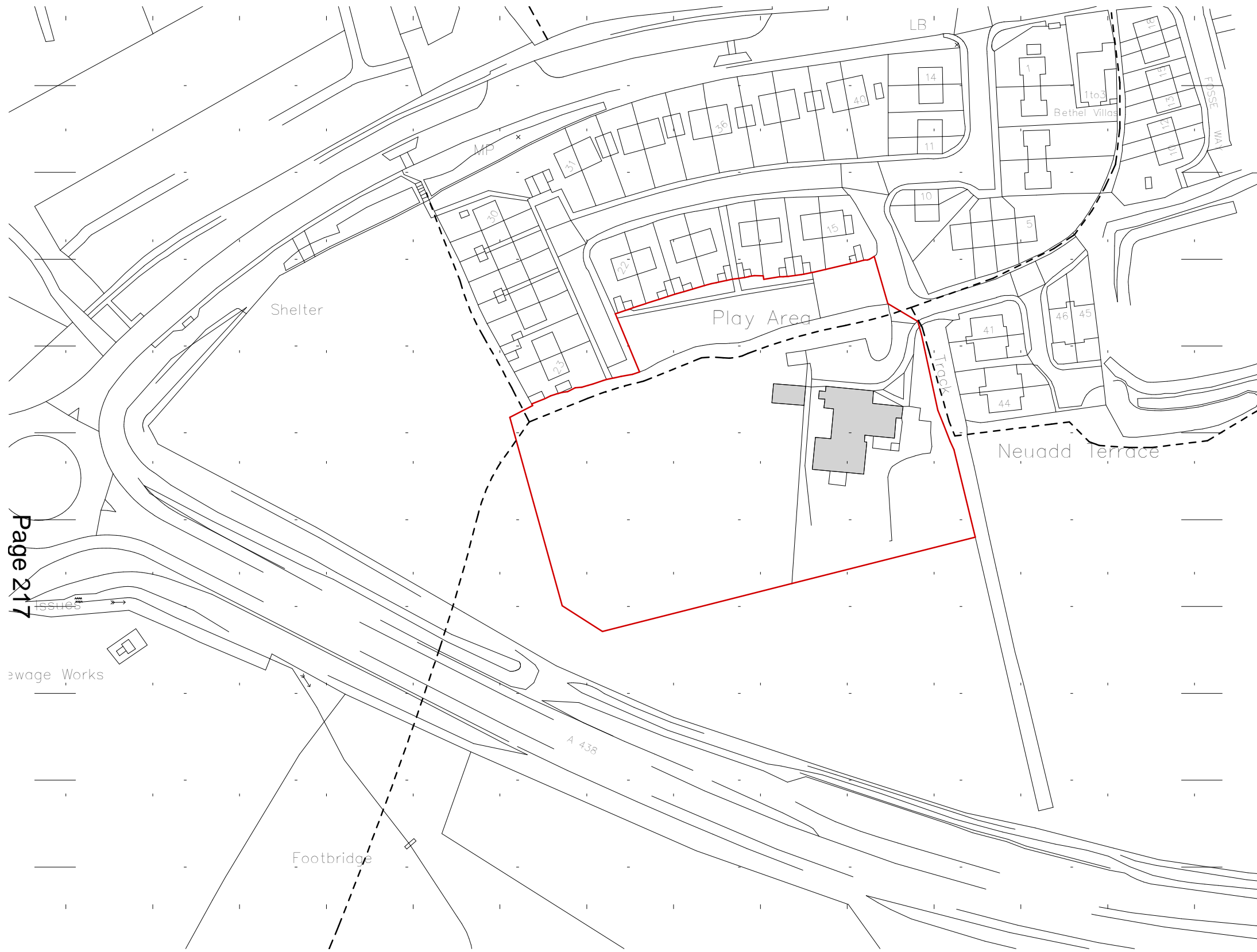
Land Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645.

Environmental Health

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

Case Officer: Lorraine Jenkin, Senior Planning Officer
Tel: 01597 827527 E-mail: lorraine.jenkin@powys.gov.uk



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Waste Works

Shelter

Play Area

Neuadd Terrace

A 438

Footbridge



- denotes Site Boundary
- denotes Public Right of Way
- denotes Existing Buildings on site.
(To be demolished.)

Application boundary as information supplied by Powys CC and to be confirmed by client.

P1	Issued for approval.	HJ	DT	16.04.21
Rev.	Description	Drawn	Check	Date

FOR APPROVAL

pentan
architects

22 Cathedral Road
Cardiff CF11 9LJ
t. 029 2030 9010
info@pentan.co.uk

Project	Former Bronllys Primary School			
Client	Powys CC			
Drawing Title	Existing Block Plan			

Job no.	Org.	Zone	Level	Type	Role	Description	Status	Rev.
3866	- PEN	- ZZ	- ZZ	- DR	- A	- 1003	S4	P1

Scale	Date
As indicated @ A3	Apr 2021

NOTES Do not scale. All dimensions are in millimetres unless stated otherwise

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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0306/FUL

Grid Ref: E: 274278
N: 300674

Community Council: Machynlleth

Valid Date: 10.03.2021

Applicant: Heart of Wales Property Services on behalf of Powys County Council

Location: Land To North West Of Ysgol Bro Hyddgen, Machynlleth, SY20 8DR, ,

Proposal: Change of use of land to create a sports pitch and associated drainage works

Application Type: Full Application

The reason for Committee determination

The application is major development submitted by Powys County Council

Consultee Responses

Consultee

Received

Machynlleth Town Council

No comments received at the time of writing this report

PCC-Building Control

No comments received at the time of writing this report

Councillor Williams

19th Mar 2021

With reference to planning application 21/0306/FUL, I can confirm that I have viewed the plans and supporting papers and can further confirm my full support for such an exciting development for the benefit of the new school and communities of Machynlleth and the

Dyfi Valley.

PCC – Highways

The County Council as Highway Authority

Wish the following recommendations/Observations be applied
Recommendations/Observations

Thank you for consulting the Highway Authority on this matter. Clarification has been sought by the Highway Authority in regard to the proposed users of the new sports pitch. The agent has confirmed that the sports pitch will only be used by the existing high school and will not be open for community teams use. Therefore, based on the above, the highway authority has no objection to the development as proposed.

Hafren Dyfrdwy

23rd Mar 2021

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

Natural Resources Wales

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 19/03/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met and the following documents are included within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Requirement 1: Submission of a revised Flood Consequence Assessment (FCA).

Requirement 2: Submission of an amended block plan and general arrangement plans to clearly demarcate the retained access route (a minimum access width of 8m is required).
Plans and documents

- Bio-security Statement (reference: Vital-ysgol-field-Bio27-08-2020, Roe, S. (2020). Field to north of Ysgol Bro Hyddgen and Gasworks Lane Access Route, Machynlleth,

Powys. Vital Ecology. Unpublished.).

- An Extended Phase 1 Habitat Survey (reference: Vital-WLGL-EP1-17-08-2020, Roe, S. (2020) Field to north of Ysgol Bro Hyddgen and Gasworks Lane Access Route, Machynlleth, Powys. Vital Ecology. Unpublished.)
- Roe, S. (2021). Great Crested Newt Habitat Suitability Index Data Summary: Field North Of Ysgol Bro Hyddgen and gasworks Lane Access Route, Machynlleth, Powys. Vital ecology. Unpublished
- Roe, S. (2021). Combined Water Vole and Otter Survey: Field North Of Ysgol Bro Hyddgen and gasworks Lane Access Route, Machynlleth, Powys. Vital ecology. Unpublished

Flood Risk

The application proposes less vulnerable development for the creation of a recreational area. Our flood risk map, confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial outlines of the River Garsiwn No2.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by WSP, dated February 2021, reference 8923-FCA-003 submitted in support of the application. We consider that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

TAN 15, section 11.21 states that proposals for public open space, outdoor recreational uses and agricultural developments, are likely to be acceptable in all areas where there is a risk of flooding. However, ancillary buildings or structures required for these uses, which are subject to prior approval, may not be acceptable in accordance with section 7. Therefore, as with all other uses, the application of section 7 will be relevant where flooding is a risk to ensure that the consequences of flooding are considered acceptable and are capable of being effectively managed. It is our understanding that the site does not currently benefit from a planning use and this application seeks to give the site such a use. Paragraph 11.21 requires the application of TAN 15, section 7 and subsequently requires development to be carried out in accordance with Appendix 1 of the TAN (including paragraphs A1.14 and A1.15). We request that advice/ clarification is provided

by the LPA regarding the current and proposed use of the site. We also request the LPAs advice/ confirmation on where they consider the proposed development lies within the 'development types' set out in tables A1.14 and A1.15 of TAN 15, Appendix 1.

We note that the FCA has considered two hydraulic models (2011 and 2016 models) and have utilised the 2011 model for the purposes of analysing the flood risk proposed to the site, as it is considered to be the more conservative model. The 2011 model is deemed as an outdated model and is not suitable to be used today to form the basis for any FCA, we therefore recommend that a revised FCA is submitted with up-to-date flood estimates/ hydrology.

Requirement 1: Submission of a revised Flood Consequence Assessment (FCA).

Nonetheless, the FCA states that flood depths across the application site in the 1% (1 in 100 year) flood event plus climate change are in the range of 1m - 1.25m. The FCA also states that the rate of flood water rise in the 1% flood event plus climate change ranges between 0.28m/hr – 0.66m/hr with velocities on site predicted to reach 0.14m/s. Whilst section 11.21 of TAN 15 is noted, our advice is that the flood depths and velocity of floodwaters demonstrated within the supporting FCA, exceeds indicative guidance set out in TAN 15, A1.15 on what is considered tolerable conditions for different types of developments.

Furthermore, no flood management plan/ action plan has been submitted in support of the proposed development; therefore, it is considered that the FCA fails to demonstrate that the consequences of flooding are acceptable and are capable of being effectively managed.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Garsiwn No2, a designated "main river". Further advice and guidance are available on our website at:

http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk_activity-permits-information/?lang=en

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting

other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

NRW Asset Maintenance - River Garsiwn Access for Maintenance Works

We have reviewed the submitted Block Plan which includes an annotation which states 'access route/zone for routine maintenance of water course. Width and dimensions to NRW requirements' and we have the following comments.

We require assurances that NRW's access route for the Garsiwn ditches will not be compromised. We require access along the southern side of the 'main river' known as Garsiwn No2 to carry out essential maintenance. Machine works/ maintenance is undertaken off the southern side of the 'main river' and the northern boundary of the www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk Page 4 of 6 proposed development site. It is quite possible that the development will be compatible with retaining our access requirements for maintenance of the watercourses. Whilst an annotation is provided on the submitted block plan, it is currently lacking in detail.

Requirement 2:

Submission of an amended block plan and general arrangement plans to clearly demarcate the retained access route (a minimum access width of 8m is required).

Flood Risk Activity Permit

The Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Garsiwn No2, a designated main river. Further advice and guidance are available on our website at:

http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood_riskactivity-permits-information/?lang=en

Protected Sites – Special Area of Conservation (SAC)

The proposed development site is located adjacent to a main river (Garsiwn NO2) which is hydrologically connected to the Lleyn Peninsula and the Sarnau SAC.

From the information provided, NRW consider that the proposals may affect the Lleyn Peninsula and the Sarnau SAC. The application is located 3.86km of the SAC. NRW

have identified potential impact pathways to features of this site:

1. Pollution

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

1. Developer adheres to pollution prevention guidelines.

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

Protected Sites – Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Dyfi SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Landscape

The development site is situated approximately 600m from the Snowdonia National Park, where the primary objective is the conservation and enhancement of natural beauty.

