

Planning, Taxi Licensing & Rights of Way Committee

Meeting Venue
By Teams

Meeting Date
Thursday, 3 February 2022

Meeting Time
10.00 am

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

27 January 2022

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 13 January 2022 as a correct record.
(Pages 5 - 8)

Planning	
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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 9 - 10)

4.1. Updates

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

4.2. 21/1660/FUL Cedewain School , Plantation Lane, Newtown, SY16 1LH

(Pages 11 - 42)

4.3. 20/1314/FUL Land at Brynygroes Farm, Ystradgynlais, SA9 1LF

(Pages 43 - 124)

4.4. 21/0422/FUL Land Near To St Mary The Virgin Church, Trelystan , Welshpool, SY21 8LD

(Pages 125 - 166)

4.5. 20/1241/FUL Glanhanog Isaf Barns, Glanhanog Isaf, Carno, Caersws, Powys SY17 5JU

(Pages 167 - 204)

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 205 - 232)

6.	APPEAL DECISIONS
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To receive the Planning Inspector's decisions regarding appeals and an application for costs.

(Pages 233 - 242)

Rights of Way

7. DECLARATIONS OF INTEREST

To receive any declarations of interest from Members relating to the following items on the agenda.

8. TOWN AND COUNTRY PLANNING ACT 1990, SECTION 257 PUBLIC PATH ORDER PROPOSAL
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To consider the proposal to divert part of public footpath N1 on land at Ysgol Cedewain, Plantation Lane, Newtown SY16 1LH (Community of Newtown & Llanllwchaiarn).

(Pages 243 - 252)

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MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT BY TEAMS ON THURSDAY, 13 JANUARY 2022

PRESENT

County Councillor K Lewis (Chair)

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

1. APOLOGIES

Apologies for absence were received from County Councillors E M Jones and M Weale.

The Chair advised that as the Professional Lead – Planning was in attendance for the next item, he would take the Decisions of the Head of Property, Planning and Public Protection on Delegated applications after the minutes, rather than calling the officer back into the meeting later in the morning.

2. MINUTES OF THE PREVIOUS MEETING

The Chair was authorised to sign as a correct record the minutes of the meeting held on 2 December 2021, subject to it being noted that County Councillor H Lewis had left the meeting prior to item 4.3 being discussed, as noted in the minutes and that the reference to him leaving the meeting after this item was incorrect.

Planning

3. DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS

The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 25 November 2021 and 4 January 2022.

Taxi and other licensing

4. DECLARATIONS OF INTEREST

County Councillor D Price declared a prejudicial interest in item 6 - Holiday Caravan Site Licence Conditions.

5. TAXI LICENSING FEES 2022/23

The Committee considered the report regarding the Taxi Licensing Fees for 2022/23.

In response to questions regarding the impact of COVID on the taxi industry the Senior Licencing Officer advised that there were 20% less vehicles, the number of private hire operators had remained at 70 and although some drivers had not renewed their licences new driver applications were being received. She advised that due to COVID the level of business had slowed down and this was the same picture nationally. In response to a question regarding the level of fees the Senior Licencing Officer advised that the fees reflected the cost of processing licences within the authority. She advised that the Welsh Government is considering introducing national fees and fares as a standard across Wales.

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

RESOLVED

That taxi fees for 2022/23 be approved to go out for consultation in the local press in line with statutory requirements and if not objected to will be in place for 1st April 2022. Any objections to the fees will come back to this committee for consideration.

County Councillor G Jones left the meeting to attend other Council business.

County Councillor P Pritchard joined the meeting after experiencing technical difficulties.

6.	TAXI LICENSING POLICY
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The Committee considered the report regarding the Taxi Licensing Policy.

The Committee noted that the draft policy was based on Welsh Government Guidance on Taxi and Private Hire Standards. Utilising this guidance would ensure greater consistency in the way that local authorities in Wales apply and administer the taxi licensing regime and the standards used.

In response to a question regarding the use of dash cams in vehicles, the Senior Licencing Officer advised that the Welsh Government did not want to impose extra costs on the industry at this point in time. However, she considered it likely that the provision of dash cams would become mandatory in the future. In respect of the overseas criminal checks the officer advised that in addition to such checks a DBS check was also required.

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

RESOLVED

To approve the draft Taxi Licensing Policy at Annex A for it to go out to consultation to the public, taxi trade and stakeholders for a period of 6 weeks. Any relevant comments or objections to the content will come back to this committee after the consultation period for consideration. If there are no relevant comments for the committee to consider then the policy will be published for implementation on 1st April 2022.

County Councillor D Price having declared a prejudicial interest left the meeting for the next item.

7.	HOLIDAY CARAVAN SITE LICENCE CONDITIONS
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The Committee considered the report regarding Holiday Caravan Site Licensing Conditions.

The Committee noted that the current conditions attached to licences were based on model standards that date back to 1983 and 1989 and these have never been revised or revisited. The authorities in the Four Counties Licensing Forum namely Pembrokeshire, Powys, Ceredigion and Carmarthenshire have drafted a revised set of holiday and touring site license conditions.

In response to questions regarding the issue of people permanently living at holiday caravan sites and where they may not be paying any council tax, the Senior Licensing Officer advised that this was not a licensing issue. The Licensing Conditions relate to the conditions on a site rather than the occupancy of a site, which is a planning issue. The Solicitor advised that any issues regarding the inappropriate occupancy of a holiday caravan site should be logged on the Planning Authority's Enforcement website and planning officers would then investigate.

The Senior Licensing Officer advised, in response to a question regarding the status of pods and lodges, that if these were moveable structures, they would be subject to the caravan licence conditions. In response to a question regarding the inspection of caravan sites, the Senior Licencing Officer advised that a programme of inspections of holiday caravan sites are undertaken each year. In addition to the caravan licencing conditions the owners of sites would need to comply with other legislation and details of these had been listed in the policy.

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

RESOLVED

To consult with existing licence holders on updated Holiday Caravan Site Licence conditions for a period of 8 weeks. Any relevant representations will be brought back to this committee for consideration. If there are no relevant representations, then site owners will receive written confirmation of the revised conditions that apply to their site.

County Councillor D Price returned to the meeting.

County Councillor G Williams left the meeting for other council business.

County Councillors E Vaughan and R Williams joined the meeting after experiencing technical difficulties.

8.	ANIMAL ESTABLISHMENT LICENSING FEES REVIEW
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The Committee considered the report regarding Animal Establishment Licensing Fees.

The Committee noted that the trade had already been consulted regarding the proposed licensing fees and no objections had been received. Concerns were raised about unlicensed premises and what could be done about these. The Senior Enforcement Officer advised that in 2009 when this area of licensing was

taken over by the Authority there were 26 licensed premises and the Team had two whole time equivalent posts. Currently, there are 97 licensed premises and the Team has one whole time equivalent member in post. As a result, the Team can only react to strong intelligence received about possible unlicensed premises. The Committee noted that a number of people are under investigation and recently one person pleaded guilty to operating an unlicensed premise when taken to court.

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

RESOLVED

To approve the proposed licence fees and implement them with effect from 1st April 2022.

In response to the issues raised about unlicensed premises the Chair agreed that the issue of enforcement would be discussed further by the Committee. In respect of a specific unlicensed premise raised by a member the Chair agreed to meet with him and the Senior Enforcement Officer and discuss it outside of this meeting.

County Councillor K Lewis (Chair)

Planning, Taxi Licensing and Rights of Way Committee
3rd February 2022

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>21/1660/FUL</p> <p>Newtown and Llanllwchairian Community Council</p> <p>30990 290353</p> <p>02/11/2021</p>	<p>Full: Demolition of all buildings currently associated with the existing Ysgol Cedewain Additional Learning Need (ALN) School site. Erection of a new 2 Storey Additional Learning Need School, formation of Multi Use Games Area, external services yard compound, sports pitch, new 45 space car parking area including 4 electric charging bays, new vehicular access off Plantation Lane, landscaping works and all associated works</p> <p>Cedewain School, Plantation Road, Newtown SY16 1LH,</p> <p>Powys County Council</p> <p>Recommendation: Conditional Consent</p>
<p>20/1314/FUL</p> <p>Ystradgynlais Community</p> <p>299115 267747</p> <p>21.08.2020</p>	<p>Full: Residential Development and associated work</p> <p>Land at Bryn y Groes Farm, Ystradgynlais</p> <p>Matthew Mogan, Morgan Development Wales Ltd</p> <p>Recommendation: Conditional Consent</p>

<p>21/0422/FUL</p> <p>Fordeu with Leighton & Trelystan Community</p> <p>326265 303958</p> <p>17.03.2021</p>	<p>Full: Ereotion of a temporary marquee for wedding receptions (between April and October eaoh year). Creation of access, installation of infrastructure and siting of a temporary toilet unit</p> <p>Land near to St Mary the Virgin Church, Trelystan</p> <p>Mrs J Jones</p> <p>Recommendation:</p> <p>Conditional Consent – subject to a S106 agreement</p>
<p>20/1241/FUL</p> <p>Carno Community</p> <p>294486 299084</p> <p>30.09.2021</p>	<p>Full: Conversion of existing barn to 5 holiday let units, the change of use of an agricultural building to a communal recreation area and all associated works</p> <p>Glanhanog Isaf Barns, Glanhanog Isaf, Carno</p> <p>Corrine Adlington</p> <p>Recommendation:</p> <p>Conditional Consent</p>

4.2

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/1660/FUL **Grid Ref:** E: 309990
N: 290353
Community Council: Newtown And Llanllwchaiarn Community **Valid Date:** 02.11.2021

Applicant: Powys County Council

Location: Cedewain School , Plantation Lane, Newtown, SY16 1LH,

Proposal: Demolition of all buildings currently associated with the existing Ysgol Cedewain Additional Learning Need (ALN) School site. Erection of a new 2 Storey Additional Learning Need School, formation of Multi Use Games Area, external services yard compound, sports pitch, new 45 space car parking area including 4 electric charging bays, new vehicular access off Plantation Lane, landscaping works and all associated works

Application Type: Full Application

The reason for Committee determination

This major application has been made by Heart of Wales Property Services on behalf of Powys County Council. In accordance with the Council's Constitution, the application is required to be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee.

Consultee Responses

Consultee

Received

Contaminated Land Officer

8th Nov 2021

The subject site is identified as former unknown filled ground and there may be asbestos containing materials within the existing school and made ground present. I have reviewed the submitted information and generally concur with its findings. In respect of the proposed gas protection measures a Verification Plan in accordance with Ciria C735 will be required.

Whilst accepting of the investigation work undertaken, further work will be required once the buildings have been demolished.

Condition A

Condition 1. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

Condition 2. Submission of Remediation Scheme

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

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 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 3. Implementation of Approved Remediation Scheme

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

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and

approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of 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 4. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

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

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

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

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645

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

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

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

Severn Trent Water advise that there may be a public sewer located within the application site. Although our statutory sewer records do not show any public sewers within the area you have specified, there may be sewers that have been recently adopted under the Transfer Of Sewer Regulations 2011. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent and contact must be made with Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

Clean Water Comments

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

To request a water map please follow the link, <https://www.stwater.co.uk/building-and-developing/estimators-and-maps/request-a-water-sewer-map/> scroll down the page to view the link:

Please visit www.digdat.co.uk

You will need to register on the website and then you will be able to search for your chosen location and get an instant quote online. For more information you can view Digdat's user guide([opens in a new window](#)).

Please look at the district area supply plan (PDF)([opens in a new window](#)) to check that your site is within the Severn Trent boundary before requesting an underground asset map.

Any correspondence and diversion applications are to be submitted through New Connections the relevant form can be found on the Severn Trent website, please complete the form as fully as possible.

Highway Authority

16th Dec 2021

The Highway Authority (HA) met with the applicant during the course of the PAC and note that the design changes to the car park and access raised at that stage have been implemented on the revised drawings submitted to this application.

At PAC stage the HA raised issue with the narrow access off the U4206 at its junction with the U4210, which gives access to the existing school and the adjacent school. However, we understand through discussion that the applicant does not control sufficient frontage to which improvements can be made and the lane gives access to the adjacent school which is not within the application site. The existing situation shall be improved by relocating the main Ysgol Cedewain entrance to the U4205, as shown on Drawing Number CED-LST-A1-XX-DR-L-0102 Rev P4 and relocating the Ysgol Cedewain staff parking adjacent to the new school building. Therefore, the proposed development shall result in a reduction of movements through the existing access.

The HA recommended that the applicant provide sufficient off-street parking and dropping off for both schools as part of the proposed development. However, through discussion with the applicant, we note that the application site cannot be enlarged due to the dedication of surrounding land and TPO's. Therefore, the applicant is unable to provide additional parking/dropping off facilities for Maesyrrhandir CP School. We do note that the applicant has relocated the staff parking from its current position to within the proposed

service yard, therefore reducing the pressure on the available parking to the rear of Maesyrrhandir CP School.

Our Active Travel section (AT) was consulted at the time of the PAC and the applicant has continued dialogue with Officers. As above the applicant has redesigned the access, which has addressed our concerns and that of AT. The AT Officers identified three Active Travel routes which the applicant should include within their submission. However, through further discussions with AT the route nearest the application site has already been implemented and the remaining routes are a considerable distance from the application site. Therefore, the improvements which the applicant has proposed to the access are considered sufficient.

The HA advises that the applicant's appointed contractor shall be required to obtain Streetworks licenses for the access, and any utility connections (see notes below).

The HA consider that the changes we identified at PAC stage, also subject to discussions at that point, are present in the submission. Therefore, the HA recommend that the following conditions be attached to any consent given.

1. Notwithstanding the submitted details on drawing numbers CED-LST-A1-XX-DR-L-0102 Rev P4, CED-CUR-XX-XX-DR-C-5500 Rev P4, CED-LST-A1-XX-DR-L-0200 Rev P3 & CED-CUR-XX-XX-DR-C-9502 Rev P4 the Highway Authority wish the following conditions to be applied to any consent given.
2. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
3. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in an easterly direction and 14 metres distant in a westerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

4. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
5. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
6. Prior to the first operational use of the development, provision shall be made within the corresponding site for the parking and turning of vehicles as detailed on the approved site plan CED-LST-A1-XX-DR-L-0102 Rev P47. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
7. Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
8. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
9. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
10. No surface water drainage from the site shall be allowed to discharge onto the county highway.

Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular

access works.

- a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
 3. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
 4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Natural Resources Wales (Mid Wales)
DPAS

17th Nov 2021

We refer to your consultation dated 02/11/2021. We have no objection to the proposed development as submitted and provide the following advice.

Protected Species

We note that the bat reports submitted in support of the above application (Ysgol Cedewain Preliminary Bat Roost Assessment, Middlemarch Environmental, August 2019 and Ysgol Cedewain, Updated Bat Surveys, Middlemarch Environmental, September 2021) has identified that bats were not using the application site. We therefore have no comments to make on the application as submitted. In line with the recommendations in the Updated Bat Surveys, we would welcome implementation of a lighting plan following the guidance in the Bat Conservation Trust/ ILP Guidance Note 08/18 Bats and artificial lighting in the UK, Bats and the Built Environment series to reduce the impacts of lighting in the interest of protected species and commuting corridors.

Contaminated Land

Natural Resources Wales considers that the controlled waters at this site are not of the

highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

It is recommended that the requirements of Planning Policy Wales and the Land Contamination Risk Management (LCRM) guidance 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 Local Planning Authority may wish to re-consult Natural Resources Wales.

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.

Ecologist

16th Dec 2021

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)

- o Environment (Wales) Act 2016

Statutory sites within 2km:

- o none

Non-statutory sites within 2km:

- o One or more Ancient Woodland (AW) sites are located within 500m of the development

Records of protected and/or priority species identified within 2km? Yes

Comments:

The application is informed by the following information:

- o Worrall, V. Holmes, B & Collins, A. (12/08/2019) Ysgol Cedewain & Ysgol Maesyrrhandir, Newtown, Powys. Preliminary Ecological Appraisal. Report no. RT-MME-130845-01. Middlemarch Environmental.
- o Holmes, B, (08 September 2021) Ecological Walkover Survey - Cedewain School, Newtown, Powys. Ref. RT-MME-156080-01. Middlemarch Environmental.
- o Worrall, V. Holmes, B & Collins, A. (12/08/2019) Ysgol Cedewain & Ysgol Maesyrrhandir, Newtown, Powys. Preliminary Bat Roost Assessment. Report no. RT-MME-130845-02. Middlemarch Environmental.
- o Meredith, S. & Withington, D. (30/09/2019) Ysgol Cedewain & Ysgol Maesyrrhandir, Newtown, Powys. Dusk Emergence and Dawn Re-Entry Bat Surveys. Report no. RT-MME-150335. Middlemarch Environmental.
- o Holmes, B, (09 September 2021) Cedewain School, Newtown, Powys. Updated Bat Surveys. Report no. 156080-02. Middlemarch Environmental.
- o Unknown (July 2021) Arboricultural Impact Assessment & Method Statement, Ysgol Cedewain School, Newtown. Ref. 21/AIA/POWYS/08. Tree Solutions Ltd.

Survey effort and methods employed in accordance with current national guidelines?