The proposal is unlikely to have an adverse impact on the Snowdonia National Park, provided no floodlighting is installed at the development site. From reviewing the submitted plans no floodlights appear to be shown.

We note that the proposal would cause some damage/ loss to existing hedgerows to the northeast and southwest in the 5m over-run area. We advise that replacement native species planting should be carried out. The statutory pre-application proposal included proposals for new hedge planting to the east and enhancements to tree screening from properties to the east. Planting proposals of native species tree and hedgerow planting should be included with the application and details required (by Condition if necessary), to aid the integration of the proposal with the surrounding landscape, which is visible from the nearby National Park.

Protected Species

We have reviewed the ecological reports submitted in support of the application in respect of Great Crested Newts (GCN) Water Vole and Otter.

We agree with the conclusions of the ecological reports and recommend that they are listed in a condition attached to any grant of consent identifying approved plans and documents.

Biosecurity Risk (Invasive Non-Native Species (INNS))

We have reviewed the following report: Bio-security Statement (reference: Vital-ysgol_fieldBio-27-08-2020, Roe, S. (2020). Field to north of Ysgol Bro Hyddgen and Gasworks Lane Access Route, Machynlleth, Powys. Vital Ecology. Unpublished.).

We note the presence of the invasive alien species – Himalayan Balsam. NRW advise that this report references and considers the implications of the Invasive Alien Species (Enforcement and Permitting) Order 2019.

We request that the following document is included in the condition identifying approved plans and documents on the decision notice for any grant of consent: Bio-security Statement (reference: Vital-ysgol-field-Bio27-08-2020, Roe, S. (2020). Field to north of Ysgol Bro Hyddgen and Gasworks Lane Access Route, Machynlleth, Powys. Vital Ecology. Unpublished.).

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk Page 6 of 6 Advice for the Developer Works Near Watercourse and Pollution Prevention Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link: http://www.netregs.org.uk/environmental-topics/pollution-prevention_guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/ If you have any queries on the above, please do not hesitate to contact us.

Additional comments received 11th June 2021 -

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the

above, which we received on 14/05/2021. Further to our previous comments in our letter ref: CAS-141805-Q9X0 (dated 23/04/21) we offer the following comments.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Requirement:

Confirmation from the Local Planning Authority on their position as to where the proposed development fits within the 'Development Types' as set out in tables A1.14 and A1.15 of Technical Advice Note (TAN) 15, Appendix 1.

Flood Risk

Further to our previous response we note that a Flood Consequence Assessment ref: 8923- FCA-0003 dated May 2021 by WSP has been submitted alongside an accompanying Flood Management Plan (ref: RV2 dated May 2021).

In our previous response (ref: CAS-141805-Q9X0) we requested clarification from the Local Planning Authority regarding the current and proposed use of the site. A response was received which confirmed that the land is currently agricultural by its nature and the proposed development is for a sports pitch. Despite this no response has been provided as to the 'development type' as set out in tables A1.14 and A1.15 of Technical Advice Note (TAN) 15, Appendix 1.

In order for us to provide appropriate advice and formal comments on the FCA submitted this need to be confirmed before this matter can be considered further.

NRW Asset Maintenance - River Garsiwn Access for Maintenance Works

We have reviewed the submitted amended General Arrangement Plan (ref: 493-CTF-XX_ZZ-DR-L-0022 P03) and amended site plan (Block Plan) (ref: 493-CTF-XX-ZZ-DR-L-0024 P03).

The amended plans now clearly demarcate the retained access route and an 8-metre maintenance zone strip to the south of the River for emergency access and maintenance of the river. We are satisfied that our previous requirement has been met and recommend that the submitted plan is secured via a suitably worded condition.

Landscape

Further to our previous comments it appears that no further information has been

provided to address our points raised regarding proposals for new hedge planting to the east and enhancements to tree screening from properties to the east. We recommended that planting proposals of native species tree and hedgerow planting should be included with the application and details required (by condition if necessary), to aid the integration of the proposal with the surrounding landscape, which is visible from the nearby National Park. We will provide further comments if a landscaping/planting scheme is put forward.

Protected Sites – Special Area of Conservation (SAC)

The proposed development site is located adjacent to a main river (Garsiwn NO2) which is hydrologically connected to the Lleyn Peninsula and the Sarnau SAC.

From the information provided, we consider that the proposals may affect the SAC. The application is located 3.86km of the SAC. We have identified potential impact pathways to features of this site:

1. Pollution

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

1. Developer adheres to pollution prevention guidelines. No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC. www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk Page 3 of 3

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Additional comments received 25th June 2021-

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 13/06/2021. Following our previous response ref. CAS-

150399-D8Q4 dated 11th June 2021 we offer the following comments.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- General Arrangement Plan ref: 493-CTF-XXZZ-DR-L-0022 P03
- Site plan (Block Plan) ref: 493-CTF-XX-ZZ-DR-L-0024 P03

Flood Risk

Our flood risk map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial outlines of the River Garsiwyn No2.

Your Authority has indicated that the development falls under general infrastructure within TAN 15 A1.14 and A1.15 and so is considered as less vulnerable development for the creation of a recreational area. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified.

Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the revised FCA undertaken by WSP, dated May 2021, reference 8923- FCA-003 submitted in support of the application. Our advice to you is that the FCA demonstrates that flood depths in the 1 in 100 year event plus climate change event range between 0.5-1.25m in depth, and therefore exceed the tolerable conditions set out in TAN15 A1.14 and A1.15.

TAN 15, section 11.21 states that proposals for public open space, outdoor recreational uses and agricultural developments, are likely to be acceptable in all areas where there is a risk of flooding. However, ancillary buildings or structures required for these uses, which are subject to prior approval, may not be acceptable in accordance with section 7.

Therefore, as with all other uses, the application of section 7 will be relevant where flooding is a risk to ensure that the consequences of flooding are considered acceptable and are capable of being effectively managed. It is our understanding that the site does not currently benefit from a planning use and this application seeks to give the site such a use. Paragraph 11.21 requires the application of TAN15, section 7 and subsequently requires development to be carried out in accordance with Appendix 1 of the TAN (including paragraphs A1.14 and A1.15).

Whilst section 11.21 of TAN15 is noted, our advice to you, is that the flood depths demonstrated within the supporting FCA, exceeds indicative guidance set out in TAN15, A1.15 on what is considered tolerable conditions for different types of developments.

We note the submission of the Flood Management Plan submitted in support of the proposed development dated May 2021 and welcome the proposed measures within the document.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Flood Risk Activity Permit

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Garsiwn No2, a designated "main river". Further advice and guidance are available on our website at: http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk_activity-permits-information/?lang=enwww.naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. If you have any queries on the above, please do not hesitate to contact us

PCC – Countryside Services

Thank you for the opportunity to comment on this application.

The applicant is advised that a public footpath Machynlleth 247/11/1 runs immediately adjacent to the southern boundary of the application site (to access a digital interpretation of the Definitive Map use the link below to view exact location of footpath).

It appears from the plans submitted that the proposed works will not affect the footpath but may we take this opportunity to inform the applicant of the points below which Powys County Council has a legal duty to 'assert and protect' public rights of way under the Highways Act 1980.

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- Landscaping & Surfacing – Please seek advice before interfering or surfacing a public right of way.
- New fencing or boundaries – If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure to be installed.
- Temporary closures – If the safety of the public cannot be guaranteed during construction, consideration should be given to applying for a temporary closure of the public right of way.

The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

For advice, please contact Powys County Council Countryside Services with details of the development at:

rights.of.way@powys.gov.uk

01874 614057

PCC - Ecologist

Thank you for consulting me with regards to planning application 21/0306/FUL which concerns an application for the change of use of land to create a sports pitch and associated drainage works at land to north west of Ysgol Bro Hyddgen, Machynlleth.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 222 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; noctule and pipistrelle, hazel dormouse, swift, redstart, goldcrest and common lizard.

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

- Regionally Important Geodiversity Site (RIGS) – Ogof-fach road section approximately 390m from the proposed development

Having reviewed the location and nature of the proposed development in relation to the RIGS it is considered that the proposed development would not result in a negative impact to the RIGS and/or its associated features.

Preliminary Ecological Assessment

I have reviewed the Ecological Report produced by Vital Ecology dated August 2020. An Extended Phase 1 Habitat Survey has been undertaken to assess the potential of the development to impact any protected species presence or habitats of ecological value. The proposed development site and boundaries consisted of marshy grassland, improved grassland, hedgerows and ditch.

The proposed development site was assessed for its suitability to support a number of protected species including badger, water vole, otter, bats and birds. The report identifies that the proposed development site and adjacent habitat have potential to support otter, water vole, badgers, bats, birds, amphibians and reptiles. Further otter & water vole surveys were undertaken on 30th July 2020 and great crested newt surveys.

No signs of otter or water voles were observed during the further survey work and it was concluded that no further surveys were required.

Two ponds were identified within 250m of the proposed development. Each pond was assessed for their suitability to support great crested newts using a habitat suitability index (HSI). Pond/ditch 1 scored a low HSI (0.13 a poor score) and pond 2 also scored a low HSI (0.13).

It should be acknowledged that the HSI score cannot always be fully relied upon to confirm absence of great crested newts from waterbodies that score below average, however the areas surrounding the proposed development site do not look to provide favourable terrestrial habitat for great crested newts and a review of records of great crested newts identifies that the closest known record of GCN to the site of the proposed development is over 1km away.

No avoidance or enhancement measures have been identified as a result of the surveys

however I note that a biosecurity method statement has been submitted with the application in order to identify necessary measure to prevent the ingress of INNS onto the site from elsewhere.

It is recommended that adherence to the submitted Biosecurity Method Statement is secured through an appropriately worded planning condition.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the proposed development. If external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan taking into account the recommendations identified in the BCT and ILP guidance note <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is secured through an appropriately worded condition.

Biological Enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It will therefore need to be demonstrated as to how the proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

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

As the application has not indicated any proposed biodiversity enhancements I recommend that a condition is included to secure the submission of a biodiversity enhancement plan.

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG>

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

The development shall be carried out strictly in accordance with the Biosecurity Method Statement produced by Vital Ecology dated August 2020. The identified measures shall be adhered to and implemented in full and maintained thereafter.

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

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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

In addition I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Resources Wales and the Council's Ecologist.

Protected Species

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

PCC - Environmental Protection

Thank you for the consultation in respect of this application. From an EP point of view my only concern would be on the impact on amenity of the nearest neighbour. I note that the pitch is not intended to be flood lit so operation will be limited to reasonable daylight. Given that no assessment of noise impact has been made, I would suggest that use of the pitch is limited until 8pm daily to ensure that the amenity of the neighbours is protected in the summer months.

PCC - Land Drainage

No comments received at the time of writing this report

Representations

Following the display of a site notice there has been one letter of public representation received objecting to the proposal. The main issues raised are as follows:

- Concerns regarding parking provision

A further representation has been received from Powys Ramblers, the response received is as follows:

Powys ramblers wish to comment on this application please.

"We wish to support the comments made by countryside services. In addition we think it is important to make sure that it is clear to all concerned where the exact route of the right of way is so can the applicant please be required to work with countryside services to help ensure there is sufficient signage."

Planning History

App Ref	Description	Decision	Date
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None

Principal Planning Constraints

Right of Way 247/11/1

Mineral Safeguarding Sand_Gravel

Listed Buildings in proximity

C2 Flood Zone

Y Plas Historic Parks and Gardens

Dyfi Estuary SPA

Lleyn Peninsula SAC

Sarnau SAC.

Dyfi SSSI

Snowdonia National Park

Regionally Important Geodiversity Site (RIGS) – Ogof-fach road section

Geological Conservation Review: Ynyslas

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales 2021 (11 th Edition)		National Policy
FWTNP	Future Wales: The National Plan (2040)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN15	Development and Flood Risk		National Policy
TAN16	Sport, recreation and open space		National Policy
TAN18	Transport		National Policy
TAN24	Historic Environment		National Policy

DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Mineral Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Town Council area of Machynlleth. The application site is located within the open countryside as defined by the Powys Local Development Plan (2018). To the north of application site is Gas Works Lane where maintenance and emergency vehicles will gain access to the site, also to the north is an existing Sewage Works. To the south of the application site is an existing Public Footpath and existing playing fields associated with the secondary school Ysgol Bro-Hyddgen in Machynlleth which is located to the south east of the application site. To the west of the application site is agricultural land and existing residential dwellings and to the east is agricultural land with existing residential dwellings beyond. Garswin Stream (which is defined as a Main River by Natural Resources Wales) flows east to west, through the northern portion of the site and an unnamed watercourse borders the southern and western boundary of the site.

The proposed sports pitch will measure approximately 116 metres in length and approximately 78 metres in width including overrun and deadball zones, which is acceptable standards for Welsh Club Rugby. Pedestrian access to the playing field is through the existing public footpath. A pedestrian gate will be introduced to the existing post and wire fence on the southern boundary. The proposal does not include any significant physical works to the site to implement the sport pitches with site levels to be kept as existing. The proposal also comprises improvements to the existing ground to facilitate better drainage of the fields. The agent has confirmed that the proposal will include rugby posts and has requested that details in relation to the size and scale, materials and finish of the rugby posts are conditioned.

Principle of Development

Policy C1 of the Powys Local Development Plan 2018 seeks to ensure that proposals for community or indoor facilities are within or adjoining a settlement identified in the strategic settlements hierarchy, and that no suitable facility exists nearby which could accommodate the use and the feasibility of multi-use has been considered.

TAN 16 states wherever possible sport and recreation facilities like rugby, football, and athletics stadia should be located in, or adjacent to town centres, on sites which can contribute to town centre vitality and viability and are accessible by a range of transport modes. Wherever possible, walking should be the primary means of access to such facilities, followed by cycling and the use of public transport, with private transport the least favoured option.

This application site is located adjacent to existing playing fields at Ysgol Bro-Hyddgen High School and is located outside the settlement boundary of Machynlleth which is classified as a town within the Powys Local Development Plan 2018. The proposed siting of the sports pitch is located adjoining the settlement boundary and there are no other suitable facilities within the town to accommodate the proposed use. The agent has confirmed that the sports pitch will not be open to general public or any other teams use. The existing school is likely to be subject to a comprehensive redevelopment in the near future and the proposed pitch would also enable integration with that development

at a future date. The proposed development would not be appropriate for multi-use given that the proposal is in connection with a Secondary School.

It is also noted the Powys LDP Open Space Assessment for Machynlleth identifies that there is an under provision of Designated Equipped Playing Space in Machynlleth.

In light of the above, officers consider that the proposed development fundamentally complies with policy C1 of the Powys Local Development Plan 2018.

Design and landscape impact

Policy DM4 of the Powys LDP states proposals for development will also be considered against the impacts they might have on the special qualities or purposes of the adjoining National Parks, and Areas of Outstanding Natural Beauty. When considering development in Powys under Section 62(2) of the Environment Act the Council have a duty to conserve and enhance the wildlife, natural beauty and cultural heritage and historic environment of the Brecon Beacons and Snowdonia National Parks.

With respect to design, specific reference is made to LDP policies DM4 and DM13. This indicates 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.

The proposed sports pitch is to measure 116 metres in length and 78 metres in width including overrun and dead ball zones. The sports pitch will be finished with hard wearing amenity grass to the surface of the playing field pitch. The proposal also includes a new sliding timber entrance gate to the southern boundary by the existing public footpath.

As noted above the agent has confirmed that the proposal will include rugby posts and has requested that details in relation to the size and scale, materials and finish of the rugby posts are conditioned.

Officers consider that the proposed sports pitch is sited as such that the proposal would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties. The proposal does not include any lighting under this application.

The proposed development is considered to be of a scale, height, mass, design and materials that complement and enhance the character and appearance of the existing buildings and of the surrounding area. In light of the above observations, Officers consider that the proposed development is in accordance with policies C1 and DM13 of the Powys Local Development Plan.

Reference is also made to LDP policy DM4 - Landscape. Having assessed the proposed site under LANDMAP, it was evident that evaluation of the site was classified as high. LANDMAP describes the area as a flat open lowland farmland closely associated with the course of the River Dovey, regular small to medium scale field patterns predominantly livestock and dairy farming in a picturesque landscape setting with rolling farmland rising steeply to the north and southern upland moorlands and mountains. Safe, settled with a high proportion of domesticity in its cultivated field pattern and incidence of settlements. Contains the transport routes of the west coast rail line and the A487(T) and A489(T) meeting at Machynlleth and the A470 heading north in the upper valley.

The proposal does not comprise any physical works to levels and only the setting out of the pitches alongside drainage improvements. Visually the existing site is marshy grassland with a post and wire perimeter fence of approximately 1 metre height enhanced with native hedges on the west, north and eastern sides. The proposal will not significantly alter the appearance of the site with the main change relating to the setting out of the pitch. Visually the site will still appear as grassland and as such the impact to the character of the landscape is considered to be negligible. It is noted that to the south of the application site the existing sports pitches include goal posts and rugby posts and therefore the introduction of new rugby posts will not have a detrimental impact on the character and appearance and the landscape of the area.

The development site is situated approximately 600m from the Snowdonia National Park, where the primary objective is the conservation and enhancement of natural beauty. The proposal is unlikely to have an adverse impact on the Snowdonia National Park given its location adjacent to existing sports pitches and its siting is close proximity to existing built development.

Taking the above factors into account, it is not considered that the proposal would have an unacceptable adverse effect on the Powys landscape or Snowdonia National Park. Therefore, it is considered that the proposal complies with the relevant criteria of LDP Policies DM4 and DM13.

Highways Safety and Movement

LDP Policies DM13 and T1 indicate that development proposals should meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

As part of this application process the Highway Authority has been consulted and requested clarification regarding the proposed users of the new sports pitch. The agent has confirmed that the sports pitch will only be used by the existing high school and will not be open for community teams use. The Highway Authority raised no objection to the

proposed development. Maintenance and emergency vehicles will gain access to the site routed from the north of the site via Gas Works Lane. School pupils will access the pitch via the existing public footpath.

In light of the above, Officers consider that the proposed development is in accordance with planning policy, particularly policy DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales

Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The PCC Ecologist reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 222 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within 500m of the proposed development include bat species; noctule and pipistrelle, hazel dormouse, swift, redstart, goldcrest and common lizard.

No statutory designated sites were identified within 500m of the proposed development. One non-statutory designated site was identified within 500m of the proposed development, Regionally Important Geodiversity Site (RIGS), Ogof-fach road section is approximately 390m from the proposed development.

The PCC Ecologist noted having reviewed the location and nature of the proposed development in relation to the RIGS it is considered that the proposed development would not result in a negative impact to the RIGS and/or its associated features.

The PCC Ecologist noted having reviewed the Ecological Report produced by Vital Ecology dated August 2020. The Ecologist noted the proposed development site and boundaries consisted of marshy grassland, improved grassland, hedgerows and ditch.

The Ecologist noted the proposed development site was assessed for its suitability to support a number of protected species including badger, water vole, otter, bats and birds. The report identifies that the proposed development site and adjacent habitat have potential to support otter, water vole, badgers, bats, birds, amphibians and reptiles. Further otter & water vole surveys were undertaken on 30th July 2020 and great crested newt surveys.

No signs of otter or water voles were observed during the further survey work and it was concluded that no further surveys were required. Two ponds were identified within 250m of the proposed development. Each pond was assessed for their suitability to support great crested newts using a habitat suitability index (HSI). Pond/ditch 1 scored a low HSI (0.13 a poor score) and pond 2 also scored a low HSI (0.13).

The PCC Ecologist acknowledged that the HSI score cannot always be fully relied upon

to confirm absence of great crested newts from waterbodies that score below average, however the areas surrounding the proposed development site do not look to provide favourable terrestrial habitat for great crested newts and a review of records of great crested newts identifies that the closest known record of GCN to the site of the proposed development is over 1km away.

The Ecologist noted no avoidance or enhancement measures have been identified as a result of the surveys however the Ecologist noted that a biosecurity method statement has been submitted with the application in order to identify necessary measure to prevent the ingress of INNS onto the site from elsewhere.

The PCC Ecologist recommended that adherence to the submitted Biosecurity Method Statement is secured through an appropriately worded planning condition.

The PCC Ecologist raised no objection to the development subject to the inclusion of a number of conditions regarding external lighting, biodiversity enhancement plan and to ensure the development in carried out in accordance with the Biosecurity Method Statement produced by Vital Ecology dated August 2020.

In light of the above and subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Flood Zone

Natural Resources Wales has been consulted on the proposed development and noted NRW flood risk map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial outlines of the River Garsiwn.

NRW noted the Local Planning Authority has indicated that the development falls under general infrastructure within TAN 15 A1.14 and A1.15 and is considered as less vulnerable development for the creation of a recreational area.

NRW have reviewed the revised FCA undertaken by WSP, dated May 2021, reference 8923- FCA-003 submitted in support of the application. NRW noted the FCA demonstrates that flood depths in the 1 in 100 year event plus climate change event range between 0.5-1.25m in depth, and therefore exceed the tolerable conditions set out in TAN15 A1.14 and A1.15.

TAN 15 section 7 states if a development proposal in zone C1, or in C2 if it is defined as being of low vulnerability, meets the test outlined in section 6, the justification will be in the knowledge that those developments will flood and will need to be planned accordingly.

TAN 15, section 11.21 states that proposals for public open space, outdoor recreational uses and agricultural developments, are likely to be acceptable in all areas where there is a risk of flooding.

Therefore, as with all other uses, the application of section 7 will be relevant where flooding is a risk to ensure that the consequences of flooding are considered acceptable and are capable of being effectively managed. Paragraph 11.21 requires the application of TAN15, section 7 and subsequently requires development to be carried out in accordance with Appendix 1 of the TAN (including paragraphs A1.14 and A1.15).

NRW noted the submission of the Flood Management Plan submitted in support of the proposed development dated May 2021 and welcome the proposed measures within the document.

Having considered NRW comments it is noted the proposed development is part of a comprehensive redevelopment of the secondary school submitted by Powys County Council. It is therefore considered the location of the proposed development within a C2 flood zone is justified given its use as a less vulnerable development. It is therefore considered that the proposed development does comply with section 6 of TAN15 given that the development is part of the local authority strategy required to sustain an existing settlement submitted by Powys County Council. It is also acknowledged that a small section of the existing playing fields to the south are within a C2 flood zone.

As noted above section 11.21 states that proposals for public open space, outdoor recreational uses and agricultural developments, are likely to be acceptable in all areas where there is a risk of flooding. Having considered NRW comments and TAN15 advice in respect of recreational uses it is considered that the proposed development is acceptable. The submitted Flood Management Plan demonstrates that the proposal can be managed to mitigate potential flood risk to users as far as reasonably practicable. The Flood Management Plan submitted outlines the flood evacuation route in the unlikely event of unexpected flooding or in the event that Flood Warnings are received either through forecasting or from the Natural Resources Wales flood line, whilst the recreational land is occupied. The flood evacuation route from the site is through the gate to the south, following the pathway across the existing bridges to Ysgol Bro Hyddgen. The evacuation point is located on higher land, outside flood zones and therefore deemed appropriate. It is acknowledged that flood signage will be placed on the access gate to the field in the event of a flood. The Flood Management Plan submitted demonstrates that users of the recreational land in Machynlleth will not be exposed to an unacceptable level of flood risk and will not increase the level of flood risk elsewhere.