Yes

The preliminary ecological appraisal (PEA) identified the following habitats on and adjacent to the site: amenity grassland, buildings, fence, hardstanding, hedgerow, introduced shrub, scattered trees. The areas of amenity grassland, hardstanding and fencing were of relatively low ecological value. Mature and semi-mature trees and

hedgerows provided potential habitat for bats, nesting birds, hedgehog and reptiles, as well as invertebrates such as butterflies, moths and beetles. Two trees with bat boxes installed (but outside of the proposed development area) and a semi-mature oak with a potential bat roosting feature were identified. Trees and buildings were assessed separately for bat roosting potential and presence of bats (see below). The site was considered unsuitable for dormouse, water vole, pine marten, great crested newt and otter due to a lack of suitable habitat features. No evidence of badger was detected but it was considered that there was potential for them to pass through the site.

A further updated site assessment confirmed no substantial change in the type and condition of habitats present on site. It identified that two hedgerows on site would be lost to the development and compensation was advised. Mitigation measures were recommended to avoid loss or damage to remaining trees and hedgerows and to avoid harm to reptiles, hedgehog, nesting birds and badger during the construction phase. It was advised that the recommendations identified within the accompanying bat reports should also be followed.

The preliminary bat roost assessment PRA consisted of an internal and external inspection of the buildings on site to identify potential bat access points, roost features and evidence of the presence of bats. Trees were subject to ground level inspection for potential roosting features. Not all parts of all buildings and trees were accessible for inspection and so a precautionary approach was taken regarding requirement for future surveys. The main Maesyrrhandir school building and adjacent nursery building are not impacted by the proposal and were excluded from the assessments.

Ten separate buildings were assessed; three brick-built structures and seven portacabins. No evidence of the presence of bats was detected in any building where physical inspection was possible. It was considered that the portacabins possessed negligible potential to support roosting bats. The three brick buildings possessed multiple potential bat access points and roost features and were considered to have high roost potential. Five trees were identified to have potential roost features; a semi-mature oak with limb cracks, two trees with bat boxes and two trees with bird boxes; all will be retained. The height of the limb cracks and all four boxes precluded physical inspection. All were considered to have high roost potential. Three activity surveys (two dusk, one dawn) were conducted in accordance with national guidelines were carried out on the three brick buildings and the oak tree. No bats were detected emerging or entering any parts of the buildings or the oak tree during any of the survey periods. It was concluded that no bat roosts would be impacted by the proposals. Limited foraging and commuting activity was identified across the site probably due in part to high levels of nocturnal illumination present. The updated assessment of the buildings on site and a further dusk emergence survey undertaken in 2021 confirmed that the condition of the buildings

affected by the proposal remained unchanged and again no evidence of bat roosting activity was detected. As no bat roosts will be affected by the proposal a European Protected Species licence will not be required for the development.

Recommendations were made regarding habitat enhancement and nocturnal lighting to benefit roosting, commuting and foraging bats in the local area, which are considered appropriate for the development. Given the scale and nature of the development it is advised that a wildlife sensitive lighting plan is submitted to ensure that adverse impact to nocturnal wildlife in the area is avoided.

The arboricultural assessment identified a number of trees requiring removal to accommodate the proposed development or for health and safety reasons (dead, diseased or damaged). The semi-mature oak tree (T25) identified in the PEA and bat surveys is to be retained in recognition of its arboricultural quality and has been incorporated into the design of the development, which is welcome. Three dying or diseased trees are to be removed for safety reasons and eleven young trees of moderate or low quality will be removed to accommodate the development. The submitted Tree Protection Plan and Arboricultural Method Statement provides appropriate measures to ensure retained trees and hedgerows are protected during the construction phase.

I have reviewed the submitted Boundary Plan with regard to potential impact on wildlife movement, particularly hedgehog. 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, 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. From the information submitted it is not clear if sufficient gaps exist beneath the perimeter fencing (wire mesh), demarcation fencing or secure boundary line fencing (timber). 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, or every 25m along the site perimeter. If such measures are included it is considered unlikely to impact small mammal movements significantly.

Biodiversity enhancement:

The submitted Planting Plan and Planting Design and Tree Planting Plan are most welcome. The proposed soft landscaping scheme includes planting of shrubs, trees and hedges, which will compensate for loss of the eleven young trees and sections of hedgerow, and provide enhancement for nesting birds, foraging and commuting bats, small mammals and insects. Substantial areas of the grounds will be planted with wildflower mixes, a wildlife garden and a sensory garden. The features have potential to

enhance biodiversity if implemented as proposed and maintained in the long-term. Site preparation and aftercare measures have been provided in addition to the locations, number and species to be planted.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions is recommended

1. The development shall be undertaken in strict accordance with the recommendations in Ecological Walkover Survey - Cedewain School, Newtown, Powys, Ref: RT-MME-156080-01, by Middlemarch Environmental, dated 8th September 2021. The measures identified shall be adhered to and implemented in full.
2. The development shall be undertaken in strict accordance with the Arboricultural Impact Assessment & Method Statement, Ysgol Cedewain School, Newtown, by Tree Solutions Ltd, dated July 2021, including Appendix Four - Tree Protection Plan and Appendix 5 - Tree Protective Measures/Method Statement. The measures identified shall be adhered to and implemented in full.
3. The development shall be undertaken in strict accordance with PLANTING PLAN PLANTING DESIGN, Drawing no. CED-LST-XX-XX-DR-L-0501 Rev. P2 and PLANTING PLAN TREE PLANTING, Drawing no. CED-LST-XX-XX-DR-L-0500 Rev. P2. The measures identified shall be adhered to and implemented in full and maintained thereafter.
4. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.
5. Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary or boundary between individual plots. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each interior fenced aspect of the boundary. A minimum of one access point shall be installed every 25m along the length of the site's perimeter boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The

access points shall be maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informatives:

The following advice for the applicant is also considered appropriate

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

- 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:

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.

Correspondence received

Apologies, I obviously missed the lighting plan amongst all the submitted info. The lighting details are sufficient and I'd be grateful if you would condition development in accordance with the plan details. Many thanks

Environmental Protection

11th Nov 2021

Environmental Protection has no objection to the application, subject to inclusion of the following condition for the control of demolition-/construction-phase noise/vibration and dust:

All work during the demolition and construction phases of the development shall proceed in accordance with the measures listed in the Construction Phase Plan (ref: IMS-8.1- Construction Phase Plan (Inc. Env)) for the control of noise/vibration and dust.

Community Council

9th Dec 2021

The Town Council supports the application but also forwards comments received from a member of the public.

Ward Councillor

4th Dec 2021

As county Councillor for this ward and having several residents expressing concerns

about this planning application I would like to have the application called in please
Countryside Services

Correspondence dated 6th January 2022

We are aware of the development and an application to divert the public footpath has been made.

The developer needs to make sure that the development works over the existing line of the path are not already substantially complete. If works do need to start then will need to think about temporarily closing the public footpath until such time as the diversion application is confirmed.

Temporary closures – If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way.

The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

For advice, please contact Powys County Council Countryside Services with details of the development at:

rights.of.way@powys.gov.uk

Representations

The proposed development has been advertised by site display (notice posted 09/11/2021). At the time of writing this report, 2 third party representations have been received. The concerns expressed therein can be summarised as follows;

- Loss of open space/outdoor play facilities;
- Residential amenity – associated traffic movements;
- More suitable sites within Newtown;
- Impact on public rights of way.

Planning History

No planning history relevant to this planning application.

Principal Planning Constraints

Contaminated Land

Unknown Filled Ground

LDP Development Boundaries
Powys Open Space Assessment 2018

Newtown/ Y Drenewydd
Maesyrhandir Greenspace

Right of Way
Mineral Safeguarding Sand/Gravel

253/N1/1

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 10, December 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN16	Sport, Recreation and Open Space		National Policy
TAN18	Transport		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
DM3	Public Open Space		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	Mineral Safeguarding	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
DM15	Waste	
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	
SPG	Landscape	
SPG	Residential Design Guide	

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

Ysgol Cedewain is an existing Additional Learning Needs (ALN) School located to the south west of Newtown. The application site lies adjacent to Maesyrrhandir CP School (located to the east) whilst Plantation Lane is located to the north. Located to the west is open space and to the south Mochdre Industrial Park.

The school currently provides education for pupils aged 2 to 19 years and operates within a Gross Internal Floor Area (GIFA) of 2163 square metres comprised across 10 disparate buildings. The current application seeks to consolidate the educational accommodation and provide an ALN building of approximately 5146 square metres, capable of accommodating 108 pupils. The new build is predominantly 2 storey and comprises of 17 classrooms.

New external works include sustainable drainage features, a Multi Use Games Area (MUGA), external service yard and sports pitch. Provision has been made for a new staff and visitor car park (45 bays) inclusive of 2 disabled and 4 electric charging bays whilst a new vehicular access off Plantation Lane will be constructed.

Introduction

In considering the proposed development, the key material considerations are as follows;

- Principle of Development;
- Siting, Design and Scale;
- Highway Safety and Movement;
- Ecology, Biodiversity and the Environment;
- Open Space Provision;
- Residential Amenity;
- Contaminated Land;
- Public Rights of Way.

Principle of Development

LDP policy C1 actively supports the provision of community facilities including schools provided that they are suitably located within or adjacent to a settlement identified in the strategic hierarchy and are of a scale and nature appropriate to their location.

For the purposes of the plan and strategic hierarchy, Newtown is defined as a Town. Given the dense population and accessibility, Towns are generally the chosen location for 'area services' and in particular larger scale public services including schools. The site subject to this application is located to the southwest of Newtown, within close proximity of Maesyrrhandir CP School and Newtown High School and will replace an existing ALN facility which has reached the end of its serviceable life.

The Design and Access Statement accompanying the application outlines the long term vision for Ysgol Cedewain, this being to provide a flexible and inspiring learning hub for its pupils, capable of fulfilling the ever-changing needs of its cohort and staff whilst also supporting ALN needs across Powys.

In considering the proposed development, Officers acknowledge the Council's Corporate Strategy 'Vision 2025' and aspirations to improve skills and learning within the County and also the policy support for educational facilities in appropriate locations. Based upon the relevant policy framework and details submitted, Development Management considers the principle of development to be fundamentally acceptable subject to all other material considerations being satisfied.

Siting, Design and Scale

In accordance with policy DM13, development proposals must be able to demonstrate a good quality design and have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. As such, proposals will only be permitted where they have been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

The footprint of the proposed building measures approximately 90 metres in length by 45 metres in width. The building is predominantly 2 storey and reaches a maximum height of approximately 9.8m (central entrance). External materials comprise of flashed black brick, aluminium cladding, aluminium standing seam panelling and vertical Larch timber cladding.

On reviewing the Design and Access statement, it is understood that the design of the new school has been led by the spatial requirements, appropriate to the special educational needs of its pupils but it also meets the functional requirements of staff.

The building is clearly divided into two halves by a linear circulation and support spine that runs North to South, centrally through the plan, creating vertical circulation routes to service the upper level of the school. At ground floor this spine also provides a service corridor to access centralised primary support facilities for visiting professionals, such

as Medical Inspection, Nurses Base and the Physiotherapy suite.

To the right of the spine are the predominantly single storey, public facing parts of the building. At ground floor the main entrance, administration areas, and communal facilities such as shared dining hall, changing areas and community café are all located on this side of the building. Additionally all service, and heavily serviced facilities such as the plant rooms, hydrotherapy pool and school commercial kitchen are located on the right hand side of the plan for ease of vehicular access via the site service compound.

To the left of the spine is the 2 storey private teaching wing of the building. This element is designed in a courtyard format around a central sensory garden. This building typology is understood to have a number of benefits including direct connection to central safe and secure external area. It precludes dead end corridor situations which some students can find distressing. It also improves passive supervision, enhances natural light into circulation spaces and assists with way-finding. The general teaching spaces are organised to facilitate early years and primary (KS1-KS2) classrooms at ground floor level, with secondary (KS3-KS4) and 6th Form classrooms above. As all general teaching classrooms have been designed in a standardised manner there is inherent flexibility in this arrangement.

In terms of siting, Officers note that the building footprint has been centralised within the context of the school site and provides a clear line between public and private space, but also sets the building away from any residential or industrial curtilage thereby negating any adverse visual impacts. Its massing is conceived as a series of two storey cube forms, with adjacent rectilinear linking elements of varying orientations. This has the effect of breaking down the large span of the North and South Elevations of the building, reducing its perceived scale thus aiding the assimilation of the proposed school within its surroundings. Officers consider that the palette of materials outlined above are natural in composition and will the character and appearance of the surrounding environment.

Having carefully consider the design, layout and scale of the proposed scheme, Officers are satisfied that the development will integrate into it setting without adversely affecting the character and appearance of existing buildings compliant with LDP policy DM13. By virtue of the contemporary appearance of the build and associated landscaped areas, it is considered that the development will positively enhance the appearance of the site and surrounding area, to the benefit of pupils, staff and the community.

Highway Safety and Movement

Policies DM13 and T1 of the adopted plan seek to ensure that developments are designed and located to minimise the impacts on the transport network – journey times, resilience and efficient operation – whilst ensuring that highway safety for all transport users is not detrimentally impacted upon. Development proposals are therefore expected to meet all highway access requirements, (for all transport users), 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.

The existing school site is accessed exclusively from the North via a narrow private drive off an existing junction with Plantation Lane and Pine Court – shared by both vehicles and pedestrians. Parking facilities are poor and minibus parking removes the playground from use at the beginning and end of the day. Officers are advised that the single track proves difficult at peak times with the volume of traffic.

The new scheme creates a new car park and drop off area at the front of the school side, providing clear, direct access off Plantation Lane to the main school entrance together with minibus facilities on site. A minibus drop off lay-by has been prioritised along the pedestrian access to the building in an effort to create a direct, safe route for children to be dropped off with school staff and collected at the end of the day. The one-way system creates a loop around the car park which has a central pedestrian table thereby providing a clear linear route to the main entrance.

In commenting on the proposed development, the Highway Authority make reference to earlier Pre-application discussions which are understood to have informed the current proposal. Based upon the information accompanying the application, the Highway Authority has confirmed that they are satisfied with the proposal subject to the recommended conditions being imposed on any planning permission granted.

Members are advised that third party concern has been expressed regarding highway safety implications and increased traffic movements on Plantation Lane. Whilst acknowledging the concerns, Officers note that the educational facility already exists as this location whilst the scale of development is unlikely to significantly affect existing movements. The redevelopment of the school provides an opportunity to address current highway issues and enhance the current traffic system as outlined above in the interests of both vehicles and pedestrians.

Notwithstanding the third party concerns, in light of the comments received, Development Management is satisfied that sufficient provision has been made for both pedestrian and vehicular safety and movement in accordance with planning policy, particularly policies DM13 and T1 of the adopted development plan.

Ecology, Biodiversity and 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.

Protected Species

The application is accompanied by Preliminary Bat Roost Assessment (PRA) dated August 2019 which consisted of an internal and external inspection of the buildings on site to identify potential bat access points, roost features and evidence of the presence of bats. Trees were subject to ground level inspection for potential roosting features. Not all parts of all buildings and trees were accessible for inspection and so a precautionary approach was taken regarding requirement for future surveys. The Maesyrrhandir CP school building and adjacent nursery building are not impacted by the proposal and were therefore excluded from the assessments. No evidence of roosting bats was found. The updated assessment of the buildings on site and a further dusk emergence survey undertaken in 2021 confirmed that the condition of the buildings affected by the proposal remained unchanged and again no evidence of bat roosting activity was detected.

In commenting on the proposed development, both the County Ecologist and Natural Resources Wales offer no criticism of the survey evidence submitted or indeed the report findings. Recommendations were made regarding habitat enhancement and nocturnal lighting to benefit roosting, commuting and foraging bats in the local area, which are considered appropriate for the development. Members are advised that the application is accompanied by a Lighting Design Scheme, adherence to which will be conditioned as part of any planning permission granted.

Other Species

The preliminary ecological appraisal (PEA) identified the following habitats on and adjacent to the site: amenity grassland, buildings, fence, hardstanding, hedgerow, introduced shrub, scattered trees. The areas of amenity grassland, hardstanding and fencing were of relatively low ecological value. Mature and semi-mature trees and hedgerows provided potential habitat for bats, nesting birds, hedgehog and reptiles, as well as invertebrates such as butterflies, moths and beetles. Two trees with bat boxes installed (but outside of the proposed development area) and a semi-mature oak with a potential bat roosting feature were identified. Trees and buildings were assessed separately for bat roosting potential and presence of bats (as above). The site was considered unsuitable for dormouse, water vole, pine marten, great crested newt and otter due to a lack of suitable habitat features. No evidence of badger was detected but it was considered that there was potential for them to pass through the site.

A further updated site assessment confirmed no substantial change in the type and condition of habitats present on site. It identified that two hedgerows on site would be lost to the development and compensation was advised. Mitigation measures were recommended to avoid loss or damage to remaining trees and hedgerows and to avoid harm to reptiles, hedgehog, nesting birds and badger during the construction phase.