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

Neighbouring Amenities

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (SPG 2020) and LDP policy DM13 (Part 11). For developments of this nature considerations of impact on neighbour amenities should include noise and light impact.

PCC Environmental Protection officer has been consulted on the proposed development and noted that the pitch is not intended to be flood lit so the operation will be limited to reasonable daylight. The officer recommended that the use of the pitch is limited until 8pm daily to ensure that the amenity of neighbours is protected in the summer months.

In light of the above and subject to the recommended condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Public Footpath

PCC Countryside Services has been consulted on the proposed development and noted that a public footpath Machynlleth 247/11/1 runs immediately adjacent to the southern boundary of the application site (to access a digital interpretation of the Definitive Map use the link below to view exact location of footpath).

PCC Countryside Services noted from the plans submitted that the proposed works will not affect the footpath and raised no objection to the development subject to the inclusion of an informative note.

In light of the above and subject to the recommended informative note it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Agricultural Land Classification

Planning Policy Wales (11th edition, 2021) outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. The Predictive Agricultural Land Classification (ALC) Map indicates that the application site for the playing field is classified as 'Poor quality agricultural land' (4). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a.

Given the classification of the application site, it is not considered that development on the proposed site would result in the loss of high grade agricultural land, compliant with Planning Policy Wales (11th Edition, 2021).

Mineral Safeguarding

Policy DM8 of the Powys LDP states Mineral Safeguarding Areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal and these are shown on the Proposals Map.

Non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated by the developer that:

1. The mineral resource is not of potential future value; or
2. The development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction; or
3. The mineral can be extracted satisfactorily prior to the incompatible development taking place; or
4. Extraction would not meet the tests of environmental acceptability or community benefit as set out in National Policy; or
5. There is an over-riding need in the public interest for the development; or
6. The development is householder development and / or of a very minor nature such as extensions to existing dwellings, and associated development within the curtilage of the property.

The application site is located within a mineral safeguarded area designated for sand and gravel Category 1 Resource. The proposed development is in relation to a change of use of land from agricultural to a sports pitch and therefore considered the proposed development would not hinder any future extraction. It is also considered there is an over-riding need for the proposed development in association with the comprehensive redevelopment of the existing school.

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

Cultural Heritage

Local Development Plan (2018) policy SP7 seeks to safeguard strategic resources and assets in the County, whilst development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting

s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

The proposed development site is located approximately 150 metres away from a number of listed buildings at the Plas (Plas Kennels, Plas boundary wall, Deildy and Gate and Gate Piers at Y Plas). Having considered the proposed development it is noted that intervening buildings and vegetation will block any views from the listed buildings to the application site. It is also noted that existing playing fields with sporting fixtures associated with the Secondary School are located between the application site and the listed buildings. It is therefore considered that the proposed development and any future rugby posts will not cause any harm to the setting of the listed buildings.

The boundary of the Plas Registered Park and Garden is approximately 160 metres south of the application site. Having considered the proposed development it is noted that intervening buildings and vegetation will block any views from the Plas Registered Park and Garden to the application site. It is also noted that the existing playing field at the Secondary School includes goal posts and rugby posts which are in closer proximity to the Plas Registered Park and Gardens than the proposed application site.

Officers therefore consider that the proposed development would not detrimentally impact the setting of the listed building and is in accordance with relevant planning policy and in particular LDP Policy SP7.

RECOMMENDATION

In light of the above and subject to the recommended conditions it is therefore considered that the principle of the development fundamentally complies with relevant planning policy and the recommendation is 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: Biosecurity Method Statement produced by Vital Ecology dated August 2020, 493-CTF-XX-ZZ-DR-L-0020 Rev P02, 493-CTF-XX-ZZ-DR-L-0021 Rev P02, 493-CTF-XX-ZZ-DR-L-0022 Rev P03, 493-CTF-XX-ZZ-DR-L-0023 Rev P02, 493-CTF-XX-ZZ-DR-L-0024 Rev P03, Flood Management Plan, 493-CTF-XX-XX-RP-L-0001, Drainage Strategy, 8923-FCA-003
3. The development shall be carried out strictly in accordance with the Biosecurity Method Statement produced by Vital Ecology dated August 2020. The identified

measures shall be adhered to and implemented in full and maintained thereafter.

4. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

5. Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

6. No sporting activities shall be undertaken on the sports pitch hereby permitted outside the hours of 07:30 to 20:00 Monday to Sundays.

7. The sports pitch hereby permitted shall be used for the sole use of Ysgol Bro-Hyddgen, Machynlleth.

8. Prior to commencement of development full details of the rugby posts including appropriately scaled drawing, materials and finish shall be submitted to and approved in writing by the Local Planning Authority. The works as approved shall thereafter be completed in full accordance with the details as approved.

9. Prior to commencement of development a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved prior to first use of the sports pitch.

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

4. To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

6. To safeguard the amenities of the neighbouring residential properties in accordance with Policy DM13 of the Powys County Council's Local Development Plan (2018).

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.

8. To safeguard the character and appearance of the area in accordance with Policy DM13 of the Powys County Council's Local Development Plan (2018).

9. To safeguard the character and appearance of the area in accordance with Policy DM13 of the Powys County Council's Local Development Plan (2018) and to comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Biodiversity

In addition I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Protected Species

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

Countryside Services

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- Landscaping & Surfacing – Please seek advice before interfering or surfacing a public right of way.
- New fencing or boundaries – If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure to be installed.
- Temporary closures – If the safety of the public cannot be guaranteed during construction, consideration should be given to applying for a temporary closure of the public right of way.

The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

For advice, please contact Powys County Council Countryside Services with details of the development at:

rights.of.way@powys.gov.uk

01874 614057

Natural Resources Wales

Flood Risk Activity Permit

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Garsiwn No2, a designated "main river". Further advice and guidance are available on our website at: http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk_activity-permits-information/?lang=enwww.naturalresourceswales.gov.uk
www.naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk

Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. If you have any queries on the above, please do not hesitate to contact us

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests. We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details. www.naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk Page 6 of 6 Advice for the Developer Works Near Watercourse and Pollution Prevention Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link: http://www.netregs.org.uk/environmental-topics/pollution-prevention_guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/ If you have any queries on the above, please do not hesitate to contact us.

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Do not scale drawings. All dimensions to be checked on site.
 Errors to be reported immediately to landscape architect.
 To be read in conjunction with all relevant architects, Services and engineers drawings.

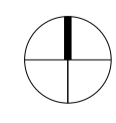


Revision Tracker
 P01 - Issued for PAC
 P01 - Issued for Planning

Status
 S2 16.12.2020
 S2 04.02.2021

Churchman Thornhill Finch
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Date 24.11.2020
 Scale 1:750/A1
 Drawn AA/WD
 Location Machynlleth, Wales
 Client HOWPS



Land North West of Ysgol Bro Hyddgen
 Site Plan (Block Plan) - Existing
 493-CTF-XX-ZZ-DR-L-0020

Status **S2**
 Revision **P02**

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115 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abbey Cwm-Hir Community	Consent	26/04/2021	21/0696/FUL	Full Application	30/06/2021	Proposed Agricultural Building	Tynyberth Abbey Cwm-hir Llandrindod Wells Powys LD1 6PU
Aberhafesp Community	Consent	23/04/2021	21/0706/LBC	Listed Building Consent	12/07/2021	Removal of glass and wood partition wall and door to allow extension of stud wall to enlarge kitchen and insertion of doorway into the lounge	Flat 2 Aberhafesp Hall Aberhafesp Newtown Powys SY16 3HJ
Abermule And Llandyssil Community	Approve	09/03/2021	21/0352/FUL	Full Application	23/06/2021	Erection of covered manure store	Lower Bryntalch Farm Abermule Montgomery Powys SY15 6LA
Bausley With Criggion Community	Consent	08/04/2021	21/0520/FUL	Full Application	25/06/2021	Erection of an extension to garage with wall and loose box, siting of a shipping container and installation of hard standing	Walnut Barn Bausley Crew Green Powys SY5 9BL

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Beguildy Community	Approve	09/06/2021	21/1068/DIS	Discharge of Condition	30/06/2021	Discharge of conditions 2, 3 and 4 from planning permission 20/0996/HH relating to biodiversity	Cwmberris Felindre Knighton Powys LD7 1YN
	Permitted Development	30/04/2021	21/0817/TEL	Telecommunications notification	25/06/2021	Prior notification under Part 24 of the GPDO 1995, schedule 2 for installation of a 17.5m column supporting 3 no. antennas, 1 no. equipment cabinet, 1 no. meter cabinet, ancillary development including a GPS module and a road restraint barrier	Grass Verge At Junction With B4355 Close To Castle Green Knucklas Knighton Powys LD7 1PW
Berriew Community	Approve	14/06/2021	21/1153/TRE	Works to trees in Conservation Area	16/07/2021	Works to fell a tree in a conservation area	Mill House Berriew Welshpool Powys SY21 8PJ
	Approve	17/06/2021	21/1091/DIS	Discharge of Condition	16/07/2021	Discharge of conditions 5, 7, 8 and 19 of planning permission 20/1921/FUL (landscaping, tree and hedgerow protection plan, passing bay location and passing place)	Luggy Brook Cottage Red Lane Berriew Welshpool SY21 8AS

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	Refused	15/11/2017	P/2017/1333	Outline planning	14/07/2021	Outline: Erection of single dwelling, upgrade of sewerage treatment plant and associated works	Oakleigh Refail Berriew Powys SY21 8AJ
	Refused	15/11/2017	P/2017/1337	Outline planning	14/07/2021	Outline - Erection of single dwelling, upgrade of sewerage treatment plant and associated works	Oakleigh Refail Berriew Powys SY21 8AJ
Bettws Community	Approve	21/05/2021	21/0963/DIS	Discharge of Condition	12/07/2021	Application to discharge conditions 7, 15, & 17 of planning approval 21/0136/FUL	Upper Ucheldre Brooks Welshpool Powys SY21 8QW
Bronllys Community	Approve	28/05/2021	21/1017/DIS	Discharge of Condition	20/07/2021	Discharge of conditions 3, 6, 7 and 8 from planning permission 21/0488/FUL in relation to biodiversity	Basil Webb Bronllys Hospital Bronllys Brecon Powys LD3 0LY
Builth Wells Community	Consent	06/05/2020	20/0707/FUL	Full Application	06/07/2021	Change of use of ground floor from library to retail to include rear extension and access to flats above, change of use of first floor from library to 2 no flats and creation of 2 new flats on second floor	20 High Street Builth Wells Powys LD2 3DN

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Cadfarch
Community

Approve	14/12/2020	20/1975/OUT	Outline planning	28/06/2021	Outline application for erection of a dwelling, formation of vehicular access, installation of a septic tank and all associated works	Plot 3 (Maes Y Meillion) Adj. Min Yr Afon Forge Machynlleth Powys SY20 8RZ
Approve	30/04/2021	21/0635/FUL	Full Application	14/07/2021	Erection of an agricultural building for storage and livestock	Brynhyfryd Aberhosan Machynlleth Powys SY20 8SF

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Caersws Community	Approve	12/02/2020	20/0201/LBC	Listed Building Consent	16/07/2021	Renovation of a redundant corn mill and grain dryer. Removal of the existing collapsed west elevation and the erection of a new west extension to provide living accommodation. Conversion and renovation of the former Mill Cottage to form a holiday let. Erection of a new car port/storage shed and provision of access and parking space. Provision of a new biodisc treatment plant to serve both dwellings. Formation of a revised road access.	Rhyd-lydan Mill Aberhafesp Newtown Powys SY16 3HP
	Approve	05/05/2021	21/0956/DECC	DECC overhead line	09/07/2021	Application under section 37 of the Electricity Act 1989 to upgrade an existing overhead powerline from single phase to three-phase at Garthpwt Clatter	Overhead Power Line At Garthbwt Clatter Caersws Powys SY17 5NR
Churchstoke Community	Refused	02/12/2020	20/1707/FUL	Full Application	24/06/2021	Conversion and alteration of an outbuilding to provide a holiday let	Outbuilding At Upper Snead Snead Montgomery Powys SY15 6EB

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Dwyriw Community	Consent	12/04/2021	21/0641/FUL	Full Application	20/07/2021	Erection of a covered silage pit	Bryn Coch Tregynon Newtown SY16 3PX
	Consent	13/04/2021	21/0683/FUL	Full Application	29/06/2021	Erection of a replacement agricultural dwelling, creation of vehicular access together with all other associated works	Crug Nant Adfa Newtown Powys SY16 3DF
	Consent	10/05/2021	21/0638/FUL	Full Application	20/07/2021	Erection of a covered manure store	Bryn Coch Tregynon Newtown Powys SY16 3PX
Erwood Community	Approve	12/11/2020	20/1852/DIS	Discharge of Condition	23/06/2021	Application to discharge conditions 4 & 5 of planning approval P/2017/1321	Bridge House Erwood Builth Wells LD2 3YT
Felin-Fach Community	Consent	19/04/2021	21/0724/HH	Householder	16/07/2021	Proposed replacement greenhouse	Lower Draen Llanfilo Brecon Powys LD3 0RG
Forden With Leighton & Trelystan Com	Approve	08/06/2021	21/1067/DIS	Discharge of Condition	22/06/2021	Application to discharge condition 5 of planning approval 21/0368/FUL	Land At Leighton Park Leighton Welshpool Powys SY21 8HJ

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Glantwymyn Community	Approve	28/05/2021	21/1076/ELE	Electricity Overhead Line	13/07/2021	Application made under Section 37 of the Electricity Act 1989: Overhead Lines (Exemption)(England and Wales) Regulation 2009 in relation to replacement of an existing overhead line to the northwest of the existing overhead line	Bryn Uchel Isaf Caravan Park Cwmllinau Machynlleth Powys SY20 9PE
Glasbury Community	Approve	06/04/2021	21/0616/HH	Householder	22/06/2021	Erection of an extension	Penyrheol Boughrood Brecon Powys LD3 0BJ
Glasfryn Community	Refused	26/10/2020	20/1292/FUL	Full Application	16/07/2021	Erection of a poultry unit extension to accommodate 16,000 free range chickens (egg production) together with associated feed bins and associated works	Drewern Hundred House Llandrindod Wells LD1 5RR
Guilsfield Community	Approve	23/04/2021	21/0768/HH	Householder	06/07/2021	Rear Extension to Private Dwelling	3 Cemetery Lane Guilsfield Welshpool SY21 9PL

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	Approve	04/06/2021	21/1052/TRE	Works to trees in Conservation Area	07/07/2021	Works to trees	Yew Tree Oak Lane Guilsfield Welshpool Powys SY21 9NH
Gwernyfed Community	Approve	25/05/2021	21/1038/DIS	Discharge of Condition	20/07/2021	Discharge of conditions 15, 16, 17 and 18 from planning approval 19/0711/FUL in relation to a tree protection plan, hedgerow scheme, external lighting and biodiversity	Land At 2 Porthamel Cottages Talgarth Powys LD3 0DL
	Approve	16/06/2021	21/1183/TPO	Works to Trees subject to a TPO	19/07/2021	Application for works to a tree subject to a TPO	Twin Oaks Estate Glasbury Hereford Powys HR3 5PE
Kerry Community	Approve	14/06/2021	21/1101/DIS	Discharge of Condition	30/06/2021	Application to discharge condition 6 of planning consent 21/0084/HH	Bryn David Fach Dolfor Newtown SY16 4AH
	Consent	08/03/2021	21/0285/FUL	Full Application	28/06/2021	Erection of Agricultural Building together with all other associated works for use as General Purpose Storage	Cwmrhiewdre Llaithddu Llandrindod Wells SY16 4BW

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	Consent	23/04/2021	21/0698/REM	Removal or Variation of Condition	14/07/2021	Section 73 application to vary condition 2 attached to planning approval 20/1584/FUL to allow design changes and a reduction in scale	Little Mill Kerry Newtown SY16 4LP
	Consent	04/05/2021	21/0824/HH	Householder	14/07/2021	Erection of an oak framed out building within 2m from the house boundary	Upper Penygelli, Barn 2 Kerry Newtown SY16 4LX
Knighton Community	Approve	09/06/2021	21/1131/TRE	Works to trees in Conservation Area	20/07/2021	Application for works to two trees within a conservation area	Flat At 10 High Street Knighton Powys LD7 1AT

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	Approve	16/06/2021	21/1152/DIS	Discharge of Condition	24/06/2021	Discharge of condition 3 (bat scoping survey and method statement report) and 4 (ecology report and mitigation) of planning approval P/2015/0697	Riverside Cottage Station Road Knighton Powys LD7 1DT
Llanbrynmair Community	Approve	24/03/2021	21/0508/FUL	Full Application	30/06/2021	Erection of an agricultural building to house livestock manure and associated works	Clegyrddwr Llanbrynmair Powys SY19 7DY
	Approve	12/04/2021	21/0662/DIS	Discharge of Condition	20/07/2021	Application to discharge conditions 3, 4, 7, 8 and 9 of planning approval 20/1235/FUL	Little Meadow Park Llanbrynmair Powys SY19 7DL
Llanddewi Ystradenni Community	Approve	24/09/2020	20/1164/FUL	Full Application	09/07/2021	Erection of a rural enterprise dwelling (to replace redundant original farmhouse - to be demolished) and installation of sewage treatment plant together with all other associated works	Cefncynfal Llanddewi Llandrindod Wells LD1 6SL

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Llandrindod
Wells
Community

Approve	07/01/2021	20/2080/FUL	Full Application	29/06/2021	Conversion and change of use from Nightclub (Class Sui Generis) to Food Bank (class B8) incorporating storage areas, offices, meeting spaces together with external works including new window and door openings and construction of access ramps	The Venue Spa Road Llandrindod Wells Powys LD1 5ER
Approve	18/01/2021	20/2081/LBC	Listed Building Consent	29/06/2021	Conversion and change of use from Nightclub (Class Sui Generis) to Food Bank (class B8) incorporating storage areas, offices, meeting spaces together with external works including new window and door openings and construction of access ramps	The Venue Spa Road Llandrindod Powys LD1 5ER
Approve	23/02/2021	21/0245/FUL	Full Application	24/06/2021	Erection an awning	KDM Local Newsagents Strand House Station Crescent Llandrindod Wells Powys LD1 5BB

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	Approve	23/04/2021	21/0766/HH	Householder	24/06/2021	General modernisation of existing dwelling including alteration of materials, such as timber cladding, aluminium grey windows and doors and grey fascias and bargeboards. Erection of timber clad porch area. Terrace and patio to the North West to better utilise the banked area.	Arlington Park Lane Llandrindod Wells LD1 5NN
Llanonio And Arddleen Community	Approve	26/03/2021	21/0581/DIS	Discharge of Condition	16/07/2021	Discharge of conditions 5 (landscaping plan), 11 (passing bays) and 18 (amphibian conservation plan) of planning approval 20/1739/FUL	Development At Land At Penrhos Barn Llansantffraid-ym-mechain Powys
	Approve	12/05/2021	21/0900/DIS	Discharge of Condition	23/06/2021	Application to discharge condition 15 of planning approval P/2016/1016	Land Off B4393 At Plas Foxen Four Crosses Llanymynech Powys SY22 6RG
	Approve	11/06/2021	21/1092/HH	Householder	20/07/2021	Erection of a rear and side extension	The Hollies Pool Quay Welshpool Powys SY21 9LJ

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Llandysilio Community	Approve	01/03/2021	21/0347/FUL	Full Application	23/06/2021	Erection of warehouse building with associated external works to provide commercial/industrial development for B8 use	Land At Four Crosses Business Park Four Crosses Powys SY22 6ST
	Consent	19/05/2021	21/0803/HH	Householder	14/07/2021	Alterations to existing outbuilding (lifting of roof and insertion of windows) to create garden room.	Court View Trewylan Lane Llansantffraid-Ym-Mechain SY22 6TE
Llanerfyl Community	Approve	17/05/2021	21/0929/DIS	Discharge of Condition	02/07/2021	Application to discharge conditions 11, 18, 19 & 21 of planning approval 20/0169/FUL	Rhos Y Gallt Llanerfyl Welshpool Powys SY21 0ER
Llanfair Caereinion Community	Approve	24/05/2021	21/0921/DIS	Discharge of Condition	29/06/2021	Discharge of conditions 5, 6 and 16 form planning permission 21/0155/FUL in relation to landscaping, passing bays and tree protection	Land At Melin Y Grug Llanfair Caereinion Welshpool SY21 0HB
	Consent	08/04/2021	21/0649/HH	Householder	25/06/2021	Proposed open car port	Parc View New Road Llanfair Caereinion Y Trallwng Powys SY21 0HR

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	Consent	19/04/2021	21/0612/FUL	Full Application	30/06/2021	Erection of an extension to an agricultural building	Pant Glas Llanfair Caereinion Welshpool Powys SY21 0DP
	Consent	12/05/2021	21/0890/HH	Householder	28/06/2021	Proposed demolition of an existing flat roof garage extension and erection of replacement pitched roof extension	Murmur Y Coed Peartree Lane Llanfair Caereinion Welshpool SY21 0BH
Llanfechain Community	Approve	26/05/2021	21/0892/HH	Householder	14/07/2021	Erection of an extension	Bylchau Isaf Llanfechain Powys SY22 6XG
Llanfangel Community	Approve	09/04/2021	21/0382/FUL	Full Application	01/07/2021	Application for a change of use of land, and the erection of 2 self contained moveable, glamping units , 3 eco friendly, in-ground, units with associated parking and new treatment plant	Cyfie Farm Llanfyllin SY22 5JE
Llanfyllin Community	Approve	06/05/2021	21/0642/HH	Householder	16/07/2021	Erection of a replacement of outbuilding for use as part annex accommodation to main dwelling and part domestic store / garage, installation of septic tank and all other associated works	Rhiw Fawr Fach Llanfyllin Powys SY22 5JQ

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	Consent	20/05/2021	21/0855/FUL	Full Application	12/07/2021	Siting of six lodges and all associated works (resubmission of 20/1520/FUL)	Land At Moel Heulin Penygarnedd Llanrhaeadr Oswestry Powys SY10 0AS
Llangunllo Community	Consent	04/05/2021	21/0717/HH	Householder	14/07/2021	Removal of existing porch and erection of a single storey lean-to conservatory	Chapel Cottage Pentre Land Lane Bleddfa Knighton Powys LD7 1PA
	Refused	15/10/2020	20/1670/REM	Removal or Variation of Condition	09/07/2021	Section 73 application to vary condition 2 of P/2016/0559 to extend extend time limit for submission of reserved matters for three years	Lea Hall Farm Llangunllo Knighton LD7 1SU
Llangyniew Community	Approve	20/11/2020	20/1915/FUL	Full Application	25/06/2021	Conversion of existing pig sty into holiday accommodation, installation of treatment plant & soakaway & access junction improvements	Tanyffridd Farm Meifod SY22 6HT
	Approve	20/05/2021	21/0930/DIS	Discharge of Condition	02/07/2021	Application to discharge conditions 7 and 18 of planning approval 20/0071/OUT	Land West Of Mathrafal Park Meifod Powys SY22 6HS