The arboricultural assessment identified a number of trees requiring removal to accommodate the proposed development or for health and safety reasons (dead, diseased or damaged). The semi-mature oak tree (T25) identified in the PEA and bat surveys is to be retained in recognition of its arboricultural quality and has been incorporated into the design of the development, which is welcome. Three dying or

diseased trees are to be removed for safety reasons and eleven young trees of moderate or low quality will be removed to accommodate the development. The submitted Tree Protection Plan and Arboricultural Method Statement provides appropriate measures to ensure retained trees and hedgerows are protected during the construction phase.

In commenting on the submitted Boundary Plan the County Ecologist notes that poorly designed and installed boundary features are considered highly detrimental to hedgehog populations because they hinder commuting, foraging and dispersal. Therefore, 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 however based upon the submitted information it is not clear if sufficient gaps exist beneath the perimeter fencing (wire mesh), demarcation fencing or secure boundary line fencing (timber). 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, or every 25m along the site perimeter. If such measures are included it is considered unlikely to impact small mammal movements significantly. In order to ensure unrestricted passage, a suitable condition will be attached to ensure adherence to the above.

Biodiversity enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to maintain and enhance biodiversity through all of its functions – this includes the planning process.

The application is accompanied by a Planting Plan, Planting Design and Tree Planting Plan, all of which indicate extensive new planting across the application site. Proposed soft landscaping includes planting of shrubs, trees and hedges, which will compensate for loss of the eleven young trees and sections of hedgerow whilst also providing enhancement for nesting birds, foraging and commuting bats, small mammals and insects. Substantial areas of the grounds will be planted with wildflower mixes, a wildlife garden and a sensory garden. The features have potential to enhance biodiversity as proposed. Site preparation and aftercare measures have been provided in addition to the locations, number and species to be planted.

Officers are satisfied that the proposed landscaping scheme will positively enhance biodiversity at this location whilst also offering compensation for loss of existing landscaping within the site. A suitable condition will therefore be attached to ensure implementation and future maintenance.

Conclusion

In light of the consultation comments received and subject to suitable conditions, Officers consider the proposed development to be in accordance with planning policy in respect of ecology matters.

Open Space Provision

LDP policy DM3 seeks to safeguard public open space provision. Third party concerns have been expressed regarding the loss of the green space on which the proposed school will be located and impact on the local community. Whilst the area of land has no formal open space designation, it is understood that the local community has informally utilised the ground for outdoor play provision.

Although Officers acknowledge the concerns expressed, the land is within private ownership and has no formal open space designation for the purposes of the adopted LDP, specifically policy DM3. As such, it is not considered that sufficient weight can be given to the concerns expressed to justify a refusal on the grounds of the loss of open space.

Residential Amenity

Policy DM13 indicates 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.

The application site is located within an established residential area and within close proximity of Mochdre Industrial Estate. Notwithstanding proximity to sensitive receptors, Officers acknowledge the existing ALN facility together with adjoining land uses – primary school.

Given the use, siting and design of the proposed development, it is not considered that the proposal will give rise to unacceptable impacts in respect of overlooking, odour or air pollution.

In respect of dust, noise and vibration, the application is accompanied by a Construction Phase Plan which includes measures for the control of the above during the construction phase. In responding to consultation, Environmental Health has confirmed no objection to the proposed development subject to a suitable condition being attached ensuring adherence to the submitted plan as above. Based upon the information submitted and comments received, Officers consider that potential impacts on the surrounding area including residential amenity can be adequately managed during the construction phase compliant with policy DM13.

Contaminated Land

Contamination and land instability can present risks to human health, property and the environment, and long term limitations on the use of soils. Development proposals therefore need to be carefully assessed to ensure that any risks from hazards such as subsidence, mine and landfill gas and leachate emissions, landslips or rockfalls are acceptable and addressed. Similarly development should not harm the environment through pollution or contamination.

Policy DM10 confirms that development proposals on contaminated or unstable land will be permitted where they do not:

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

The Council's Contaminated Land Officer has indicated within the consultation response that the subject site has been identified as former unknown filled ground and there may be asbestos containing materials within the existing school and ground. As such, a series of conditions, including pre-commencement requirements have been recommended.

In order to avoid pre-commencement conditions in respect of contamination, additional information has been submitted by the applicant's agent which is currently being reviewed by Contaminated Land Officers. Unfortunately, as a response is outstanding at the time of writing this report, Officers will endeavour to provide a full update together with appropriate conditions within an update report.

Public Rights of Way

Policy DM13 of the LDP seeks to ensure that the public rights of way network is enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.

The application site is crossed by a public right of way as shown on drawing no. CED-LST-XX-XX-DR-L0100 Rev P3. The submitted plan indicates the intention to divert the right of way whilst also proposing a permissive route within the application site boundary.

In commenting on the proposed development, Countryside Services acknowledge that an application to formally divert the right of way has been received by the Authority however this is subject to consideration independent of the planning application. Whilst acknowledging the rights of way legislation and consenting regime, based upon the detail provided, Officers are satisfied that a suitable alternative route is capable of being provided and therefore the scheme will not adversely affect the rights of way network subject to legal diversion. The proposal is therefore compliant with policy DM13 as above.

RECOMMENDATION

Having carefully considered the proposed development, Officers are satisfied that the proposal is in accordance with national and local planning policies. The proposed development will provide enhance educational facilities in a contemporary, sustainable building and grounds to meet the needs of both pupils and staff actively supporting the

Council's desire to promote enhanced skills and learning within the County. The recommendation is therefore one of approval subject to the conditions detailed below.

Conditions

1. The development shall begin not later than five years from the date of decision.
2. The development shall be carried out in accordance with the following approved plans;

CED-LST-XX-XX-DR-L-0101 P3
CED-LST-A1-XX-DR-L-0200 P3
CED-CUR-XX-XX-DR-C-5500 Rev P4
CED-LST-XX-XX-DR-L-0600 Rev P2
CED-CUR-XX-XX-DR-C-2001 Rev P5
CED-CUR-XX-XX-DR-C-2002 Rev P5
CED-LST-XX-XX-DR-L-0601 Rev P2
CED-KMA-02-ZZ-DR-A-7100 Rev P2
CED-KMA-02-ZZ-DR-A-7101 Rev P2
CED-KMA-02-ZZ-DR-A-7102 Rev P2
CED-KMA-02-ZZ-DR-A-7103 Rev P2
CED-KMA-02-00-DR-A-7000 Rev P2
CED-KMA-02-01-DR-A-7001 Rev P2
CED-KMA-02-ZZ-R1-DR-A-7002 Rev P2
CED-KMA-02-ZZ-R2-DR-A-7003 Rev P2

3. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
4. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 34 metres distant in an easterly direction and 14 metres distant in a westerly direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

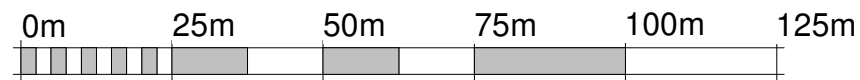
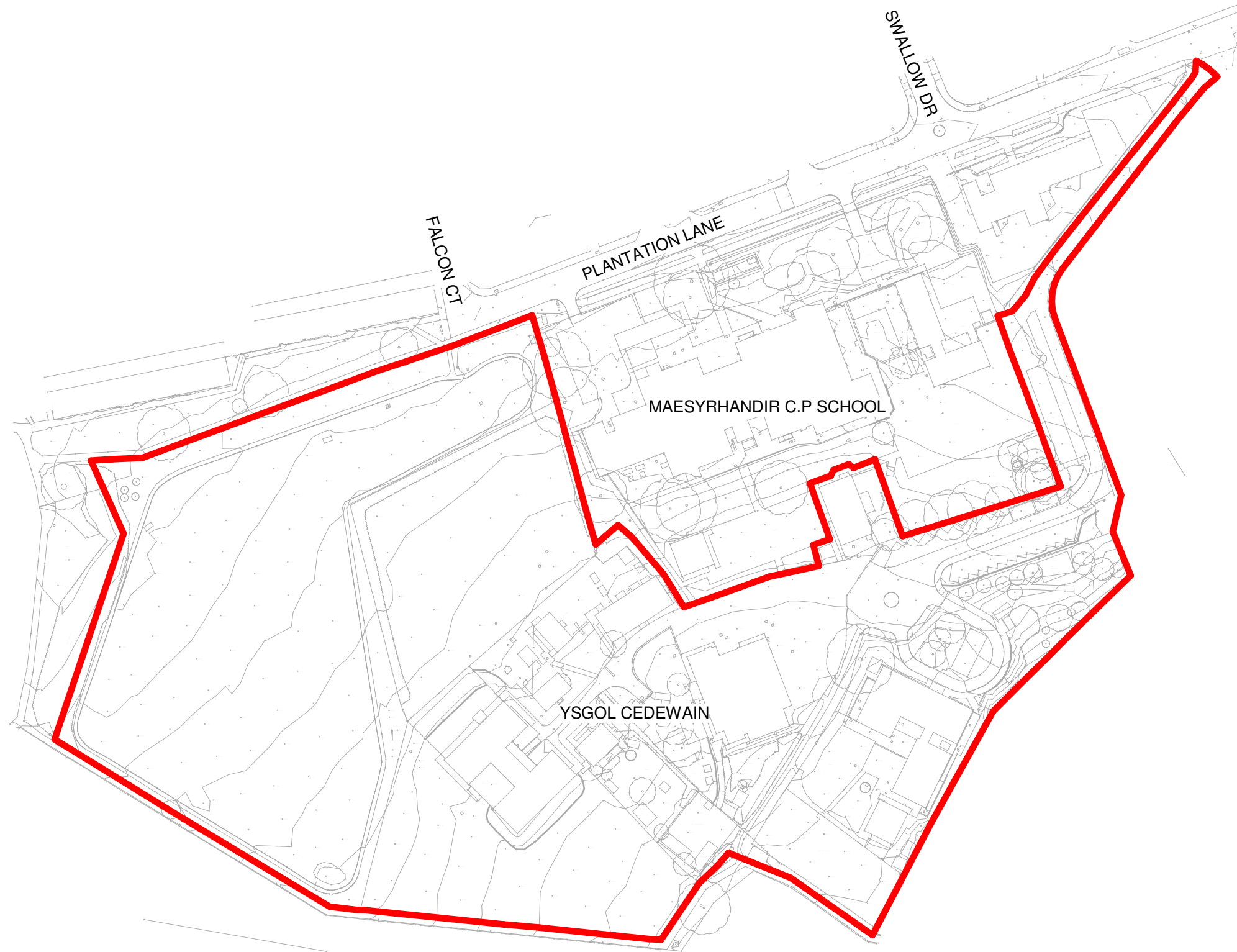
5. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
6. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
7. Prior to the first operational use of the development, provision shall be made within the corresponding site for the parking and turning of vehicles as detailed on the approved site plan CED-LST-A1-XX-DR-L-0102 Rev P47. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. Prior to the first operational use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
9. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
10. Any vehicular entrance gates installed within the application site shall be set back at least 15 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
11. No surface water drainage from the site shall be allowed to discharge onto the county highway.
12. The development shall be undertaken in strict accordance with the recommendations in Ecological Walkover Survey - Cedewain School, Newtown, Powys, Ref: RT-MME-156080-01, by Middlemarch Environmental, dated 8th September 2021. The measures identified shall be adhered to and implemented in full.

13. The development shall be undertaken in strict accordance with the Arboricultural Impact Assessment & Method Statement, Ysgol Cedewain School, Newtown, by Tree Solutions Ltd, dated July 2021, including Appendix Four - Tree Protection Plan and Appendix 5 - Tree Protective Measures/Method Statement. The measures identified shall be adhered to and implemented in full.
14. The development shall be undertaken in strict accordance with PLANTING PLAN PLANTING DESIGN, Drawing no. CED-LST-XX-XX-DR-L-0501 Rev. P2 and PLANTING PLAN TREE PLANTING, Drawing no. CED-LST-XX-XX-DR-L-0500 Rev. P2. The measures identified shall be adhered to and implemented in full and maintained thereafter.
15. External lighting shall be implemented strictly in accordance with drawing no. CED-ESD-XX-XX-DR-E-6900 Rev P4 and maintained as approved in perpetuity.
16. Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each interior fenced aspect of the boundary. A minimum of one access point shall be installed every 25m along the length of the site's perimeter boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The access points shall be fully implemented following first erection of the boundary treatment and maintained thereafter.
17. The development hereby approved shall be undertaken strictly in accordance with the Construction Phase Plan (Including Environmental) dated February 2019.

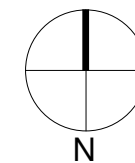
Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
4. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
5. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
6. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice

- Note 18 – Transport (2007) and Planning Policy Wales (2021).
7. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
8. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
9. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
10. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
11. In the interests of highway safety and movement in accordance with policies SP7, DM13 and T1 of the Powys Local Development Plan (2018), Technical Advice Note 18 – Transport (2007) and Planning Policy Wales (2021).
12. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
13. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
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16. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning (2009), Planning Policy Wales (2021) and Part1 Section 6 of the Environment (Wales) Act 2016.
17. In order to safeguard local amenity by reasons of noise, dust and vibration in accordance with policy DM13 of the Powys Local Development Plan (2018) and Planning Policy Wales (2021).



VISUAL SCALE 1:1250 @ A3



Notes

- This drawing is the copyright of Land Studio. It must not be copied or reproduced without written consent.
- This drawing is to be read as part of a full Landscape Drawing Package in conjunction with all the relevant surveys alongside the Architectural and Engineers drawings
- Only figured dimensions are to be taken from this drawing. Dimensions should not be scaled from this drawing, as scaling of this drawing cannot be assured.
- All dimensions are to millimetres unless specified otherwise
- All contractors must visit the site and be responsible for taking and checking all dimensions, services and setting out related to the works shown on this drawing
- All coordinates are set to dimensional points to enable easy cross referencing on site
- All setting out points are to be verified on site and any discrepancies should be clarified by the Landscape Architect
- Hatching is not a technical representation of surface patterns, contractors are to follow the line of direction specified on drawings. Where no line of direction is given contractor to contact Landscape Architect before laying.
- All levels should be checked on site and conflicts reported to the design office.

...if in doubt ask

Legend

- Red Line Boundary
- Development line

P3	MR	RF	27.09.21	REISSUED WITH UPDATED SCALE
P2	RF	SR	06.09.21	ISSUED FOR PLANNING
P1	RF	SR	20.07.21	ISSUED FOR PAC
Rev	Drawn	Checked	Date	Description

FOR PLANNING



land|studio

Client:
POWYS COUNTY COUNCIL

Project:
CEDEWAIN ALN SCHOOL

Drawing Title:
LOCATION PLAN

Drawn By: RF Date: 20.07.21

Checked By: SR Date: 20.07.21

Drawing Scale: As indicated Sheet Size: A3

Drawing No: CED-LST-XX-XX-DR-L-0101	Status S4	Rev. P3
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National Planning Policy Framework (NPPF) in England and equivalents in the devolved regions. They should be a Chartered professional member of an appropriate organisation and with additional accreditation (e.g. SoBRA6 accredited risk assessor for permanent gases or a similar level of qualification such as SiLC7 or RoGEP8). They should have demonstrated competence in geology, understanding of mining and the processes that can cause gas to be produced in mines and how it can migrate to the surface and into buildings, as well as gas risk assessment techniques'.

I have asked the consultant for such qualification, but none has been forthcoming to date. Whilst I provide specific comments to their desk study below, I will be unable to recommend conditions until this matter has been resolved (because the conditions specify 'an appropriately qualified person').

Secondly, gas protection measures to CS2 standard must be installed in all properties in a coal mining area. However, one of the objectives of the mine gas risk assessment must be that this level of protection is sufficient to mitigate the gas risk. We will not accept these measures in lieu of a gas monitoring programme.

Thirdly, it is accepted there is a body of previous work undertaken at the site of which there is likely useful data that the desk study has not fully explored. This is particularly relevant in respect of the potential for the presence of groundwater. The consultant does not appear to have identified the correlation between groundwater and mine gas, this is a significant omission.

Finally, I will not make comments on the intrusive investigation as this would be accepting of the desk study, which I am not for the reasons detailed below.

Specific comments

Terra Firma Desk Study Review

1. The qualifications of the author, checker and authoriser are not shown?;
2. The desk study includes reports that are not licenced for use by a third party;
3. S2.1 states that three properties in the centre of the site are excluded from the development, however these properties must still be considered as viable receptors. Furthermore, the property that is subject to a planning application has not been signed off and therefore is still at risk;
4. Fig 2.12 and following plans have been taken directly from a third party report - this should be removed and not relied on, the consultant must produce their own versions;
5. S.2.6.1 states 'Surface and shallow groundwater flows will follow the site topography.

Surface waters in the west of the site may be received by the unnamed stream that flows along or close to the western site boundary' this information appears to have been referenced from an envirocheck report rather than from field data - which will be required to verify such statements;

6. S.3.2.2 states 'As the farm was for raising livestock no fertiliser or pesticides would have been applied to the land'. Evidence of the land use is required?

7. S.3.2.2 states 'There are no records for animal burial pits on site.' How was this information sourced?

8. S.3.2.2 makes reference to assessment criteria without plant uptake - what is the justification for this?

9. S.3.2.3 discusses gas risk and correctly identifies mine gas as a potential source of risk. However, I cannot agree the level of risk assigned in Table 3.1 without a robust, developed CSM. Significant factors have not been considered which should be addressed:

- o Groundwater has only been considered as a receptor to contamination rather than consideration of its impact on mine gas - this is a significant omission;

- o Groundwater levels and rebound. Consideration of pathways requires greater investigation/assessment than provided, data from previous investigations may be of use such as groundwater levels and permeability tests (rather than generic statements on an opinion of permeability from logs);

- o Are groundwater levels recovered or rising - provide evidence;

- o If recovering what is the rate of rise?

- o Are any workings flooded or not?

- o Are water levels linked to other mine systems?

- o A schematic showing the relevant seams, workings in respect of the site is recommended.

10. Site investigation proposals. I have significant concerns in respect of the proposals particularly around characterising gas risk and monitoring which does not appear to be specific to understanding mine gas risk. The monitoring proposals are not acceptable to characterise risk at this site and appear to be little different to a A.N.Other low risk site, for example, evidenced by an intention to monitor on a fortnightly basis over three months and suggesting where an installation will be before drilling has taken place. This is not best practice by existing guidance, or in the context of the draft 'good practice for risk

assessment for mine gas emissions 'guidance which states the following aspects should be considered in a mine gas investigation:

- o A sufficient number of boreholes that should be drilled to an adequate depth to determine whether former workings are present at shallow depth. Often boreholes are drilled to at least 30m but the depth is site specific.

- o A sufficient number of boreholes should be drilled to an adequate depth to determine the significance of potential migration pathways and the variation in any superficial deposits that may act as a barrier to mine gas migration.

- o Investigation of shafts may require close spaced probes, trenches or geophysical methods.

- o Gas monitoring at the bottom of the hole, every 1m as drilling progresses provides useful information for gas risk assessment (as well as being a useful indicator for 406 health and safety of the drillers). This is typically a condition of a Coal Authority license to drill into Coal Measures.

- o Careful logging of rock cores is necessary to identify fracture spacing, infill and direction.

- o Logging of nearby rock exposures can provide useful information on fracturing.

- o Gas monitoring well response zones should be designed to ensure that they are within a single stratum, i.e. within made ground, any superficial deposits, in a worked coal seam or in the surrounding Coal Measures strata. Response zones should not span multiple strata or worked seams and surrounding strata. The response zone for each monitoring well should be designed after completion of drilling and the ground conditions in the well are known. This requires close communication between the drillers and the site geotechnical/geo-environmental engineer or engineering geologist.

- o If the superficial deposits are thick then gas monitoring may only be required in those deposits in order to show gas migration is not occurring from deeper workings.

- o Surface emissions measurements and flux chamber testing can provide valuable information when combined with gas monitoring data from wells.

- o If workings are shallow and flooded then timeseries groundwater monitoring may be necessary to confirm variations do not result in levels dropping and exposing the workings to air.

11. The investigation in the plant hire area should be supplemented with trial pits as window samples do not provide sufficient coverage;

12. S4.4 excludes an assessment of controlled waters. Given the concern over understanding the water regime on site this is not acceptable;

13. The CSM does not consider all reasonably foreseeable changes caused by the development such as drainage and service channels, hard standings, foundations etc. Additionally, there is a 'cover all' statement that grouting mitigates all potential pathways whilst making no acknowledgement of the limitations of grouting i.e. levels checked to ensure it has not dropped, ensuring all holes are grouted etc.

Intrusive mining risk assessment report, Terra Firma, November 2020

14. Plans from an unlicensed third party report should be removed or reproduced by the consultant;

15. The investigation has been undertaken without the desk study or proposals being approved;

16. I will provide no further comments on this report until the mine gas issues raised in respect of the desk study have been resolved.

Land Contamination – second response

5th October, 2021

The subject site is identified as potential contaminated land due to being a former mining of coal and lignite, and a Coal Authority defined Development High Risk Area. I have reviewed previous reports and the following latest submissions: • Terra Firma letter report dated 10th September 2021, ref: RH/15761/GRA-P1; and • EPG letter dated 23rd September 2021, ref: EPG/2021/TFW_BFY_L1.

My previous objections related to the absence of an appropriate mine gas risk assessment being undertaken by an appropriately qualified person(s). This has now been satisfied with the current and continued use of EPG consultants.

Therefore, the following pre-commencement conditions are appropriate. 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: Cyngor Sir County Council – 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' (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 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development

of Land Affected by Contamination: A Guide for Developers' (2017).

Condition 4. Specification and Verification Methodologies for ground gas protection The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2) specifications, as prescribed in BS8485:2015+A1:2019 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings', must be installed.

Appropriately qualified personnel as described in Ciria C735 must verify the installation and qualify the installer. The specification and verification methodologies, for the installation of the ground gas protection measures, must be provided in a Verification Plan (as described in Ciria C735) that is part of the Remediation Strategy and must be approved in writing, by the local planning authority, prior to the commencement of the development.

Condition 5. 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' (2017).

Condition 6. Long Term Monitoring and Maintenance A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the

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

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

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Development Plan 2011-26.

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.

Welsh Water

16th Sep 2020

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

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

SEWERAGE We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. **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.

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

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

Advisory Notes

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com 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 – first response

9th Oct 2020

Thank you for consulting the Highway Authority (HA) on this planning application, which covers the provision of proposed residential development and associated works, on land at Brynygroes Farm, Ystradgynlais.

This proposal is supported by the submission of a Transport Assessment (TA) which considers the existing planning uses on the site, the existing base-line highway network characteristics in the vicinity of the site, including provision for pedestrians and transport, and the potential impacts on the network post-development. The TA seeks to address any matters arising, through the implementation of appropriate mitigation measures.

The HA has previously provided detailed highway observations in respect on the proposal, as part of the Pre-Application Consultation Process (PAC). This formal application includes a supplementary Highways Note which seeks to address and mitigate the matters raised by the HA during the PAC process. This submission does not however, include any revised or additional drawings from those issued as part of the PAC process, however the HA have been advised by the highway consultant acting on behalf of the applicant, that revised drawings will be made available during consideration of this matter.

Overview

This site is allocated for housing within the adopted LDP and already benefits from planning permission (2014/1133) which covers the provision of 138 dwellings; that particular permission includes the requirement to construct a new dedicated vehicular and pedestrian access from the A4067. The current proposal, which is of a similar scale to that consented, seeks to utilise an alternative existing access from the A4067 via an existing three arm right turn ghost island junction to the south of the consented scheme. The existing access currently serves agricultural land, several residential properties and an existing plant hire business which it is understood, will be relocated post development. The junction also previously served an open cast coal mine haul road which is now disused.

Existing and Proposed Trip Generation & Existing Road Network

The TA. Does not include automated traffic count records, within in the vicinity of the site entrance. The HA is however satisfied, that the manual count surveys undertaken at the site entrance and, the DfT data collected from a neighbouring site, adequately demonstrates that the A4067 and the proposed junction to the site, both contain sufficient capacity to accommodate the level of traffic a site of this nature would

generate. Accordingly, the projected vehicular movements generated by this proposal, the distribution of that traffic and the effects of such on the existing network is projected to have a "negligible impact" on the existing highway network. As such the HA raises no concerns in this regard.

Access from A4067

Whilst the existing three arm junction clearly has sufficient vehicular capacity to serve the proposed development, the current junction geometry, alignment and gradients are not considered appropriate to serve a residential setting. The existing junction was originally designed to convey very large HGV's and as such, the current junction incorporates large junction radii and an excessively wide carriageway. The HA contends that such features will inevitably encourage high entry and exits speeds and conflicting vehicle movements post development, which would be detrimental to highway safety. The existing access gradient is also steep and does not include a suitable dwell area to enable vehicles to navigate the junction safely.

Whilst the submission includes proposals to reprofile the existing junction, in order to improve the access gradients, the submitted long sections do not include suitable vertical curves between the transition in gradients and there is very little detail included with regards to the proposed tie in with the existing haul road, or the likely cover levels available over the existing culvert, which will ultimately cross the proposed access road. The developer has previously been advised the structural integrity of this feature will need to be determined and that future road cover levels will need to include appropriate vehicular loading calculations, to demonstrate that the culvert is suitable to withstand future vehicular loadings. No additional detail has been included to address the geometry issues.

Notwithstanding the comments included within the submitted Transport Note, internal discussions with Engineering Design colleagues have confirmed that past discussions between them and the applicant in respect of the access, centred on agreeing access gradients only. Whilst the previously agreed gradients are not disputed at this stage, such agreement was always subject to the inclusion of suitable vertical transition curves and the submission of suitable detail in respect of the culvert. Discussions were never held in respect of the geometry of the junction.

Since the submission of this application, the HA has had subsequent discussions with

the highway consultant acting on behalf of the applicant, during which, an undertaken was given by the consultant that additional/revised drawings will be submitted to address the issues identified by the HA. These are still awaited at the time of producing this report.

In consideration of the above, the HA therefore contends that the current access proposals fail to comply with PPW, TAN 18 and Policies DM13 (10) & T1 (1&2) of the adopted LDP.

Active Travel Links to/from the Site

The submission includes very basic detail to support a proposal to upgrade the existing bridleway (BW75) which crosses the site, to provide an Active Travel (AT) link from the development site to the A4067 and beyond. It is further proposed that the existing footways and crossing points sited within and alongside the A4067, are sufficient in their current form, to meet the Active Travel provision for the development.

The PCC Active Travel group have been consulted on the proposals and have concluded that the submitted proposals fail on numerous grounds, to satisfy Active Travel requirements. The following points summarise their findings:

1. The proposed option is not suitable for Active Travel (AT). It fails on a number of the key areas of the AT Design guidance (please note this is statutory guidance) which outlines minimum standards for active travel routes which are substantially more rigorous than those applied to a public footpath or bridleway which is aimed at different users and volumes. To say that people can use an existing bridleway for AT is not acceptable. It still needs to meet AT standards particularly for large developments of this nature.
2. Active Travel provision from this site should include a combined 3m wide link to accommodate both cyclists & Pedestrians. The submitted proposals clearly fail in this respect.
3. The submitted proposals do not include any long sections to demonstrate that the requisite gradients can be achieved to meet Active Travel requirements.
4. There is no detail submitted to demonstrate that a suitable contiguous link can be provided to the A4067.

5. The surface would need to be upgraded to a suitable standard (see AT guide).
6. The existing footway adjacent to the A4067 in each direction to the splitter islands is substandard, both in terms of the surface and width.
7. An uncontrolled crossing at this point along the A4067 is not considered acceptable. Table 6.3. within the AT Design guidance recommends that crossings at such locations with traffic flows in excess of 8000 AADT 2-way movements should incorporate a Toucan Crossing.
8. The internal AT links are considered extremely poor. Pedestrians will not be inclined to take such an arduous route. More direct routes for each part of the site are therefore required.
9. The facilities beyond the A4067 have no specific facilities for cyclists and contain narrow footway provision.

Notwithstanding the comments included within the submitted Transport Note, the HA therefore contends that the current AT proposal fails to comply with PPW, TAN 18 and Policies DM13 (10) & T1 (1&2) of the adopted LDP.

Internal Layout

- o The horizontal alignment is not configured to a design speed 20mph; additional traffic calming provision is required.
- o Footway widths are not 2m.
- o Adequate service margin provision shall be provided where footways are not required.
- o A detailed car parking schedule is required.
- o Internal junction and forward visibility shall be detailed.
- o Turning provision is required on the road serving properties 102-109.
- o Turning head provision for Roads 2 & Road 5 (Plot 82) needs to be enlarged to avoid pedestrian and plot parking conflict.
- o Access arrangements for the existing properties are not clear.

Whilst the above points are relevant, the HA understands that revised drawings are

being prepared to address these matters

Surface Water Proposals

- o This element of the scheme shall be subject to a separate SAB approval, however it should be advised that services (including foul sewerage systems) are not normally permitted within permeable areas.

Additional comments

- o An independent Stage 1-2 road safety audit has not been submitted as previously requested. This requirement should ideally be undertaken when a more appropriate design has been brought forward.

- o 85% speed measurements (ATC's) have not been taken along the A4067. This is an important consideration when assessing the crossing provision at the A4067.

- o No cross sections are available.

- o Additional information is sought on the watercourse diversion and the effects that may have on the access road.

- o The highway layout drawing includes proposals to remodel the existing haul road access and reconfigure the priority, however no detail is included within the submission to suggest its intended use or the gradients achievable.

Conclusion

Considering the above observations, the HA contends that the current application is contrary to PPW, TAN 18 and Policies DM13 (10) & T1 (1&2) of the adopted LDP. It therefore objects to the current proposal.

PCC-(S) Highways – second response – 10th January, 2022

By my reckoning, the latest revision provides an additional 12 parking spaces which now leaves the site 14 on plot parking spaces short, although plots 2 and 3 are of no concern, so in reality you are 12 short. I appreciate that you have also upped the off plot/visitor parking spaces to 12 as well.

Whilst this is a marked improvement I do have a few concerns, given the members feedback provided at committee, and I do believe there is still opportunity to improve matters further.

Plots 26/27 – there is clearly room to provide an additional space for one of these

properties which would be welcomed given their positioning on the junction raised table.

Plots 28/29 – there is clearly room to provide an additional space for one of these properties which would be welcomed given their positioning on the junction raised table.

Plot 35 – this one is a concern as it is a 4 bed right next to a junction. There is in my opinion scope to provide an additional space for the plot, although I recognise that it would mean that the space would overlap into the frontage of plot 36, which may not be ideal?

Plots 81 & 82 – would you consider flipping plot 83 with plots 81 & 82 so that the visitor parking was directly adjacent the plots?

Plots 103/104—would be much better if we could add an additional space for plot 103 given that its right on the junction. Would appear to be space?

In addition to the above I trust that you will be addressing the following matters?

- Haul road
- Provision of a turning head for the private road serving properties 98-102
- Turning head/car parking spaces conflict

As always – happy to discuss.

Highways – Third response -

27th January, 2022

Thank you for again re-consulting the Highway Authority (HA) on this planning application on land at Brynygroes Farm, Ystradgynlais.

This process follows the decision taken by members of the PROW Committee during its December 2nd meeting, to defer the application in order to allow the applicant further opportunity to address a number of unresolved planning issues, which included matters relating to highway provision. Such highway matters predominantly related to the inadequate levels of off-street parking provision within the site, and a number of other internal layout matters.

The HA notes and welcomes the additional highway information submitted by the applicant since the meeting, which includes amended detail that seeks to address the issues noted by members. In response the HA would comment on each matter as follows.

Parking Provision

The original layout considered by members, showed off-street parking provision to be 26 spaces below the recommended levels set out within the adopted CSS Wales

Parking Standards, although it was noted that the shortfall associated with plots 2 & 3 would have little effect on the main spine road.

In order to address this issue, the applicant has submitted a revised layout for the site, as shown on drawing R491P-03 Rev M, together with a revised parking schedule. The amended detail includes a number of subtle site layout changes, which have enabled an additional 16 off-street parking spaces to be provided. The changes now leaves the site, just 8 spaces below the recommended allocation. To further mitigate this relatively minor 8 space shortfall, the applicant has adjusted the house layouts and further improved the visitor allocation, so that the visitor spaces are largely, sited in close proximity to the affected plots. This arrangement provides compensatory parking for the affected plots, which should reduce any need to park on street.

The revised and improved parking allocation is therefore welcomed by the HA. The amended proposals are considered to largely accord with adopted policy, and as such, the previous highway concerns raised in regards to this matter, have been adequately addressed.

Moving on to the remaining highway issues that were previously raised, the HA comments as follows.

Vehicular access from existing Haul Road.

Whilst no additional information has been received in respect to this item at the time of writing this response, the HA has been advised that additional detail is being prepared and that revised drawings will likely be available before the matter is considered by the PROW Committee.

Notwithstanding the above, the HA has previously confirmed that this matter can be adequately controlled by the imposition of an appropriately worded highway condition. As such, an appropriate condition (condition 4) has been included in the attached list of highway conditions which is appended to this report.

Internal Layout

The revised site layout, as shown on drawing R491P-03 Rev M, now includes an appropriate vehicular turning head on the private road which serves plots 98-102. This feature is welcomed by the HA, as it allows vehicles to both enter and leave the road in a forward gear which reduces the need for vehicles having to reverse significant distances.

Whilst no additional information has been received to date in respect of the turning head provision for Roads 2 & 5 (at present refuse vehicles would be unable to turn if the adjacent car parking spaces are occupied), the HA has been advised that additional detail is being prepared and that revised drawings will likely be available before the matter is considered by the PROW Committee.

Notwithstanding the above, the HA has previously confirmed that this relatively minor matter can be controlled by the imposition of an appropriately worded highway condition. As such, an appropriate condition (condition 1) has been included in the attached list of highway conditions which is appended to this report.

Conclusion

The HA acknowledges and welcomes the revised site layout provided by the developer. The changes, clearly address the most fundamental parking concerns raised by the HA, which were also shared by members of the PROW Committee. As such, the HA is now satisfied that the amended proposals are acceptable, from a highway perspective, subject to the inclusion of the following highway conditions.