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Llanidloes Community	Approve	21/04/2021	21/0806/DIS	Discharge of Condition	22/06/2021	Application to discharge condition 16 of planning approval 20/0637/FUL	Green Villa Llangurig Road Llanidloes Powys SY18 6ES
	Approve	06/05/2021	21/0858/HH	Householder	01/07/2021	Side and front extension	Fernhill 6 Gorn Road Llanidloes SY18 6DQ
Llanrhaeadr-ym-Mochnant Community	Approve	26/05/2021	21/0828/FUL	Full Application	16/07/2021	Change of use of existing commercial space (A1 and B1) to incorporate a cafe (A3), and change of use of domestic toilet area to be used in association with the A1, B1 and A3 use	Powys House Market Square Llanrhaeadr-ym-mochnant Croesoswallt Powys SY10 0JG
	Refused	31/07/2020	20/1116/FUL	Full Application	02/07/2021	Siting of five holiday pods, installation of a treatment plant and all associated works	Brithdir Farm Brithdir Llanfyllin SY10 0AY

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Llansantffraid
Community

Approve	29/03/2021	21/0461/DIS	Discharge of Condition	29/06/2021	Application to discharge condition no's 4, 5, 8 & 15 attached to planning approval P/2016/0719 for 16 dwellings (affordable housing scheme, drainage scheme, ecology enhancement plan, lighting plan and hedgerow & tree protection & planting plan)	Development At Dyffryn Foel Llansantffraid Powys
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Approve	18/05/2021	21/0463/DIS	Discharge of Condition	29/06/2021	Discharge of condition no's 14, 21 & 22 attached to planning approval 20/1570/FUL for 13 affordable dwellings (highway details, materials, affordable housing scheme)	Land At Dyffryn Foel Llansantffraid Powys SY22 6DG
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Llanwddyn Community	Approve	23/06/2021	21/1221/DIS	Discharge of Condition	05/07/2021	Application to discharge planning condition no. 14 attached to planning approval 18/0762/FUL (Archaeological Report)	Bryn Y Fedwen Llanwddyn Oswestry Powys SY10 0LS
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Machynlleth Community	Approve	03/12/2020	20/1992/FUL	Full Application	28/06/2021	Change of use of first, second & third floor's from a single residential unit into 2 no. residential flats (resubmission of 20/1453/FUL)	3 Maengwyn Street Machynlleth Powys SY20 8AA
	Approve	07/05/2021	21/0872/DIS	Discharge of Condition	28/06/2021	Application to discharge condition 10 of planning approval 20/0858/CAC	Bro Ddyfi Community Hospital Maengwyn Street Machynlleth SY20 8AD
Manafon Community	Approve	14/06/2021	21/1041/HH	Householder	16/07/2021	Erection of domestic combined garage/workshop and erection of wooden summerhouse.	Mynachdy Sant Elias Manafon Welshpool SY16 3NQ
Meifod Community	Approve	23/04/2021	21/0777/FUL	Full Application	05/07/2021	Erection of an agricultural building	Plas Bach Issa Meifod Powys SY22 6XY
Montgomery Community	Approve	06/04/2021	21/0703/VAR	Discharge/Modification of S106	06/07/2021	Application to modify Section 106 agreement attached to planning permission M/2005/0103	Land Adjacent To New Road 32-48 Mortimer Road Montgomery Powys SY15 6UP

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Consent	01/03/2021	21/0365/FUL	Full Application	25/06/2021	Installation of package treatment plant - as means of foul drainage for 4No dwellings approved under planning reference M2004/0833.	Development Former Caerhowell Caravan Park Caerhowel Montgomery SY15 6HF
Consent	13/04/2021	21/0748/DIS	Discharge of Condition	06/07/2021	Application to discharge conditions 4, 5, 6, 7 & 8 of planning approval 20/1618/HH	Fairdene Caerhowel Montgomery SY15 6HE
Consent	10/05/2021	21/0867/HH	Householder	28/06/2021	Erection of entrance porch, installation of cladding together with enlargements of openings and internal alterations	20 Arthurs Gate Montgomery Powys SY15 6QU
Consent	16/06/2021	21/0996/HH	Householder	14/07/2021	Erection of an extension	14 Mortimer Road Montgomery Powys SY15 6UP
Refused	26/05/2021	21/0995/HH	Householder	20/07/2021	Erection of an extension and orangery, and installation of a roof light	Spider Cottage Lions Bank Montgomery Powys SY15 6PT

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New Radnor Community	Approve	21/05/2021	21/0971/TRE	Works to trees in Conservation Area	22/06/2021	Application for works to an ash tree within a conservation area	Castle House 4 High Street New Radnor Presteigne Powys LD8 2SL
Newtown And Llanllwchaiarn Community	Approve	23/04/2021	21/0763/DIS	Discharge of Condition	02/07/2021	Application to discharge condition no's 8 & 9 attached to planning approval 20/0187/FUL	Aldi Site Pool Road Newtown Powys SY16 3AH
Paincastle Community	Approve	15/07/2021	21/1253/DIS	Discharge of Condition	19/07/2021	Application to discharge condition no. 14 from planning approval 20/0998/FUL (details of external lighting design scheme)	Llanbwchllyn Llandeilo Graban Builth Wells LD2 3YQ
Penybont Community	Approve	28/05/2021	21/1078/TPO	Works to Trees subject to a TPO	14/07/2021	Works to tidy and trim crown area of Oak tree	27 Old Market Meadows Penybont Llandrindod Wells Powys LD1 5US

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Presteigne Community	Consent	15/03/2021	21/0389/HH	Householder	29/06/2021	Proposed rear single storey extension and minor alterations	Old Vicarage Norton Presteigne Powys LD8 2EN
	Consent	15/03/2021	21/0390/LBC	Listed Building Consent	29/06/2021	Proposed rear single storey extension and minor alterations	The Old Vicarage Norton Presteigne Powys LD8 2EN
	Consent	05/05/2021	21/0945/HH	Householder	19/07/2021	Erection of a garden summer house	Roseland Broad Street Presteigne Powys LD8 2AF
	Consent	26/05/2021	21/0852/HH	Householder	14/07/2021	Conversion of garage into additional domestic living accommodation	34 Kings Court Presteigne LD8 2AJ
	Refused	14/04/2021	21/0521/HH	Householder	05/07/2021	Installation of flue	Appletree Lodge Hereford Street Presteigne LD8 2AT
	Refused	14/04/2021	21/0522/LBC	Listed Building Consent	05/07/2021	Install a twin-wall insulated Flue and woodburner	Appletree Lodge Hereford Street Presteigne LD8 2AT

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		Approve	25/05/2021	21/0712/FUL	Full Application	19/07/2021	Installation of power generator and cabinet within existing telecommunications base station compound	Existing Telecommunications Base Station Henfron Claerwen Valley Rhayader Powys LD6 5HE
		Approve	08/06/2021	21/1072/TRE	Works to trees in Conservation Area	14/07/2021	Application to remove 12 trees within a conservation area	Cabin At The Old Drill Hall Rhayader Powys LD6 5AG
		Consent	17/12/2020	20/2035/LBC	Listed Building Consent	27/06/2021	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
	Tawe-Uchaf Community	Approve	12/05/2021	21/0792/HH	Householder	14/07/2021	Ground floor rear extension	Back Cottage Cefn Byrle Road Coelbren Neath SA10 9PD

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Trefeglwys Community	Approve	01/04/2021	21/0243/FUL	Full Application	06/07/2021	Siting of twin unit timber cabin for residential use associated with rural enterprise (Temporary Permission), alterations to existing vehicular access, installation of septic tank and all associated works	Staylitle Outdoor Pursuits Centre Staylitle Llanbrynmair Powys SY19 7BU
	Approve	05/05/2021	21/0839/HH	Householder	30/06/2021	Proposed extension to existing garage	3 Plas Trannon Trefeglwys Caersws SY17 5PW
	Approve	06/05/2021	21/0950/DIS	Discharge of Condition	25/06/2021	Application to discharge condition 3 of planning approval 20/0712/HH	Forest Lodge Staylitle Llanbrynmair Powys SY19 7DB
	Approve	28/06/2021	21/1197/DIS	Discharge of Condition	16/07/2021	Discharge of conditions 13 and 15 from planning permission 21/0064/NMA (20/0093/FUL) in relation to landscaping and lighting	Mid Wales Shooting Centre Ffinant Farm Trefeglwys Caersws Powys SY17 5QY

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	Refused	26/05/2021	21/1022/CLE	Certificate of Lawfulness - Existing	19/07/2021	Section 191 application for a lawful development certificate for the existing use of a former design studio as a residential dwelling	The Cabin The Fron Llawryglyn Caersws Powys SY17 5RJ
Tregynon Community	Consent	07/04/2021	21/0636/HH	Householder	19/07/2021	Proposed extensions, alterations and associated works	Brynwelon Tregynon Newtown SY16 3EU
Trewern Community	Approve	28/05/2021	21/1069/DIS	Discharge of Condition	16/07/2021	Discharge of condition 5 of planning permission 21/0388/REM (P/2018/0225) in relation to construction site and traffic management plan	Plots 1 & 2 Adjacent To Bryn Tirion Sale Lane Trewern Welshpool Powys SY21 8SY
	Consent	09/12/2020	20/1857/FUL	Full Application	30/06/2021	Relocation and upgrade of access	Land Adjacent Hill Farm Tre-Wern Welshpool SY21 8EJ
Welshpool Community	Approve	23/03/2021	21/0549/DIS	Discharge of Condition	16/07/2021	Discharge of condition 4 attached to permission 20/1261/LBC - relating to re-pointing specifications	Welshpool Church In Wales Primary School Howell Road Welshpool Powys SY21 7SU

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	Approve	20/05/2021	21/1014/DIS	Discharge of Condition	23/06/2021	Application to discharge condition 3 from planning permission 20/0596/REM with regards to affordable housing	Lansdowne House Chapel Street Welshpool Powys SY21 7LB
	Consent	19/03/2021	21/0484/FUL	Full Application	25/06/2021	Change of use of 1st floor hairdressers and partial change of use of neighbouring 1st floor retail floor space into a residential flat	17 Berriew Street Welshpool Powys SY21 7SQ
	Consent	29/04/2021	21/0721/FUL	Full Application	09/07/2021	Change of use and alterations of storage building (B8) to form an extension to the beer garden of the Angel public house (A3)	The Angel 12 Berriew Street Welshpool SY21 7SQ
	Consent	14/05/2021	21/0815/HH	Householder	30/06/2021	Erection of a single storey rear extension Addition of single storey extension to rear of existing building at Roof Level. The proposed extension adds another level above the existing bathroom and utilises the existing rear roof space.	3 Nelson Place Union Street Welshpool SY21 7PQ
Whitton Community	Consent	12/11/2020	20/1806/FUL	Full Application	30/06/2021	Erection of agricultural building to replace dilapidated agricultural outbuilding	The Birches Rhos-Y-Meirch Knighton LD7 1PE

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Ystradgynlais Community	Approve	24/02/2021	21/0346/HH	Householder	13/07/2021	Erection of extensions and a terrace, and alteration to vehicular access	24 Glan-Rhyd Road Ystradgynlais Powys SA9 1AU
	Approve	11/03/2021	21/0376/DIS	Discharge of Condition	07/07/2021	Discharge of planning condition no's 3, 8 ,9, 13 & 14 attached to planning approval 20/0047/FUL (Solar Farm extension)	Solar Farm At Bryn Henllys Cwm-twrch Uchaf Abertawe Powys
	Approve	06/04/2021	21/0621/DIS	Discharge of Condition	01/07/2021	Discharge of conditions 6 and 7 attached to permission 20/1696/FUL - relating to Remediation Strategy and Gas Monitoring and Assessment	Pont Aur Ystradgynlais Powys SA9 1BP
	Approve	13/04/2021	21/0471/FUL	Full Application	20/07/2021	Part demolition of existing dwelling, erection of extensions and alterations	25 Ynyscedwyn Road Ystradgynlais Powys SA9 1BE
	Approve	19/05/2021	21/1007/TPO	Works to Trees subject to a TPO	25/06/2021	Application to reduce the size of a TPO tree	80 Tawe Park Ystradgynlais Powys SA9 1GW

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Approve	21/07/2020	20/1053/DIS	Discharge of Condition	06/07/2021	Application to discharge conditions 4, 5, 6, 7, 8, 9 & 10 of planning approval 18/0674/OUT	Plot To The North Of Afon Twrch Adjacent To 25 Heol Gleien Lower Cwmtwrch Swansea 25 Heol Gleien Lower Cwmtwrch Swansea Powys SA9 2TW
Approve	19/05/2021	21/1008/TPO	Works to Trees subject to a TPO	25/06/2021	Application to reduce the size of a TPO tree	90 Tawe Park Ystradgynlais Powys SA9 1GW

Applicati 115

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/06/21

gan R Duggan, BSc (Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 2/7/21

Appeal Decision

Site visit made on 14/06/21

by R Duggan, BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 2/7/21

Appeal Ref: APP/T6850/A/21/3266394

Site address: Forest View, Llanbister, Llandrindod Wells, LD1 6UL

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Ivor Goodwin against the decision of Powys County Council.
- The application Ref: 18/0826/FUL dated 23 October 2018, was refused by notice dated 17 September 2020.
- The development proposed is described as construction of extension to an existing free-range egg production unit.

Decision

1. The appeal is dismissed.

Main Issue

2. Having regard to the evidence before me, I consider the main issue to be the impact of the development on nature conservation interests and in particular the River Wye Special Area of Conservation (SAC) and the River Ithon and Lower Cefaelog Pastures Sites of Special Scientific Interest (SSSI).

Reasons

3. In refusing the planning application the Council has relied on advice from Natural Resources Wales (NRW) as well as its own ecologist, and found the development has failed to demonstrate that there will not be a detrimental impact on the River Ithon SSSI, River Wye SAC and the Lower Cefaelog Pastures SSSI with regards to ammonia and nitrogen deposition. The application was therefore found to be contrary to policies SP7 'Safeguarding of Strategic Resources and Assets' and DM2 'The Natural Environment' of the Adopted Powys Local Development Plan (LDP) 2018.
4. The policies referred to by the Council, amongst other things, seek to safeguard and protect both designated and non-designated sites of nature conservation and biodiversity. These policies are consistent with national policy in Planning Policy Wales (PPW), which refers to development proposals which would be likely to result in disturbance or harm to the species or its habitat, and with similar wording in national

guidance document Technical Advice Note 5 (TAN 5), Nature Conservation and Planning.

5. Forest View is located within the open countryside, approximately 1.3 miles north of Llanbister with access to the site taken via the U1135 unclassified highway. Planning permission was granted at the site in 2017 for the erection of a poultry unit for free range egg production¹ and the Appellant has a long-term contract to supply Bowler Eggs. It is proposed to erect an extension to the existing poultry unit to increase the capacity from 16,000 to 32,000 birds. The extension would measure approximately 86 metres in length, 16 metres in width, with a maximum height of 5.2 metres falling to 2.89 metres at the eaves. Two additional feed bins would be provided measuring a maximum of 6.8 metres in height.
6. The Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations) transpose the Habitats Directive and the Birds Directive into law, and the aim of the Directives is to conserve key habitats and species. Sites designated under the Habitats Regulations include Special Areas of Conservation (SAC). The appeal site at its closest point is approximately 1.2 km to the north-west of the River Wye SAC, therefore, it has the potential to affect its interest features. In particular, this concerns airborne ammonia from the proposed poultry house and the ranging area because ammonia would be emitted from the birds' droppings. The outdoor range area would be approximately 120 metres from the nearest watercourse. Accordingly, there would be a pathway to affect the designated features of the SAC with the potential for increase of ammonia and nitrogen deposition.
7. As the decision has passed to me for determination, I am now the competent authority for the purposes of undertaking an assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). As such, before deciding to give permission if the proposals are likely to have a significant effect on a European site (in this case the River Wye SAC), and the works are not directly connected with or necessary to the management of the site, I am required to undertake an appropriate assessment of the implications of the proposal in view of the site's conservation objectives².

Likely Significant Effects

8. The proposed development is not directly connected with or necessary to site management for nature conservation. Therefore, it is necessary to consider whether the proposal is likely to have a significant effect on the internationally important interest features of the sites, alone or in combination with other plans and projects.
9. The Appellant has submitted an ammonia report³ with the planning application submission which details the critical load and level which is used to assess the harmful effects from ammonia on sensitive habitats. The relevant threshold for the SAC/SSSIs is 1.0 µg/m³, and a 1% criterion is then used to determine whether or not an effect would be significant. Below this level the effect is not deemed significant and above it would be deemed potentially significant. The Appellant's ammonia report states that whether or not the predicted process contribution exceeds the 1% criterion at an

¹ Planning Application Ref: P/2016/1253 approved on 27 April 2017

² Article 6(3) of the Habitats Directive states that any plan or project not directly connected with or necessary to the management of the site but likely to have a significant effect thereon shall be subject to an appropriate assessment.

³ A Report on the Modelling of the Dispersion and Deposition of Ammonia from the Existing and Proposed Free Range Egg-Laying Chicken Houses at Forest View, near Llanbister in Powys, April 2020 prepared by Steve Smith AS Modelling & Data Ltd.

internationally designated site depends on the proportions of the ranging and housing emissions.

10. In objecting to the development NRW states that for free range units proposing the installation of ammonia scrubbers on the building it is considered that 80% of the ammonia will originate from the building and 20% from the outdoor ranging areas. This is disputed by the Appellant's report which considers this to be an 'unsound scenario' as it's *"not based upon any peer reviewed literature and has not been included in the UK Ammonia Emission Inventory since 2015 (prior to which the figure was mentioned, but only as personal correspondence, with no reference to any peer reviewed work)"*. The Appellant argues that due to the low numbers of hens that would use the ranging area the level of ammonia emissions would be based on 7.24% ranging usage in a 'realistic scenario', or 12% ranging usage in a 'pessimistic scenario'. These scenarios are based on peer reviewed scientific research and papers on the use of outdoor range areas, the ranging behaviour of laying hens and ammonia emissions⁴.
11. The ammonia report acknowledges that in the 'unsound scenario' advocated by NRW (20% ranging usage), the process contribution to the annual ammonia concentration and the nitrogen deposition rate would exceed 1% of the Critical Level and/or Critical Load for the River Wye SAC. In the 'pessimistic scenario' (12%), the process contribution to the annual ammonia concentration and the nitrogen deposition rate would also exceed 1% of the Critical Level and/or Critical Load. However, in the 'realistic scenario' (7.4%) put forward by the Appellant, the process contribution to the annual ammonia concentration and the nitrogen deposition rate would be below 1% of the Critical Level and/or Critical Load at all statutory wildlife sites. In further support of this 'realistic scenario', the Appellant refers to the annually produced Inventory of Ammonia Emissions from UK Agriculture⁵.
12. In response to the Appeal, NRW has submitted a further consultation letter⁶ which counters the findings of the Appellant's ammonia report. NRW states that in 2008 the EC regulations on poultry farms was updated (EC Regulation 543/2008) to promote much greater "natural behaviour" in poultry farms leading to much greater use of the outside range area. NRW advises that on the basis of scientific studies carried out since 2008⁷, that ammonia impact assessments should assume that outside ranging areas receive 20% of the bird droppings and 80% of droppings are contained within the poultry housing. In addition, NRW has contacted Mr T. H. Misselbrook, the lead author of the Inventory of Ammonia Emissions from UK Agriculture referred to by the Appellant, who confirmed⁸ that he was *"not aware of any robust, peer-reviewed data on the proportion of time that free range hens spend outdoors...the industry have made efforts to encourage and ensure that hens spend a greater proportion of their*

⁴ 'Internal roosting location is associated with differential use of the outdoor range by free-range laying hens' 2017: Pettersson, Weeks, Norman, Knowles, and Nicol; 'Ranging behaviour of commercial free-range laying hens' 2016: Chielo, Pike and Cooper; 'Use of the range area in organic egg production systems: effect of climatic factors, flock size, age and artificial cover; Hegelund, Sorensen, Kjaer & Kristensen; 'Ammonia emission factors for UK agriculture' T.H. Misselbrook, T.J. Van Der Weerden, B.F. Pain, S.C. Jarvis, B.J. Chambers, K.A. Smith, V.R. Phillips, T.G.M. Demmers;

⁵ Annual Inventory of Ammonia Emissions from UK Agriculture, T H Misselbrook, S L Gilhespy, Rothamsted Research.

⁶ NRW consultation letter dated 9 April 2021

⁷ Larsen, H., Cronin, G.M., Gebhardt-Henrich, S., Smith, C.L. Hemsworth, P.H. and Rault, J-L. (2017) - Individual ranging behaviour patterns in commercial free-range layers as observed through RFID tracking. *Animals*, 7 (21); Campbell, D.L.M., Hinch, G.N., Dyal, T.R., Warin, L., Little, B.A. and Lee, C (2016) - Outdoor stocking density in free-range laying hens: radio-frequency identification of impacts on range use. *Animal*: 1 - 10; Pettersson, I.C., Freire, R. and Nicol, C.J. (2016) - Factors affecting ranging behaviour in commercial free-range hens. *World Poultry Science Journal*, 72.

⁸ Email from Tom Misselbrook, Rothamsted Research to NRW, dated 20 March 2020

time outdoors and the revised estimate based on these newer systems and practices is 20% and that is the value that we use for current years."

13. NRW is also a member of the Interagency Intensive Farming Group which includes the Environment Agency, Northern Ireland Environment Agency and Scottish Environment Protection Agency, and it meets monthly to discuss cross sectoral issues including emission factors with recent focus on free range poultry. NRW confirms that based on existing evidence and expert advice all agencies within the group are using the 20% figure for outdoor ranging estimates.
14. Whilst I have taken into account the evidence presented by the Appellant, it is clear that the individual environmental protection agencies for the countries of the UK are currently using the 20% outdoor ranging usage figure, especially as the industry is promoting much greater natural behaviour in poultry farms thus leading to much greater use of the outside range areas by laying hens. In addition, the lead author of the Inventory of Ammonia Emissions from UK Agriculture has confirmed that the 20% figure for outdoor ranging areas is currently being used.
15. Therefore, based on the 20% figure advocated by NRW, or even the 'pessimistic scenario' of 12% put forward by the Appellant, the process contribution of the proposed development to the annual ammonia concentration and the nitrogen deposition rate would exceed 1% of the Critical Level and/or Critical Load at the River Wye SAC, as well as the Lower Caerfaelog Pastures and River Ithon SSSIs.
16. Since the refusal of the planning application new evidence has also been published by NRW relating to the deterioration in the condition of riverine SACs in Wales due to the potential increase in phosphate levels within the SAC. As a result, NRW has set new phosphate standards for the riverine SACs following the revised Common Standards Monitoring guidance updated in 2016 by the Joint Nature Conservation Committee (JNCC). A compliance assessment, conducted by NRW, against these standards found a failure to meet the targets on certain rivers in Wales including the river Wye. In waterbodies which already fail to meet the target there is no headroom, and so further increases in phosphate will further worsen the condition of the SAC. NRW advise that any proposed development within the catchment or waterbody that might increase the amount of phosphate within the catchment or waterbody could lead to additional damaging effects to the SAC. The Planning Position Statement published by NRW in combination with the Compliance Assessment Report⁹, applies to all development proposals yet to be determined.
17. Given these circumstances and applying the precautionary approach, I consider that the proposal has the potential to cause likely significant effects to the River Wye SAC. In accordance with the Conservation of Species and Habitats Regulations 2017 (the Regulations), as the competent authority, I have therefore undertaken an Appropriate Assessment of the implications of the proposal on the European site.