Suggested Conditions

1. Notwithstanding the submitted details, within 10 days from the commencement of the development a detailed suite of highway engineering drawings covering the highway works within the site, including those relating to the new culvert, provision of traffic calming measures, appropriate signing and turning head provision 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.
2. Notwithstanding the submitted details, within 30 days from the commencement of the development a detailed suite of highway engineering drawings and a completed independent Stage 1 & 2 Safety Audit covering the off-site highway works along the frontage of the A4067 county highway, including the realigned access from the A4067, the active travel link from the A4067 into the site & the Toucan Crossing installation, 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.
3. The gradient of the access from the A4067 shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
4. The gradient of the internal haul road shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining estate road along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. No dwelling hereby approved shall be occupied before the off-site highway works detailed in condition 2 above, have been fully constructed to an adoptable standard to the written satisfaction of the LPA. Such works shall include the commissioning of the Toucan Crossing, completion of the realigned access and widened footway links alongside the A4067 and the construction of the active travel footway link from the A4067.

6. 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 R491P-03 Rev M. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence
7. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard, including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling, and to the junction with the existing county highway.
8. No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining A4067 carriageway. The area will be maintained to this standard for as long as the development remains in existence.
9. 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.
10. 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.
11. Each private drive shall be surfaced in a suitably bound material, prior to the occupation of each respective dwelling and retained as such for as long as the development remains in existence.

Advisory Notes

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

Note:

All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

Note:

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that

covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

PCC (S) Land Drainage - first response

7th October, 2021

Apologies for the delay in responding on this one. As discussed in our telephone conversation earlier, there are no 'showstopper' issues from our point of view. I have listed below what has been agreed in relation to surface water drainage for the site:

1. A SAB Pre Application has been carried out for the site, which demonstrates that they have a suitable surface water drainage strategy for the development.
2. The strategy identifies that infiltration is achievable in some sections of the site but there will still need to be a positive discharge, via an attenuated discharge rate, into the watercourse running through the development site.
3. We have been in discussions with both the developers and consultants during the process and this will have helped to formulate a scheme that is acceptable to all parties.
4. The consultants have asked for a commuted sum figure to be calculated but we do not have enough information at present to be able to accurately provide a costing but a meeting has been scheduled for next week to resolve this.
5. A full SAB Application will be required for the site.
6. I am aware that discussions have taken place over the watercourse and culverted sections through the site and I believe that a solution has been reached with the Developers and Highways.

I hope the above helps to clarify the situation but should you require any further information then please do not hesitate to contact the SAB Team.

Land Drainage – second response – 30th December, 2021

Can I also recommend you add another drainage condition and advisory note, as follows please.

Recommendation: No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i. a timetable for its implementation, and*
- ii. a management and maintenance plan for the lifetime of the*

development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

The above will allow Planning (and the Committee) to have confidence over the suitability of the proposed surface water and foul water drainage arrangements. You will appreciate, the SAB has only seen a pre-SAB application, which may change prior to the Committee date, so the above will hopefully provide some reassurance to Members over the proposed drainage arrangements.

In respect to the culvert, this system will be an asset that the Highway Authority is to adopt. From a Land Drainage perspective, the detailed design will be assessed when the LLFA receives an Ordinary Watercourse Consent (OWC) application. Can I therefore ask you include the following advisory note to remind the application of the statutory requirement to secure an OWC consent.

Advisory: Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at:
<https://customer.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-for-works>

PCC-Ecologist – First response

15th Jul 2021

Thank you for the opportunity to comment on planning application 20/1314/FUL which concerns an application for residential development and associated works at Land At Brynygroes Farm, Ystradgynlais, SA9 1LF.

I have reviewed the proposed plans, aerial images as well as records of protected and priority species and designated sites within 2km of centre of the proposed development.

The data search identified 65 records of protected and priority species within 500m of the centre of the proposed development. Species recorded within 500m of the proposed development include bat species; common pipistrelle, soprano pipistrelle and Nathusius's pipistrelle, and otter, hedgehog, common toad, barn owl, swallow, goshawk, grasshopper warbler, mistle thrush, cuckoo, small phoenix moth and

bluebell.

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

I have reviewed the Updated Ecological Survey produced by Fiona Elphick dated 21st July 2019 and consider that the survey methods and effort employed were in accordance with current National Guidelines.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 21st July 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 Improved grassland
- o Ditch
- o Trees

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

- o Bats
- o Nesting birds
- o Badger
- o Water vole
- o Otter

The site had been subject to previous ecological survey in 2009, 2012 and 2014 to inform a previous planning application. The current survey was undertaken to confirm that there had been no material changes in the condition of the site resulting in adverse

impacts to priority habitats and protected species. The proposed development is located on improved grassland bordered by mature trees and woodland. There are three dwellings within the site and a large implement shed; all three dwellings will be retained within the development but the implement shed will be demolished. During previous survey the buildings were fully surveyed for roosting bats and no roosts were found.

As there are no longer plans to demolish the dwellings these were not subject to further survey. The commercial implement shed was confirmed to have negligible potential for bats and did not require further survey. The habitats on site remained unchanged, are considered to be of relatively low ecological value and no evidence of protected species was observed. The field ditch crossing the site was considered unsuitable for water vole and otter but the surrounding trees provide habitat for nesting birds.

The mature trees around the site were also confirmed to have potential to support roosting bats. These are to be retained within the development. Removal of some smaller trees will be required and survey to inspect for roosting bats will be required prior to any felling works, although none of these trees were currently considered to have potential roost features. Several stands of Japanese knotweed were confirmed from the site in 2009. A treatment programme has been undertaken and the invasive plant was not visible on site at the time of survey.

Measures were recommended to avoid impact to nocturnal wildlife commuting and foraging in the area and to nesting birds from insensitive lighting during construction and operation development phases. Tree protection measures were also considered necessary during construction works. It is considered that these measures are appropriate to avoid adverse impact to biodiversity, including protected species. An Ecological Construction Method Statement is provided outlining reasonable avoidance measures to prevent impact to wildlife, including along the watercourses to the west and south of the site, during the construction and operational phases of development.

It is, therefore, recommended that adherence to the Ecological Construction Method Statement is secured through an appropriately worded planning condition.

Biodiversity enhancements were proposed, including creation of a habitat strip with reptile refugia along the outside of the western edge of the site to further separate the development from the stream corridor; planting of hedgerows within the development to significantly enhance connectivity and provide habitat for a range of species; installation of bat on mature trees and bat tubes and swift nesting boxes on some of the proposed dwellings.

The submitted Landscape Masterplan identifies the area to the west of the proposed

development will be retained and managed as a habitat buffer, the SuDS attenuation pond will be planted with native aquatic plants, bat boxes will be installed on mature trees and sections of native hedgerow will be planted within the site along with specimen trees (an acceptable species list is included). An area of grassland will also be allowed to grow at the south-eastern edge of the site to benefit wildlife, including amphibians. All of the proposed measures are to be welcomed and it is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

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

The Landscape Masterplan does not indicate the materials to be used to form the external boundary of the site (except along the western edge) or boundaries between plots. 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 all fenced boundaries. If gravel boards are to be used, hedgehog friendly designs are available and should be used.

It is, therefore, recommended that provision of hedgehog friendly fencing within the proposed development scheme is secured through an appropriately worded planning condition.

The landscape plan and surface drainage plan identify that a section of watercourse west of the existing access will be diverted and the existing culvert under the access road will be lowered. No information has been provided regarding potential impact on otter, a European Protected Species. Otters are considered likely to be present on suitable watercourses within Powys, including in or near urban areas. It will be necessary to ensure that development does not result in adverse impacts to otter, a European Protected Species. As part of the planning process the Local Planning Authority must establish whether the three tests as defined by the Conservation of Habitats and Species Regulations 2017 (as amended) have been met prior to determining the application.

The three tests that must be satisfied are:

1. That the development is "in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment".
2. That there is "no satisfactory alternative"
3. That the derogation is "not detrimental to the maintenance of the populations of the species concerned at a favourable conservation status in their natural range"

In order to address the 3rd test appropriate mitigation would need to be identified. Mitigation need to be clearly illustrated on the architectural plans where appropriate and must provide sufficient detail to enable them to be subject to a planning condition/s106 agreement.

Further information is required to confirm the likelihood of potential resting places for otter along the affected watercourse and assess the impacts of culverting this section and of proposed works to the existing culvert. This will require an assessment by a suitably experienced and qualified ecologist. Impacts to otter and other protected species, such as water vole, would be assessed as part of the SAB approval process and for issuing of Ordinary Watercourse Consent. If information has been provided to inform either consent, this should be forwarded to the LPA for consideration.

Therefore, it is considered that there is insufficient information with regard to potential impacts to otter, a Habitat Regulations Species, to determine this application.

A report of a Tree Survey produced by ArbTS Ltd has been submitted to inform the application. The tree survey was conducted in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. A number of high quality trees (category A and B) were present around the site and within the AW site adjacent to the eastern boundary. These are to be retained within the development. The Arboricultural Impact Assessment identified that two individual ash trees and a group of two ash trees will be felled to accommodate the proposal, predominantly due to poor health; all were identified as suffering from ash dieback disease. A number of other ash trees on site also exhibited signs of the disease but no further felling was recommended at the current time. Some works to a limited number of trees along the south-eastern boundary (branch removal) will also be required. Given the comments of the submitted ecology report, it is recommended that a condition is applied to any consent requiring a pre-felling inspection for potential bat roosting features by a suitably licensed ecologist.

The report also includes a Tree Protection Plan and Arboricultural Method Statement which outlines the measures to be taken to protect the root protection zones of all retained trees during construction, and the proposed management works. Subject to implementation of the Plan and Method Statement and additional landscape planting proposed it is considered that there will not be an adverse biodiversity impact as a result of the proposal.

It is, therefore, recommended that adherence to the submitted Tree Protection Plan and method Statement are secured through an appropriately worded planning condition.

I have reviewed the submitted Domestic Lighting Plan which identifies that external lighting is designed to restrict upward light spill, particularly at the rear of all properties. However, although use of low wattage bulbs is referred to no specification is provided regarding the colour spectrum of the bulbs. External lights must use a LED bulb of a colour that avoids the cool-white part of the colour spectrum, i.e. <4,000oK, preferably with a peak wavelength of >550nm (~3000°K). Furthermore, it is not clear why a hooded design of luminary is not deemed appropriate for the front of the bungalow properties. The chosen design casts light spill directly upwards and is completely contrary to guidelines. This will deter use of any suitable habitat areas and wildlife corridors created within the development. If this design is insisted upon an isolux diagram must be submitted (as recommended in the ecology report) to demonstrate that there will not be an adverse impact to wildlife. It is considered that hooded designs which restrict light to path surfaces and entrance ways are sufficient for most safety and security purposes.

Further details of the external lighting to be installed is required to confirm that there will be no adverse impact to nocturnal wildlife.

Given the proximity of the proposal to adjacent watercourses it is considered appropriate that pollution prevention measures are identified to ensure that construction of the site is undertaken in a manner that safeguards the environment and biodiversity. It is recommended that preparation of the Pollution Prevention Plan refers to relevant guidance including GPP 1: A general guide to preventing pollution and GPP5 Works and maintenance in or near water, which can be found at: <https://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/>

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

Due to the location of the proposed development and the nature of the works required to establish such a development, it will be necessary to demonstrate that construction of the site will be undertaken in a manner that prevents or reduces the likelihood of the introduction and/or spread of invasive non-native species in the environment. It is acknowledged that Japanese knotweed on the site appears to have been treated successfully following a professional eradication programme. However, a Biosecurity Risk Assessment will be required that identifies measures and actions to control and eradicate any invasive non-native species should they be found on and adjacent to the site. Japanese knotweed is prevalent in the vicinity and accidental re-introduction to the site must be avoided. Consideration should also be given to the potential for works to spread or introduce invasive non-native species (plant, animal or pathogen) to the watercourse habitat during culverting works.

It is, therefore, recommended that submission of a Biodiversity Risk Assessment is secured through an appropriately worded planning condition.

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

Ecology – second response

6th October, 2021

I have reviewed the submitted information relating to culvert works which confirms details discussed with the proposal's design team previously. The works to the existing culvert will include provision of an otter shelf which will ensure there is no adverse impact to otter movement the design could be considered an improvement on the current structure which is welcome. A trash screen will be fitted over the existing outlet – again this will be of an otter friendly design to be confirmed as part of the Ordinary Watercourse Consenting process.

It is, therefore, recommended that adherence to the identified otter mitigation and enhancement measures are secured through an appropriately worded planning condition.

Justification for the proposed lighting scheme has been provided and measures taken to minimise lighting impacts to sensitive habitat features, notably the river corridor and boundaries. Non-hooded luminaires restricted to the fronts of a proportion of properties (type C bungalows) and are deemed essential for security reasons. Although this is not considered ideal, particularly if street lampposts are also to be installed, these generally face into the development and away from boundary habitats.

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

The development shall be undertaken in strict accordance with the following

- i) Section 6 (Recommendations) and Ecological Construction Method Statement, Updated Ecological Survey, Land at Brynygroes, by Fiona Elphick, dated 21st July 2019
 - ii) Landscape Masterplan, Drawing no. RS200613-01-03
 - iii) Section 6.0 (Arboricultural Method Statement) and Appendix 4 (Tree Protection Plan), Arboricultural Report, by ArbTS Ltd, dated 21st June 2021
 - iv) Proposed Access Arrangement & Culvert Works, Drawing no. C-SK13
- The measures identified shall be adhered to and implemented in full and maintained thereafter.

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

Prior to commencement of development (including ground works and vegetation clearance), a Construction Environment Management Plan shall be submitted to the Local Planning Authority and approved in writing. The CEMP shall include but not be limited to the following:

- Ecological Construction Method Statement
- Pollution prevention plan
- Biosecurity risk assessment
- Tree protection plan
- Lighting during construction phase
- Ecological enhancement plan to include number, location and timing of implementation of reptile refugia; and timing of planting, site preparation and aftercare measures.
- Roles and responsibilities

The approved measures shall be adhered to and implemented in full.

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

Prior to any works being undertaken to trees, a bat survey of affected trees shall be undertaken by a suitably qualified ecologist. The survey shall be undertaken in accordance with *Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) The Bat Conservation Trust, London*. Any works shall be undertaken in accordance with expert ecologist and arborist advice and European Protected Species licence requirements where appropriate.

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

the Environment (Wales) Act 2016.

Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary or boundary between individual plots. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each fenced aspect of the boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The access points shall be maintained thereafter.

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

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

Protected Species

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

Birds – Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Natural Resources Wales and the Council's Ecologist.

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

It is an offence for any person to:

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

Under the Habitats Regulations it is an offence to:

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email enquiries@bats.org.uk.

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:

- *Deliberately capture, injure or kill an otter;*
- *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;*
- *Damage or destroy an otter holt;*
- *Intentionally or recklessly disturb any otter whilst it is occupying a holt; or*
- *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:

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

Environmental Protection

21st Sep 2020

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 shall 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.

Coal Authority

17th Sep 2020

Thank you for your notification of 08 September 2020 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: Substantive Concern

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.

The Coal Authority records indicate that the site has been subject to recorded shallow coal mining; thick coal seams outcrop within the site that may have been historically worked by illicit means and the presence of 4no. recorded mine entries (2no. on-site mine shafts and the zone of influence of an off-site mine entry and off-site mine adit).

The planning application is accompanied by:

- o Site Investigation Factual Report, August 2009 prepared by Ground Investigation (Wales) Limited;
- o A letter regarding old mine shafts dated 29 June 2012 prepared by Dr Ian Williams Managing Director at Ground Investigation (geotechnical & geo-environmental consultants);
- o Phase 1 Geoenvironmental Risk Assessment, 12/03/2018 prepared by GeoConsult Limited, prepared for a proposed new dwelling only and not for residential development as per this current enquiry: Drawing No. R491 P-02F.

We note that this planning application is also accompanied by an Initial Assessment of Land Quality, dated November 2009 prepared by Ground Investigation Ltd. The Assessment has been prepared for 33 acres of farmland, which includes this current application site and recommendations have been made that intrusive ground investigations are required in order to confirm the extent of shallow coal mine workings and the location / condition of the mine entries present within the site.

The Coal Authority were consulted as part of the pre-application consultation process by Asbri Planning Ltd, of which our comments have been provided within the Pre Application Consultation Report, dated August 2020 (Section 6.1).

We identified that as part of any formal planning application, the applicant submits and up-to-date, site and development specific Coal Mining Risk Assessment, informed by the submitted reports, in order for the applicant to demonstrate to the LPA that this site is, or can be made safe and stable. We identified that the layout should be informed by the location and influencing distance of all mine entries, particularly the two on-site mine entries.

We note that the Pre Application Consultation Report identifies that based on our comments "Further Site Investigation works are to be carried out on site to ensure a wider coverage of results are received to assess the impact of development on any mine entries, adits or shallow coal mining. This report will be submitted to accompany the application and will be issued to the Coal Authority and the council's environmental health officer prior to determination of the application".

On checking the LPA website, it does not appear that such a report has yet to be submitted.

The Coal Authority is of the opinion that when a site is affected by the presence of recorded mine entries an attempt should be made to locate these specific mining features in order to inform the layout the development being considered. In accordance with Drawing No. R491 P-02F (Proposed Site Plan), the Coal Authority objects to the layout seeking approval as development will be taking place over and within the zone of influence (area of collapse) of the two on-site mine entries (plots 87 to 90 - Phase 2 development).

In light of the above, and as further site investigation information is to be submitted in support of this planning application (identified within the PAC Report), we would expect the results of intrusive ground investigations to inform the layout of this proposal, and for the applicant to amend the layout in order that adequate separation between the buildings and the mine entries are incorporated. The findings of the site investigations should also inform the extent of remedial and / or mitigation measures required so that in the event of a catastrophic failure of the mine entries / shallow coal workings, there will be negligible impact on the development.

Based on the information currently submitted, the Coal Authority does not yet consider that the applicant has demonstrated to the LPA that the site is suitable for the development proposed and the development will be safe and stable (Planning Policy Wales paras. 6.9.23 - 28) and therefore we currently object to this proposal (Layout - Phase 2).

We welcome the opportunity to review and comment on further information / amended layout submitted in support of this planning application.

Coal Authority

9th Aug 2021

The Coal Authority Response: Material Consideration

As you are aware, the Coal Authority objected to this planning application in our previous letter to you dated 17 September 2020 as we did not consider that the applicant had provided sufficient information to the LPA to demonstrate that the proposed development is, or can be made safe and stable (requirement of Planning Policy Wales paras. 6.9.23 - 28). In addition, we objected to the layout (Layout - Phase 2) as no consideration had been given to the layout of the development and the recorded mine entries recorded at this site.

The planning application is now accompanied by an Intrusive Mining Risk Assessment Report, July 2021 prepared for the proposed development by Terra Firm (Geotechnical & Geoenvironmental Specialists). The Report has been informed by the previously submitted Ground Investigation Reports, together with the results of further site investigation works in the form of rotary drilling and trial trenching. Borehole logs / trial trenching works and how they relate to the layout being considered are appended to the Report.

Having carried out a review of the abandonment plans for this area, the report author informs that whilst one of the on-site mine shafts (Shaft 2: CA shaft ref: 278210-017) and the off-site mine adit is connected to coal workings, this could be an 'air shaft'. The other recorded mine shaft (Shaft 1: CA shaft ref: 278210-016) is not shown to correspond to any other mining feature or workings and is not detailed on any other abandoned mining plan. The report author considers that the existence of Shaft 1 is therefore doubtful.

Having reviewed the previous site investigations (August 2009 Ground Investigation Report) together with the findings of the additional rotary drilling / trial trenching works (October 2020 and July 2021) Section 3.2 concludes that Shaft 1 does not exist.

However it is likely that Shaft 2 and the mine adit and the line of the adit (roadway) were found to connect to shallow coal workings within the Four Feet Coal seam. The adit / alignment of the roadway is illustrated on Figure 3.2.

Section 3.3 informs that numerous coal seams were recorded across the site varying in depth and thickness however with the exception of the mine adit and adjoining localised workings in the Four-Feet Coal seam, no further evidence of past coal mining activity (no voids / broken ground) were encountered. Based on the 10:1 rock head to void ratio (CIRIA C758D - Abandoned mine workings manual) the report author identifies that it is unlikely that there is sufficient rock head cover above all or the majority of the Four-Feet Coal seam and therefore recommendations have been made that proof drilling on a close grid and grouting of all voids and backfilled workings / broken ground is required. Section 4.1 goes on to state that the mine adit will only need grouting where it lies within influencing distance of new houses. We would normally expect all roads, hardstanding, and other assets to be assessed within the development site and not just the 'planned houses' and the applicant should be made aware that the remedial measures will need to be carried out under the terms and conditions of a Coal Authority's Permit. Please note that any comments that the Coal Authority may have made in a Planning context are without prejudice to the outcomes of a Permit application.

Section 4.1 adds that Shaft 2, if confirmed to be present, will also require grouting and therefore recommendations have been made that a grid of closely spaced holes are sunk to ascertain its position and extent of backfill prior to grouting. Once stabilised an exclusion zone to development should be applied around the shaft. However, based on the recorded depth to bedrock from current ground level at this location and an assumed 3m wide shaft a circular exclusion zone of 14m in diameter should be assumed. If the ground level is to be raised or reduced, or if the diameter of the shaft can be confirmed the size of the exclusion zone may be modified. We note that the layout of the development has afforded due consideration to the findings / recommendations of the above Report (R491 P-02 Revision I - Proposed Site Plan).

In addition, to the remedial works, the report author confirms that above the area of treated mine workings, the use of a reinforced concrete raft type foundation/floor slab foundation should be employed.

Section 4.2 states that as a result of both shallow coal mining / mine entries there remains a potential risk from mine gas. As a minimum, gas protective measures in accordance with Gas Characteristic Situation 2, as defined by CIRIA C665 will be required. It is recommended that a site-specific gas risk assessment be performed to confirm these measures are adequate. The LPA should liaise with their in-house Environmental Health team on this specific matter.

The Coal Authority Recommendation to the LPA

In light of the above, the Coal Authority considers that the applicant, based on the professional opinion / recommendations made by Terra Firm (Geotechnical & Geoenvironmental Specialists), has demonstrated to the LPA that the site can be made safe and stable for the proposed development (Planning Policy Wales, paras. 6.9.23 - 28) subject to the remedial / mitigation measures identified within Section 4.1 of the Intrusive Mining Risk Assessment Report, July 2021.

The Coal Authority recommends the imposition of the following conditions:

Prior to the occupation of the development, or it 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 mitigation necessary to address the risks posed by past coal mining activity.

The remedial works and mitigation measures shall be carried out in accordance with authoritative UK guidance.

This is our recommendation for condition wording. Whilst we appreciate that you may wish to make some amendment to the choice of words, we would respectfully request that the specific parameters to be satisfied are not altered by any changes that may be made.

The Coal Authority withdraws its objection to the proposed development (Drawing No. R491 P-02 Revision I - Proposed Sit Plan) subject to the imposition of the condition to secure the above.

PCC-Rights Of Way Senior Manager –
first response

28th Sep 2020

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

The developer is advised that public footpaths 51 and 3 and bridleway 75 subsist through/about the development site. It is strongly advised that the applicant checks the definitive line of the public rights of way over the site to ensure that they understand exactly where they are located.

The proposed development directly effects the above paths and may obstruct or otherwise interfere with the path. Countryside Services therefore wishes to submit a holding objection and advises the applicant to contact us directly to discuss potential options.

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

DM1 - Planning Obligations; state that adequate infrastructure is necessary to serve the proposal, and that benefits are secured in the public interest to meet the additional demands of the development proposals on local communities, either on-site, off-site or via a financial contribution towards this.

DM3 - Public Open Spaces; that for the development of 10 or more dwellings, appropriate

open space should be provided either on or off site, together with provisions for its long-term aftercare and maintenance, together with access routes to this open space

DM13 - Design and Resources; the development should not have an unacceptable adverse impact on tourism assets, and provisions should be made to make developments inclusive to all. PROW or other recreation assets listed in Policy SP7(3) are enhanced and integrated within the development, or appropriately mitigated. Development proposals should meet highway access requirements without adversely affecting safe and efficient traffic flow on the network. 4.2.80 states that the council will encourage developments which promote pedestrian and cycle friendly access, avoiding conflict with private motorised vehicles and provide appropriate links where possible. 4.2.83 states all new development should be highly accessible, with comprehensive integration into existing networks potentially through enhancement of existing PROW.

E6 - if applicable Farm Diversification; covers the adequate provision for parking and storing of materials, and the construction / conversion of buildings within or immediately adjacent to existing farm buildings; this will require provisions for PROW to either be incorporated into the development or diverted to a suitable alternative route. Farm diversification may be required to address additional traffic in accordance with paragraph 3.14 of TAN 18.

T1 - Travel, Traffic and Transport Infrastructure; covers the safe and efficient flow of traffic for all transport users, including vulnerable users, especially those making 'Active Travel' journeys by walking or cycling.

T2 - Safeguarding of Disused Transport Infrastructure; to consider their use as open space corridors for walking and cycling.

RE1 - Renewable Energy; proposals for all types of renewable and low carbon energy development shall comply with all relevant policies in the LDP, with satisfactory mitigation to reduce the impact of the proposal and associated infrastructure, where necessary compensatory benefits will be sought through DM1 - Planning Obligations.

TAN 18: Transport;

2.3 ensure development includes appropriate provision for pedestrians, cyclists including those with mobility issues

6.1 development plans should integrate policies and objectives for walking and cycling

6.2 identify and protect existing and proposed routes suitable for the use of cyclists and walkers

E2 Consultation with the Highway Authority for the formation or alteration of any road for which it is Highway Authority; or is likely to result in a material increase in volume or material change in character of the traffic entering or leaving a classified or proposed road; public rights of way are considered roads under the Road Traffic Regulation Act.

F1 A condition may be necessary where works must be carried out in an existing highway in order to safely and efficiently accommodate traffic created by a development.

F3 Developers will be required to pay the cost of any highway improvements where the need is directly created by their development.

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

In the event of a successful planning permission please include a note advising that:

o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.

o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.

o Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

Rights of Way Senior Manager – second response – 7th October, 2021

Thanks for the plan. I've just had a chat with the agent and I'm content that the latest revision is acceptable.

Natural Resources Wales (Mid Wales)
DPAS

25th Sep 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 07/09/2020.

NRW was consulted by the applicants at pre application stage. Our advice on the proposed scheme has changed because new information has been provided in support of the application.

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

Requirement 1 - Landscape: the submission of a Landscape and Ecological Management Plan (document) to demonstrate the proposal does not have a long-term adverse impact on the Brecon Beacons National Park.

Requirement 2 - Lighting Plan: the submission of a revised lighting plan (drawing) to

demonstrate the development does not affect the Brecon Beacons National Park or Protected Species.

Landscape

At its nearest point, the development is approximately 70m southwest and within the setting of the Brecon Beacons National Park (BBNP). The development's buildings would be clad in render, fibre cement cladding and reconstituted stone panel or slate cladding, with tile or slate roofs.

We have reviewed the information available within this application and we note the PAC Report refers to a Landscape Visual Impact Assessment (LVIA) that was carried out in support of a previous Outline Application (P/2014/1133). The LVIA has not been resubmitted in support of this application, and, in any case, we are concerned that the LVIA for a different scheme will not demonstrate what is needed for this current application.

Therefore, we cannot ascertain that sufficient information has been used to inform the scale, layout and design and materials of the development and proposed mitigation.

Requirement 1 - Landscape: the submission of a Landscape and Ecological Management Plan (document) to demonstrate the proposal does not have a long-term adverse impact on the Brecon Beacons National Park.

The PAC report indicates that your Authority does not require additional landscape impact assessments for this full application. We advise that the design and materials do not relate well to the local area. In our advice to the PAC stage of planning, we advised that the nearby historic village of Cwm Giedd comprises principally stone built traditional buildings with slate roofs, as does the area of Heol Giedd in Ystradgynlais to the east. A development at this location would need to relate well to the character of Cwm Giedd and the Heol Giedd area in terms of its layout and use of materials. Therefore, we are concerned that the design and materials do not relate well to the local area, although the colours are muted. Further reference should be made to the guidance in the Ystradgynlais Residential Design Guide and to an assessment of the character of the local area.

We have reviewed the Landscape Plan (drawing RS200613-01-03), but it does not

include fences so it is not clear whether this plan compliments the block plan (drawing R491 P-03E), or whether the design has been modified to address the concerns we raised at the PAC stage. The proposed block plan illustrates close-boarded fencing along the west and north plot boundaries. It is NRW's opinion that close board fencing would have an adverse effect on visual amenity and should not be included along the north boundary with open countryside and the BBNP beyond. The north boundary would benefit from tree planting to supplement the hedgerow and help integrate the development in views towards the National Park, rather than fencing.

The overall effects of light pollution should be considered given its location adjacent the BBNP, which is a Dark Sky Reserve. A lighting plan which demonstrates how light pollution impacts on the BBNP have been minimised is required. The applicants may find useful to refer to the BBNP Authority supplementary planning guidance on Light Pollution & Obtrusive Lighting. Advice on this issue is further detailed in the Protected Species section.

Protected Species

We have reviewed the updated survey report submitted in support of the above application dated 21/07/2019 by Fiona Elphick and we concur with its conclusions.

No European Protected Species (EPS) were found present within the area to be affected by the development and the potential for bat roosting was considered low, however the trees and ditches on and near the site are likely to be used by bats and otter for foraging and shelter.

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

However, whilst we understand the erection of close-boarded fencing has been recommended to minimise light spill and direct disturbance of wildlife habitats such as woodland, streams and any newly planted hedgerows, their visual impact on the BBNP, must also be given due consideration. Ecological needs should be assessed in combination with any landscape mitigation requirements and summarised in a LEMP to demonstrate both ecology and landscape have been duly considered in the development's design and as suggested in the "Enhancement to benefit biodiversity"

section of the updated survey report.

A domestic lighting plan has been submitted, but we are not able to open this document on your Authority's website. We also note that the PAC states that the 'Revised Lighting Plan requires further work'. We would be able to make comments to this regard upon receipt of a detailed plan which should account for the ecologist's recommendations and include a lux plan for the site. All proposed exterior lighting (including but not limited to street lighting and pavement bollards) must be included in the lux study. The lux study should demonstrate no negative impacts on any ecological receptors such as protected species' commuting corridors and the visual amenity of the BBNP including dark skies and night-time tranquillity.

Requirement 2 - Lighting Plan: the submission of a revised lighting plan to demonstrate the development does not affect the Brecon Beacons National Park or Protected Species.

We note the ecology report's recommendations to achieve lux levels of no more than 0.5 lux at the canopy edge of all tree lines adjacent to the development's boundaries. Whilst this would be desirable it may not be easily achievable. Please 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. The lighting plan must be in line with this guidance note.

The Lighting Plan should include (but not limited to):

- o Details of the siting and type of external lighting to be used, to include streetlights;
- o Drawings setting out light spillage in key sensitive areas; and
- o Details of lighting to be used both during construction and/or operation.

Other Matters

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

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

Advice for the developer:

Groundwater

We refer you to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by NRW. In particular, Position Statement G13 (Sustainable drainage systems) which applies to this development.

Advice on environmental considerations and the assessments needed to support your planning application can be found on our external website.

For advice on how to deal with possible land contamination on your development visit:

<http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/>

[advice-for-developers/land-contamination/?lang=en](http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/advice-for-developers/land-contamination/?lang=en)

For advice on how to protect groundwater at your development visit:

<http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/>

[advice-for-developers/protecting-groundwater/?lang=en](http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/advice-for-developers/protecting-groundwater/?lang=en)

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the development.

Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with the Guidance for Pollution Prevention and of particular importance to this application is GPP5 'Works in, near or over watercourses' which is available at:

[http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppps-andreplacement-](http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppps-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/)

[series/guidance-for-pollution-prevention-gpps-full-list/](http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppps-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/)

If a pollution incident does arise the site must inform us immediately via our incident hotline.

Ward Councillor – First response

15th Sep 2020

With regard, to the above referenced application and the start of an associated consultation process I have received a number of local representations regarding the matter. Due to the apparent depth of feeling and the planning history of this site ,I ask for this application to be 'called in' for deliberation and consideration by the full Planning Committee.

PCC-Commons Registration Officer

17th Sep 2020

The Commons Registration Authority can confirm that part of the proposed development at Bryn-Y-Groes Farm under application number 20/1314/FUL is sited on Common Land that is registered under the Commons Registration Act 1965 as register unit CL128 (Brecknockshire).

Please be advised that the carrying out of 'restricted works' without the consent of the appropriate national authority i.e. the Welsh Government would be UNLAWFUL. It is noted from the applicant's Design & Access Statement that this is recognised and an application will be made to de-register a small area of common land. 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 16 of the Commons Act 2006 are available on the Welsh Government website:

<https://gov.wales/commons-act-2006-apply-under-section-16>

The Registration Authority also recommends the reading of the Welsh Government 'Common Land Consents Guidance' that was published in August 2014. This document is available at the following link:

<https://gov.wales/common-land-consents-guidance>

PCC Policy (on Welsh Language Impact Assessment) - 24th January, 2022

LDP Policy DM12 Development Welsh Speaking Strongholds can only be applied to **windfall developments of 10 or more dwellings**, it does not apply to LDP housing allocations in these areas. The LDP's Sustainability Appraisal has already assessed the impact of the LDP's allocations on the Welsh language.

The policy wording reflects national planning guidance in TAN 20, which explains that planning applications should not routinely be subject to Welsh Language Impact

Assessment, as this would duplicate the LDP's Sustainability Appraisal and site selection processes. However, it goes onto explain that Welsh Language Impact Assessments may be carried out in connection with **large windfall developments** within areas of Welsh language sensitivity or significance.

This means that a **Welsh Language Impact Assessment or Language Action Plan is not required** in connection with this development, which it is understood mainly involves an LDP housing allocation. Whilst the proposal involves some additional land beyond the boundary of the allocation, which could be considered as windfall, the number of additional units involved falls below the policy threshold of 10 dwellings and remains within the indicative number of units for this housing allocation (as set out in Appendix 1 of the LDP).