Appropriate Assessment

18. The appeal site lies wholly within the catchment area for the River Wye SAC, the qualifying habitats or features for which include water courses of plain to montane levels; Rivers with floating vegetation often dominated by water-crowfoot; Transition mires and quaking bogs; Very wet mires often identified by an unstable 'quaking' surface; White-clawed (or Atlantic stream) crayfish; Sea lamprey; Brook lamprey; River lamprey; Allis shad; Twait shad; Atlantic salmon; Bullhead; and Otter.

⁹ Compliance Assessment Report of Welsh River SACs against Phosphorous Targets - NRW Report No: 489

19. The conservation objectives for each European site are similar. In broad terms they focus on ensuring that the integrity of the site is maintained or restored as appropriate and on ensuring that the site contributes to achieving, in the case of SACs, the Favourable Conservation Status of its qualifying features. To do so, the requirement is to maintain or restore the habitats of qualifying species/features and the populations and distributions of qualifying species or qualifying features.
20. It is clear from the evidence presented above that the proposed development would have a likely significant adverse impact on the European Site through increased ammonia and nitrogen deposition from the outdoor ranging areas. The next step is to determine whether the adverse effects are able to be overcome by measures intended to avoid or reduce the harmful effects on the site.
21. In addition to the installation of ammonia scrubbers within the existing and proposed buildings to treat and clean the used air before it leaves the sheds and is discharged into the atmosphere, the Appellant is proposing additional woodland planting within the ranging area. It is proposed to retain existing hedgerows and that 20% of the total ranging area would be planted with native tree species of a woodland mix. I saw that this has already been undertaken as part of the planting approved for the existing building. This additional planting is intended to improve bird welfare, increase biodiversity and provide some mitigation against ammonia concentration and nitrogen deposition.
22. The ranging area adjoining the existing unit is operated on a paddock system of rotation, whereby splays have been created to enable bird walk out areas to be rotated for each group of 4,000 birds. This system allows management of the area in an attempt to avoid bare soil areas adjoining the shed and also provide opportunities for maintenance of the spays, such as re-seeding, to be undertaken. It is intended to operate the range for the proposed extension on the same basis to minimise the risk of run-off.
23. A Manure Management Plan has been submitted (prepared in 2018)¹⁰ which aims to show that there is sufficient land available at Lower Esgair Farm and Llwyn to safely spread manures from Forest View. However, the Council has requested that an amended manure management plan should be submitted to include further detailed phosphate calculations. The Council has suggested that this could be submitted through an appropriately worded condition should I be minded to allow the appeal. However, due to the recent work undertaken by NRW relating to the deterioration in the condition of riverine SACs in Wales, I consider this to be a significant issue that cannot be left to be addressed through a condition. Whilst I have had regard to the content of the Manure Management Plan, in the absence of further information relating to the management of the manure from the development, it is not clear how manure will be prevented from entering the SAC and whether there is potential to increase the amount of phosphorus within the designated site.
24. The Appellant has also submitted a Pollution Prevention Plan¹¹ which includes measures to protect the surrounding environment, neighbouring watercourses and groundwater during construction. However, the Plan is dated June 2018 and was prepared by reference to a document entitled '*Working at Construction and Demolition sites: PPG6 Pollution Prevention Guidelines*' which was withdrawn on 14 December 2015. Therefore, I have given this Plan little weight in the determination of this appeal.

¹⁰ Manure Management Report, prepared by ADAS Cymru Wales, dated May 2018

¹¹ 051-G419-PL- Pollution Prevention Plan, dated June 2018

25. From my observations, the Appellant currently manages the facility and the outdoor ranging areas to a good standard, and I note that the Wye and Usk Foundation recently visited the site and walked the area specifically looking at run-off, drainage, tree planting areas and maintenance, and that they were satisfied that the range was maintained to a high standard. Nevertheless, it is clear that the process contribution of the proposed development to the annual ammonia concentration and the nitrogen deposition rate would exceed 1% of the Critical Level and/or Critical Load at the river Wye SAC. The potential for runoff and increased ammonia/nitrogen deposition from the proposed outdoor ranging area into the nearby watercourse and on into the River Wye remains a distinct possibility. Simply put, significant effects cannot be ruled out even with the Appellant's mitigation measures put in place.
26. Acting as the competent authority for the purposes of the Regulations I must be convinced that there will not be an adverse effect, and where doubt remains as to the absence of adverse effects, the plan or project must not be authorised unless there are imperative reasons of overriding public interest. No such reasons have been submitted.
27. Concerns have also been raised by the Council and NRW regarding the impact of the development on the Lower Caerfaelog Pastures and River Ithon SSSIs. Given my conclusions above, I am also unable to conclude that the proposal would not have an adverse effect on the SSSIs.
28. For the reasons set out above, I am of the opinion that the proposed development would adversely affect nature conservation interests and particularly the integrity of the River Wye SAC and the River Ithon and Lower Cefaelog Pastures SSSI's. As such, it would conflict with Policies SP7 and DM2 of the LDP, PPW and TAN5.

Other Matters

29. The proposal would inevitably bring some economic benefits by way of the local economy and increasing egg production. However, this would not outweigh the harm to nature conservation interests.
30. Interested parties have raised concerns over highway safety, construction traffic and damage to the highway. As I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision

Conclusions

31. Having regard to the above and considered all other matters raised by the Appellant in support of the proposals, I conclude that the appeal should be dismissed.
32. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

R Duggan

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 14/06/21

gan R Duggan, BSc (Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion Cymru
Dyddiad: 30/6/21

Appeal Decision

Site visit made on 14/06/21

by R Duggan, BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers
Date: 30/6/21

Appeal Ref: APP/T6850/D/21/3274450

Site address: 3 Tan-Yr-Eglwys, Tregynon, Newtown, SY16 3EZ

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Tim Burgess against the decision of Powys County Council.
 - The application Ref: 20/2108/HH dated 21 December 2020, was refused by notice dated 19 February 2021.
 - The development proposed is described as extension, removal of roof, formation of first floor and associated works.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the impact of the development on the character and appearance of the street scene.

Reasons

3. The appeal site currently comprises a detached single-storey bungalow with an associated detached garage, car parking and turning area and is located within a predominantly residential area. The appeal property is located within a residential estate characterised by single storey detached bungalows set within relatively generous plots. The appeal property forms part of a grouping of bungalows which display a distinct uniformity in terms of architectural style and spacing. Despite some minor additions in the form of dormer roof extensions in the area there is a remarkable degree of consistency between the individual houses on the majority of their elevations. This results in a regular pattern of built development which creates a strong uniform layout and a pleasingly coherent street scene that makes an important contribution to the character of the area.
 4. It is proposed to extend the dwelling at first floor level to create a two-storey dwelling, which would involve increasing the eaves height from approximately 2.3 metres to 4.1 metres and the ridge height from approximately 5 metres to 7.6 metres. The footprint of the dwelling would also be extended with a ground floor extension.
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5. I noted that the appeal site is located adjacent to a commercial premises, and the neighbouring property within the petrol station has been extended and is effectively a two-storey structure with a shop on the ground floor. However, this appears as visually detached from the predominantly single-storey residential estate of Tan Yr Eglwys/Tan Y Llan. I also noted the Cae Melyn estate to the east is comprised of two-storey dwellings, but this is separated from the appeal site by the B4389 and is again detached from the appeal site in visual terms.
6. Notwithstanding these examples and the other two-storey properties referred to by the Appellant in the vicinity of the appeal site, I am of the opinion that creating a two-storey dwelling would appear as a contrived and awkward addition to the prevailing built form, compounded by its prominent position on the street. It would, therefore, stand out as a discordant element within this residential estate at odds with the prevailing character and appearance of the street scene, thus conflicting with Policy DM13 of the Adopted Powys Local Development Plan (LDP).
7. I appreciate that the extensions would provide the additional living accommodation required by the Appellant and his family. However, this does not carry sufficient weight to overcome the concerns identified in respect of the appeal.

Other Matters

8. Concerns have also been raised by the occupiers of No. 3 Tan Y Llan with regard to loss of privacy. Having viewed the appeal site from No. 3, I saw that the garden is landscaped and clearly used for enjoyment and the occupiers could have a perception of being overlooked by the proposals. However, I consider that the relocation of the windows at first floor level on the front (western) elevation, as shown on the revised design of the proposals, would not cause any overlooking or loss of privacy within the garden area or rear habitable rooms of No. 3.
9. Concerns have also been raised that the development would set an undesirable precedent. However, my findings in this appeal must be based only on the individual planning merits of the case that is before me. The circumstances of other sites would be likely to be different and if proposals came forward elsewhere within the locality, they would be assessed in the light of the factors relevant to those cases. Therefore, I consider the concern about precedent does not offer a basis for resisting the scheme.

Conclusions

10. Having regard to the above and considered all other matters raised by the Appellant, and the letters of support for the development, I conclude that the appeal should be dismissed.
11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards the Welsh Ministers' well-being objective of building healthier communities and better environments.

R. Duggan

INSPECTOR

**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD BY
TEAMS ON WEDNESDAY, 2 JUNE 2021**

PRESENT

County Councillor F H Jump (Chair)

County Councillors L George and G Jones

1.	RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS
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RESOLVED that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following item[s].

2.	APPLICATION FOR A JOINT HACKNEY CARRIAGE AND PRIVATE HIRE DRIVER'S LICENCE
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2.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

The Clerk to the Sub-Committee explained the procedures to be followed by the Sub-Committee.

2.2. Application for a licence - JD/02/2021

Applicant – JD/02/2021 joined the meeting via telephone.

The Senior Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

The Applicant explained the circumstances surrounding his convictions, with all but one occurring over 17 years ago. The Sub-Committee noted the caution in 2016 and the Applicant explained the circumstances of this. He explained why he had given up his licence in 2015.

The Applicant confirmed that he had been able to make his representations and the Chair thanked him for joining the meeting.

The Clerk advised he would contact JD/02/2021 with the Sub-Committee's decision. JD/02/2021 and the Senior Licensing Officer left the meeting to enable the Sub-Committee to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

In reaching the decision members took into account the relevant written and verbal representations. The Sub-Committee requested the Clerk to advise the applicant of the benefit of producing references in support of an application.

RESOLVED	Reason for decision
That the application (JD/02/2021)	That the Applicant is a fit and

for a joint hackney carriage and private hire drivers' licence be granted.	proper person to hold such a licence.
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The Clerk to the Sub-Committee advised that he would confirm the decision in writing.

The Chair thanked the Members and officers for attending.

County Councillor F H Jump (Chair)