Public Responses

There have been fifteen public comments: 2 support, 1 neutral and 12 objections. Whilst the majority of the objections were against the development in terms of drainage and the impact of recent floods on surrounding properties and the hope that these incidents wouldn't be exacerbated by the development, other issues were also of concern and they can be listed as:

Increase in traffic, increased pollution, loss of light, loss of privacy, noise, out of keeping with the area, contaminated land, strain on existing facilities, traffic / highways impact, impact on natural landscape, destruction of trees, impact on ecology, landsliding, mine shafts, affordable housing, impact on the Welsh language, community cohesion, impact on local infrastructure, potential impact on future residents by future potential neighbouring open-cast mining, planning history, design, impact on sewage system, not needed, no jobs in area, common land, development too high, over-development, other sites more suitable, spoil the skyline, will be used for commuter housing, and support to require permeable surfaces.

Planning History

App Ref	Description	Decision	Date
P/2012/0346	Outline: Demolition of existing buildings and residential development (up to 155 dwellings) and associated works.	Refused.	
P/2014/1133	Outline (all matters reserved): demolition of Existing buildings and resid dev (up to 138	Approved.	

dwellings) and associated works.

P/2017/0812	Section 73 to remove Condition 19 of P/2014/1133 relating to Affordable Dwellings.	Withdrawn.
19/0331/REM	Section 73 to vary condition 2 of P/2014/1133 To extend time limit for submission of RM.	Pending.

Principal Planning Constraints

Right of Way

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM1	Planning Obligations		Local Development Plan 2011-2026
DM3	Public Open Space		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
DM8	Minerals Safeguarding		Local Development Plan 2011-2026
DM9	Existing Mineral Workings		Local Development Plan 2011-2026
DM12	Development in Welsh Speaking Strongholds		Local Development Plan 2011-2026
DM15	Waste Developments	Within	Local Development Plan 2011-2026

H6	Affordable Housing Exception Sites	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
SPGOBS	Planning Obligations SPG (2018)	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
PPW	Planning Policy Wales (Edition 11, February 2021)	National Policy
NATPLA	Future Wales – The National Plan 2040	National Policy
TAN2	Planning and Affordable Housing	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN 15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
TAN 20	Planning and the Welsh Language	National Policy
TAN2	Planning and Affordable Housing	National Policy
TAN 23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy

SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM5	Development and Flood Risk	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
DM15	Waste within Developments	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026

H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026

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

Land at Brynygroes Farm is a site located to the north-west of the town of Ystradgynlais, some 500 metres from the town centre. It is separated from the town by the A4067 and is on a rising area of land, away from the road. The site is on farmland which has three large modern dwellings in its heart, plus a commercial property for plant / tool hire etc.

To the north of the site, the land falls steeply down a wooded area to the village of Cwmgiedd. To the east, across the road, is a residential area of Ystradgynlais. To the south the land falls down to the County Class III highway the, A4067 to which access is gained to the site off. To the west of the site is farmland and the Haul Road which runs up to common land, the former mining site and a radio mast.

The site measures approximately 4.5 hectares and is a rolling site, mainly rising to the rear and west. The site is, apart from the buildings mentioned above, currently pasture

land. The three dwellings mentioned above will be retained and incorporated into the wider development, and the tool hire premises will be demolished and that land used as development land. A small area of common land crosses the site in the southernmost corner.

There are a number of rights of way in the area. Public footpath 54 runs up what is currently the existing access track along the western boundary northwards until it exits the site. Public bridleway 75 runs below the southern-most part of the site, crosses the existing site access road and continues westwards.

The application is for the demolition of the existing commercial premises and the development of 117 dwellings. The mix of which is as follows:

- 19 x two-bedroom terraced dwellings, of which 4 are affordable.
- 12 x two-bedroom semi-detached dwellings.
- 28 x three-bedroom semi-detached dwellings
- 16 x three-bedroom bungalows
- 21 x three-bedroom detached houses
- 21 x four-bedroom detached houses.

The application is partially a departure from the Local Development Plan 2018 (LDP) because the affordable housing allocation has been swapped in location terms with some of the open market houses that are now not within the development boundary of the LDP. This will be appraised further below.

Principle of Development

Policy H2 of the LDP identified several sites that are designated for residential development during the plan period. Brynygroes Farm is identified as site reference P58 HA10, with a specified number of units of 136 and a site area of 4.5 hectares.

Objections were received with regard to the principle of the development, concerned that the development was out of keeping with the area, that the dwellings weren't needed, that other sites were more suitable, that the development would impact on existing community cohesion, would be a source of strain on local facilities and infrastructure.

For the purposes of the LDP, Ystradgynlais is designated as a Town. Towns are home to 41% of Powys' population and are the most densely populated settlements. All are important service centres providing a range of services, facilities and employment for their own population and their surrounding areas. They are generally the chosen location for 'area services' and in particular larger scale public services (e.g. high schools, leisure centres). Towns are also the most accessible settlements, most being located on trunk roads, with all having public transport services. Under the LDP Towns are seen as the principal location for accommodating housing (open market and affordable), employment land, any retail growth (e.g. supermarkets), public services and

developments which generate large numbers of trips. Housing growth is planned commensurate with the size and level of facilities of each town, although the capacity of towns to accommodate growth varies according to environmental and infrastructure constraints.

The application site has therefore been carefully selected through the LDP process to be appropriate in location and scale commensurate to the area and nearby local services and transport links. Ystradgynlais was therefore considered to be a sustainable location for housing growth and the application site identified for housing in line with those considerations.

Therefore, it is therefore considered that the principle of housing development within this site is considered to be acceptable and in accordance with policy H2 of the LDP in that it forms an allocated housing site.

Design

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 site is currently partially farmland rising from the main road that runs through the valley bottom that Ystradgynlais sits within. There are a number of constraints on the site, the design ones being that there are currently three substantial dwellings in the centre of the site that need to be incorporated into the wider design. There are also smaller dwellings on the A4067 roadside to the south-east of the site, but these have less of a relationship with the proposed.

Other site constraints are several different levels that have to be accommodated – ideally without multiple retaining walls which can be highly visible from a distance. In addition to this, the size of the site means that it has to incorporate not only the streets, but also pedestrian footways and so on a local level these paths are integral to the layout.

With regard to the design of the dwellings, there is an adopted Residential Design Guide: Town Appraisal for Ystradgynlais and whilst it is accepting that Ystradgynlais has a wide range of house styles and designs, it does note a number of localised features that the designs of the dwellings have incorporated.

- Roofs to be natural or reconstituted slate.
- Materials should be natural stone or render in light colours.
- Dwellings to be set back no more than 3 m from the road in general.
- Windows to have vertical proportions and where appropriate arched heads.
- Brick detailing around windows.
- Front facades restricted to one type of building material.

- Preferred front boundaries are low-rise stone walls with railings.

The mix of house types was determined following in-depth market research to establish the housing need in this location. The housing provision is therefore tailored to the particular housing need in Ystradgynlais providing housing opportunities for existing residents and for young persons who wish to remain in the area.

The house types are as follows:

House Type A – 15 units – are terraces of three attached two-bed dwellings. The dwellings are 4.8m wide by 8.9m deep. They are 5m to the eaves with a front to back roof pitch of 8.5m high. The elevations of the dwellings are rendered to side and rear and have a bricked upper section on the front elevation with render to the ground floor. The units have slated roofs with solar panels. Detailing to the front elevations includes porches – the middle having a lean-to roof, and the two side dwellings having pitched. Plots 23, 24, 25, 30, 31, 32, 88, 89, 90, 93, 94, 95 are House Type A.

House Type A, version 2 – 8 units - is a set of two semi-detached dwellings. They are the same dimensions and designs as the above dwellings. Plots 91, 92, 96, 97, 98

House Type B version 2 – two units (plots 33 and 34) – semi-detached 3 / 4 - bed dwellings, including a bedroom in the roof. The dwellings are 6.2m wide, 9m deep. It's 4.8m to the eaves and 8.4m to the pitch. The dwellings are rendered on the ground floor with brick to the upper floor. The ground-floor have bay windows and extended porch sections. The front pitch has single skylights and solar panels for each dwelling. To the rear of the dwellings are single dormer windows to accommodate the attic room.

House Type BA V4 – two units (plot 81 and 82) – semi-detached 2 / 3 bedroom. The houses are on a slight slope and so the roofs are staggered. The dwellings are 9m deep and 6.2m wide. The dwellings are 5.1m to the eaves, and 8.7m to the ridge. The dwellings have render to the base and brick to the upper level. The dwellings have an extended porch finished in stone.

House Type C V2 – eight units (plots 45, 46, 47, 48, 54, 55, 74 and 75). These dwellings are detached, lengthways on to the road and are single storey with rooms in the roof-space. The height to eaves is 3.1m and 6.5m to the pitch. The dwellings are 11.5m deep and 9.5m wide. The proposed dwellings have stone facing to the right-hand side of the front elevation, and horizontal timber cladding to the left-side, with a central glass panel above the front door to the pitch.

House Type D V2 – eight units (plots 5, 7, 8, 16, 35, 39, 41 and 83). These dwellings are detached 3 / 4 bedrooms over two-storeys with an additional bedroom in the roof-space. The dwellings are 9.2 m deep by 6.2 m wide with an eaves height of 6.2m and a pitch of 8.3m. The dwellings have render to the lower section and brick-work above and have a bay window on the ground floor and an extended section. A lean-to roof runs between the bay and the extended section.

House Type D V3 – three units (plots 68, 78 and 80). These dwellings are detached and lengthways onto the road. They are rendered on the ground level with horizontal timber cladding to the first floor. The dwellings have an extended stone-faced front porch. The height to eaves is 5m and 7.8m to pitch. The proposed are 7.6m deep, and 7.2m wide.

House Type E Plot – one dwelling (plot 73 only). The dwelling is detached with a double-garage to the side. The dwelling is 9.5 metres wide with a detached garage making a total of 15.8m wide. The dwelling is 7.6m deep with an extended section making a total of 9.8m deep. The height to eaves and the height to the pitch of the garage is 5.1m with a total pitch height of 8m. The ground floor is rendered with a stone-faced porch with a lean-to roof. The extended section to the rear is also rendered with a lean-to roof. The upper level is finished in brick. The roof is tiled. The garage has two separate roller-shutter doors.

House Type E v2 – one unit (plot 57). This is a four-bedroom dwelling with an attached garage. The main section of the dwelling is 9.6m wide and 7.5m metres deep. The height to eaves is 5.1m and height to the pitch of 7.7m. There is a ground-floor lean-to extended section to the rear of 2.5m deep, and 7.8m wide. The garage is to the side of the dwelling is 4m wide by 7.1m deep. The height to eaves for the garage is 2.3m with a back-front pitch of 4.8m in height, with a roller-double doors to the front.

In looking at the above, it is considered that there is a mix of high-quality designed dwellings in a range of sizes and in a range of designs. The houses have interesting features and have broken-up facades to ensure a varied streetscape.

Objections were received with regard to design, however, it is considered that the designs are acceptable in terms their materials used and the links to the wider locality. It is also considered that they have taken account of the guidance issued in the Ystradgynlais Town Appraisal. Objections were also received with regard to the height of the houses within the development. However, it is considered that the height of the proposed dwellings is acceptable in such a setting, and that they are not overly high considering that they are at most two-storey dwellings and typical of their type.

It is therefore considered that this application is in accordance with LDP policy DM13 and H3.

Amenity

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

The layout of the estate has been designed to ensure that the proposed dwellings will not have an unacceptable impact on either property, or the amenity of the occupants of the existing dwellings.

With those dwellings currently detached from the site, care has been taken not to overshadow them as they are in a lower situation. A buffer has been put between the existing dwellings off the site and the proposed to ensure that their amenity is protected. Objections were received from local people with regard to amenity, noise and loss of privacy, but it is considered that the proposed dwellings will be far enough from the existing dwellings in the locality not to cause an adverse impact on the occupants' ability to enjoy their amenity.

The proposed development will be constructed in three phases in order to reduce the impact on the locality. In addition to this, Environmental Health have requested a condition to be attached to any consent that controls working hours etc.

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

Density

As previously referred to the proposed density of the site as allocated under the LDP is for 136 dwellings, whilst proposed we have 117 dwellings with three dwellings already provided within the heart of the site leaves a shortage of 16 dwellings.

It is therefore acknowledged that there is a slight undersupply of dwellings. Since the allocation of the LDP it is noted that the Sustainable Drainage Scheme (SuDS) has been introduced which in this instance has removed areas of land from development. Consideration has also been given to the topography of the land and visitor car parking provided which altogether has reduced capacity on site. It is however acknowledged that the proposal includes a wide mix of housing types and scales which would meet a wide range of need within Ystradgynlais.

Objections were received through public representations that the site was being over-developed.

LDP policy H4 deals with housing density in residential developments in order to gain the most from every parcel of developable land. H4 states that the minimum density of building should be 27 houses per hectare. In this instance, whilst less than the proposed allocation, the site proposes 26 dwellings per hectare, plus the three existing dwellings, which whilst not part of the overall number of proposed houses, they are within the site and this will bring the total number to 26.6 houses per hectare.

Considering the constraints that this site has in terms of land contamination, drainage and the density constraints of having three existing large dwellings that realistically could not be built amongst, this is considered to be acceptable within the development and therefore policy H4 is considered to have been complied with.

Landscape and Visual Impact

Policy SP7 deals with safeguarding of strategic resources and assets. In this instance, the landscape has no protected designations, but the site is within 8km of the BBNP boundary.

LANDMAP identifies the area as being characterised as the following:

Geological Landscape- Outstanding

Landscape Habitat- High

Visual and Sensory - Moderate

Historic Landscape- Low

The previously approved planning application submitted a Landscape and Visual Impact Assessment which considered the impact of the residential development (then 137 dwellings) and concluded that the impact of the development on the surrounding landscape will not be significant.

The proposed development provides an extensive level of landscaping to the proposed within and around the site boundary. A condition will be attached to any grant of consent ensuring that the landscaping is provided to an appropriate level.

Objections were received with regard to concerns that the development would harm the skyline. However, when considering the scale of the buildings proposed, the existing topography of the land and landscaping proposed it is considered that concerns over landscape and visual impact have already been appropriately considered throughout the planning process, and will be mitigated further by appropriate landscaping.

Therefore, on balance, considering the wider processes that have already been approved, it is considered that the proposed development would not have an unacceptable adverse effect on the character and appearance of the surrounding area.

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 lighting plan was not put in place. This is particularly so considering the proximity of the BBNP Dark Skies classification.

An external lighting plan was submitted to ensure that external lighting was comprehensive and co-ordinated and would take account of the local bio-diversity. This

has been considered by the ecologist and found to be acceptable.

It is therefore considered that the application is acceptable within the remit of external lighting and therefore is in accordance with LDP policy DM7.

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 development site has a number of smaller public open spaces rather than a large single area. There are five separate areas of public open space spaced throughout the development and there are landscaping plans for each of them:

1. To the north of the site, there is a public space that runs from the northern-most turning hammer-head at Plot 77 and it runs behind the back of the dwellings north to south.. Across the road is another green area that runs west of the roadside.
2. To the north-west of the site is another open space that sits at the northern-most point of the road.
3. In the middle of the site adjoining the existing dwellings are two POS's where the pedestrian link path runs through. Two more green corridors run from the south of these areas linking each other and then going further south around the outside of the curtilages to a larger POS that wraps around the edge of Plot 6 and back to the roadside.
4. The last POS is at the southern-most area of the site south of Plot 1, and the across the estate road to run up the western side of the road and link to the POS around Plot 6.

In total the public open space amounts to approximately 2620 m².

The Open Space Assessment 2018, considered open spaces in the Ystradgynlais area and found that there is not a shortfall of sports pitches in the area and that there are pitches within the vicinity that are considered within a reasonable buffer zone of the site. However, the assessment does show that there is a shortfall of equipped areas of play in the vicinity of the site. Whilst there are equipped play areas in Cwmgiedd and Penybryn, these are considered to be "neighbourhood" equipped areas and so have a smaller buffer zone of accessibility.

Therefore, it is considered that for a site of this size in this location, an equipped play area should be provided. During initial negotiations for the site, it was accepted that the requirement for an equipped play area (LEAP) would be waived due to the impact it would have on density and therefore viability, and instead small pockets of open space

would be provided across the site.

However, following concerns from Committee, it has been negotiated that the developers have agreed to provide a play area adjacent to the pedestrian exit to Plasycloed and this would therefore comply with LDP policy DM3 and the Open Space Assessment. The areas of public open space can be shown on the block plan.

Details on the exact type of play equipment have not yet been agreed, but LDP policy DM3 requires that the type of play equipment shall be determined by the deficiencies of the Open Space Assessment. It is considered that this can be conditioned for later detailed approval.

Public Rights of Way

Public footpath 54 runs within the site and bridleway 75 crosses the access of the site.

The Countryside services team has been consulted and notes that the intention will be to formally divert the rights of way should planning consent be granted. The Countryside Service team welcome the proposed diversion and note that in the meantime, the routes must remain unobstructed at all times until any such time a formal diversion is agreed.

A formal diversion of the right of way can only occur following the grant of planning permission, and as such, it is entirely appropriate and normal practice for the right of way diversion to be secured after the grant of permission and not before.

It is therefore considered that this application is acceptable in terms of the public rights of way, and in particular is in accordance with LDP policy DM13.

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.

The application has been supported by a statement which includes some of the following credentials:

- Construction through off-site closed panel timber frame, providing higher than standard (Building Regulations) u-values and air tightness
- Air Source Heat Pumps (ASHP) to all properties – no fossil fuels
- Photovoltaic panels to all properties to generate power on site and offset electrical demands of the ASHP
- Electric car charging points to all properties
- Responsibly sourced materials including natural stone cladding and timber

cladding

- A dedicated Active Travel route with a newly constructed pedestrian crossing of the A4067. This link will connect the site to the local facilities and amenities via a 10 minute walk reducing the need to travel by car

The development is also considered to be resilient to climate change in that it will be built in a provision for climate change in its surface water management schemes (SUDs approval) and provides a landscaping scheme which includes the planting of mature trees to reduce carbon in accordance with Future Wales- the National Plan 2040.

As such, it is considered that the submission has considered climate change.

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.

The site is 4.5 hectares and although mainly improved grassland, has variations in ecological terms including ditches and trees.

A data search showed 65 records of protected and priority species within 500m of the centre of the proposed development. These included bats, otters, hedgehogs, toads, owls, birds and flora. There is an area of ancient woodland to the NE of the site, but no statutory or non-statutory sites are within 500 m of the proposed site.

With regard to the ancient woodland, the Ecologist considers that there would not be any adverse impact on the woodland as a result of the development, subject to a suitable external lighting plan, which has been submitted and deemed acceptable.

Over the extensive planning history, three previous Phase 1 Habitat Surveys were produced and an up-to-date one was submitted with this application and considered by the PCC Ecologist. One of the existing buildings on site (the commercial premises) is going to be demolished if this application is acceptable, but it was that the building was confirmed to have negligible potential for bats and did not require further survey.

Throughout the planning process the surveys have found that the main ground is considered to have relatively low ecological value and no evidence of protected species was found, although the surrounding trees provide habitat for nesting birds and roosting bats, and it is considered important that these are to be retained within the development. Removal of some of the smaller trees is going to be required, but these

will require inspections before felling for roosting bats, although none is considered to have potential at this time.

Japanese knotweed that was found on site in the 2009 survey, and treated, is no longer found to be in evidence.

The Ecologist considered that measures were needed to prevent a negative impact on wildlife during construction period – in particular tree and root protection, plus external lighting both during the construction phase. An Ecological Construction Method Statement was submitted and found to be acceptable. A condition can be attached to ensure adherence to that Statement.

Biodiversity enhancements are required in all planning consents. In this instance enhancements have been submitted and include the creation of a habitat strip with reptile refugia along the western edge, planting of hedgerows within the development to significantly enhance connectivity and provide habitat for a range of species; installation of bat boxes on mature trees and bat tubes and swift nesting boxes on some of the proposed dwellings.

With regard to landscaping within the site itself, a Landscape Masterplan was submitted. It outlined a number of areas of soft landscaping, including the retention of the habitat buffer to the west of the site, a SuDS attenuation pond with native aquatic plants, a native hedgerow, an area of grassland at the south-eastern edge of the site to benefit wildlife.

The site is considered to have a number of high-quality mature trees. However, the Arboricultural Impact Assessment identified that two individual ash trees and a group of two more will be felled both on account of their poor health and to accommodate the proposal, although all were suffering from ash die-back disease. The remainder of the high-quality trees do need to be retained in a healthy situation; therefore a Tree Protection Plan and an Arboricultural Method Statement were submitted and the Ecologist has recommended conditions ensuring adherence to them.

The Ecologist considered the plans and considered that the biodiversity enhancements were appropriate to a site of this size and nature. A condition can be attached to ensure the biodiversity enhancements are adhered to.

Hedgehogs weren't considered to be adequately catered for, and so provision for them in terms of boundary fencing to allow them to traverse through the site can be conditioned.

An existing section of watercourse west of the existing access will be diverted and the existing culvert under the access road will be lowered. Further information was requested to ensure that any potential otter population was not adversely impacted by the development. Further details were submitted, including details of an otter shelf within the culvert to allow them safe passage. The Ecologist considered this to be

acceptable.

Whilst the site has relatively low bio-diversity, the surrounding area is richer with the ancient woodland to the NE and the Afon Tawe 190m away to the east. Therefore it was considered important that a Pollution Prevention Plan was secured through a condition.

It is a complex site in terms of ecology, but the Ecologist is content that the proposal mitigates any problems that it raises. It is therefore considered that this application is acceptable in relation to ecology and in particular, LDP policy DM2.

Highways

A safe access and parking are fundamental requirements of any development and TAN 18, PPW and LDP policies DM13 and T1 deal with highways issues.

The main access to the junction will not only serve the housing development, but also the Haul Road up to the common land, the former mining area, the communications mast and the Coronation Park. A culvert with a 6m easement runs west-east down towards the A road, across the access lane to the lower part of the site and therefore has to be accommodated.

The internal access layout will follow the road that accesses the existing dwellings and the commercial premises.

The application was accompanied by a Transport Assessment to deal with provision for cyclists, pedestrians and other non-car users to identify measures that could be included with the scheme to minimise private car travel.

The intention is to ensure that vehicle use is secondary to walking or cycling within the site and that there are good connections to the town centre which is approximately 500m from the site. Therefore, as well as footways alongside the roads within the site, there are also well-lit, pedestrian connecting-paths between the areas of housing to ensure safe travel within the site. The speed of traffic within the site will be a maximum 20mph.

Traffic calming measures were integral to the design and included planting and raised areas.

A specific pallet for materials and dimensions for the road design was proposed and deemed to be acceptable.

The site is on the opposite side of the A4067 to the main built up area of Ystradgynlais and therefore it was considered important to create good connectivity between the new dwellings and the rest of the community and facilities within the town. Active Travel plans were submitted to encourage pedestrian connectivity to Ystradgynlais. A pending Section 278 Agreement is to deal with the requirements to improve pedestrian links to

the town centre.

Two additional internal-to-external links will be provided – one to the village of Cwmgiedd at the north of the site and an improved link from Brynygroes Cottages to the east of the site via a Toucan Crossing which will provide a walking route into Ystradgynlais town centre of between 10-13 minutes.

Further to the last report presented to Members, amended plans have now been produced which include additional vehicular provision within the site in terms of additional off-street parking. The figures are that there are now 12 visitor spaces. Whilst the shortfall in off-street parking spaces was originally 26 below those recommended by the standards, the shortfall is now just 8. These increases are welcomed by the Highway Authority which now considers the shortfall to be acceptable.

The site is in an area well-served by public transport and the proposal has good active travel links both into the town centre and other residential areas. The application is supported by a Transport Assessment and this clearly sets out the location of the bus stops and the bus station in relation to the site. This shows that the nearest bus stop, located on Heol Giedd is located some 286m (a 4-minute walk) from the site boundary. Ystradgynlais Bus Station is located 569m (less than an 8-minute walk) from the site. It is not considered that this application has the ability to require bus provision within and to the site, rather that bus services evolve strategically due to supply and demand.

In addition to this, the scheme has good intra-estate pedestrian routes that will encourage people to not rely so heavily on their cars for short journeys and have walking and cycling as the first option for shorter distances.

Future Wales, The National Plan 2040 puts placemaking at the heart of the planning system. It requires a modal shift supported by a sustainable transport hierarchy, which prioritises walking, cycling and public transport. The document seeks to provide strategic direction and sets out policies and key issues to be taken forward at the regional scale. It also requires that growth should be shaped around sustainable forms of transport, with a reduced reliance on private vehicles. It is considered that the projection of policy is towards higher density development with lower standards of private parking. Future Wales requires planning authorities to take a proactive role in this.

Policy 12 within Future Wales states that planning authorities must act to reduce levels of car parking in urban areas, including supporting car-free developments in accessible locations. It requires planning authorities to challenge perceptions that housing needs to be built with parking on plots which promotes car-dominant developments. They must promote different ways of dealing with cars that encourage a reduction in car use and increase active travel and use of public transport.

It is therefore considered that a judgment is needed between the need to deliver housing on a site that has the principle established as an allocated housing allocation, is

close to an area well-served with public transport and active travel networks and to challenge longstanding guidance about parking standards, and the desire to provide good levels of off-road parking for residents for their convenience and to protect the wider environment from on-street parking.

On balance, it is therefore considered that the above detail regarding Active Travel and the fact that Highways are accepting of the levels of off-street parking on the site, it is considered that the proposal is acceptable in terms of parking standards within the site.

The Highway Authority had also expressed concerns with regard to the access to and from the Haul Road which runs north-west onto the open hill and shares the same access point onto the A4067. The Highway Authority had expressed a desire to have detail about how the internal estate road would interact with the Haul Road before determination, although, they accept that this can be dealt with via a planning condition.

The Highway Authority also raised concerns about some of the internal highways details and in particular the turning heads. Some of these have been amended to Highway Authority's satisfaction, and it is anticipated that further amendments will be submitted before Committee and can be dealt with in an update report.

Therefore, it is considered that the proposed is acceptable in terms of highway safety, and is in accordance with Future Wales, PPW edition 11, TAN 18 and LDP policies T1 and DM13, subject to a number of conditions.

Common land

The Commons Registration Authority confirmed that part of the proposed development is sited on Common Land that is registered under the Commons Registration Act 1965 as register unit CL128 (Brecknockshire). Objections were received with regard to part of the land being common land.

The application has always included a recognition that for the development to go ahead as proposed, the Common Land would need to be de-registered - and that it would be as part of a separate process.

For information it is noted that an application (Ref. 326390) to deregister and exchange land was made to Welsh Government in December 2020 and has now been approved by Welsh Ministers on 13th January 2022.

Affordable Dwellings.

LDP policy H5, SPG Affordable Housing and TAN 2 deal with planning and affordable housing contributions within development proposals.

An area of land at the south-eastern corner of the designated site is outside the development limits and therefore would only be available for affordable dwellings.

However, following discussions, it was agreed that this area of land would instead be used by open market dwellings so that the affordable provision (four dwellings) on the lower area of the site was swapped to the main site. This has not only allowed for provision of affordable dwellings to be incorporated within the site but also allowed for a stronger design element to be at the gateway of the site with four larger open market dwellings.

The LDP's Viability Assessment Update found that housing developments in the South-West Powys sub-market area (Ystradgynlais and Tawe Uchaf Town/Community Council areas) could not support the provision of affordable housing and therefore no contributions are required from housing developments within this area. Therefore it is considered that the provision of four affordable houses (that would have been outside the development limits) are the only ones that would be required on this site.

The details about how affordable housing can be organised and managed can be included as conditions to be resolved at a later date.

It was considered that this was a good solution for affordable housing within the site, and therefore it is considered that this proposal is acceptable and is in accordance with H5, SPG Affordable Housing and TAN 2.

Land Contamination

LDP policy DM10 and Planning Policy Wales (Edition 11) deals with unstable and contaminated land. The LDP states that development proposals on land that is contaminated or unstable will be permitted any contamination or instability is remediated and will not unacceptably adversely affect public health and safety.

The application site is identified as being an area of mining and quarrying, and a 'High Risk Development Area' as it is a coal mining area which is potential contaminated land. Extensive reports submitted by the applicant have been reviewed by PCC Land Contamination and have found to be acceptable.

The Coal Authority were also consulted due to the area being a former mining area. They initially had substantive concerns that the area was a Development High Risk Area in which there were considered to be coal mining features and hazards which need to be considered in relation to the determination of this planning application. It was considered that the land may have been subject to recorded shallow coal mining, with thick coal seams that may have been historically worked by illicit means, plus the presence of four recorded mine entries.

The Coal Authority requested site and development specific Coal Mining Risk Assessment in order for the applicant to demonstrate to the LPA that this site is, or can be made, safe and stable.

Further information was submitted and then reviewed by The Coal Authority. Their response to this was they were satisfied that the site could be made safe and stable for the proposed development (Planning Policy Wales, paras. 6.9.23 - 28) subject to the remedial / mitigation measures identified within the submitted documents. They have asked for a condition to be included in order to Section 4.1 of the Intrusive Mining Risk Assessment Report, July 2021.

Objections were received with regard to land stability and contamination potentially caused by former mining works. It is considered that the above measures have addressed these points and found the site to be acceptable.

It is therefore considered that the application is acceptable within the terms of LDP policy DM 10 Contaminated and Unstable Land.

Commuted Sums for Education Provision

PCC Education requested that the development provide a financial contribution towards provision of additional capacity of educational facilities for local primary and pre-school provision.

The developer submitted a detailed Development Viability Model to show their costs and this was scrutinised by the LPA. The findings were that because of the complexity of the site and its physical constraints, plus the fact that there were so many additional elements to making site acceptable then the costings were such that it was not considered viable for a contribution to be made.

It is therefore considered that it is not required that a financial contribution should be required from the developer in support of facilities for local education provision.

Flood Risk and Surface Drainage

LDP policy DM6 and TAN 15 deal with development and flood prevention measures and land drainage. Objections were raised with regard to flooding and drainage on this site. A flooding incident occurred within the locality (in the terraced dwellings of Rhestr Fawr at the foot of the site) in August 2019, and some of the objectors are concerned that run-off from the direction of the site contributed to that, and wish to be reassured that the situation be improved, rather than exacerbated. One comment of support was received with regard to the permeable surfaces within the site.

Following concerns from Members and public representations further discussions have been held with the Land Drainage team within Powys County Council.

It is noted that given the scale of the proposal a sustainable drainage scheme to manage on-site surface water must be designed and built in accordance with mandatory standards for sustainable drainage published by Welsh Ministers. This process is

through a separate regulatory SuDs Approving Body (SAB). It is the SAB responsibility to adopt compliant systems so long as they are built and function in accordance with the approved proposals. Should SAB approval not be granted then the development would be unable to be developed.

However, further to discussions it is noted that drawing C1537 C-SK05 Rev Chas indicated sustainable drainage features such as permeable tarmac areas and porous private driveways and 5 separate individual infiltration basins located throughout the application site directed all to an improved culvert which is to be diverted directly to an adjacent watercourse.

The Land Drainage Officer has confirmed informally that whilst not yet approved through the SAB process the officer is content that an appropriate sustainable drainage scheme can be achieved in line with the proposals.

In addition to this, according to the NRW DAM maps, the site access and lower part of the site is designated Zone B (areas known to have flooded in the past). The wider site is Zone A, which is defined as little or no risk. NRW have been consulted and do not consider that there are any flood risks with this development proposal.

Therefore, it is considered that this application is acceptable in terms of drainage and is in accordance with the policy remit, in particular LDP policy DM6.

Welsh Language

Policy DM12 of the LDP confirm that the Welsh Language and culture are important planning considerations in Powys. The future of Welsh language and culture will depend on a wide range of factors including education, demographic change, community activities and a sound economic base to maintain thriving sustainable communities.

Ystradgynlais is identified as a Welsh Speaking Stronghold.

The Plan supports Welsh language and culture across the entire County by being centred on a spatial strategy that guides and distributes development to sustainable locations in accordance with its objectives and Strategic Policies SP5 and SP6 and by providing policy support for building strong local economies, providing appropriate housing provision, distribution and choice including affordable housing, and by protecting the historic environment and existing community facilities and services.

It is acknowledged that new large housing developments have the potential to affect local concentrations of Welsh speakers but can be mitigated through appropriate mitigation measures which could include support and funding for Welsh language and culture initiatives and projects, or control over phasing of new housing development.

In addition, it is recommended that all advertisements, place names and signage within the Welsh Speaking Strongholds are expected to be bilingual in order to protect local

linguistic character, tradition and promote cultural distinctiveness.

A Welsh Language impact assessment was previously submitted for the current outline consent approved for the land. The recommendation for that consent then included a condition which secured prior to the occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation to be submitted for approval.

LDP policy DM12 requires that “windfall sites of ten or more dwellings” would require Welsh language impact assessments. However this site is not a windfall site, but an allocated housing site and therefore there is no requirement for an impact assessment. The element of this site that is not on the allocated housing site is only for four dwellings, and this would therefore also not comply with the requirement for an impact assessment.

In addition, PPW (Ed 11) states: *“If required, language impact assessments may be carried out in respect of large developments not allocated in a development plan which are proposed in areas of particular sensitivity or importance for the language.”* (Para. 3.29). As an allocated housing site, a Welsh Language Impact Assessment is therefore not required as impact on the Welsh language has already been considered through the decision of the Local Planning Authority to allocate the site for residential development through the LDP.

It is therefore considered that the condition that was on the outline consent for a Language and Culture mitigation plan would be acceptable for this consent also.

Subject to this condition it is therefore considered that this proposal is in accordance with LDP policy DM12 and PPW.

RECOMMENDATION- Conditional Consent

In light of the above, it is considered that the proposed application would result in a well-designed development that responds to local needs and is assimilated well within the locality. Amendments have been sought to the application to address the matters previously raised by the Committee including improved provision of open space and increased off-street parking provision. It is therefore considered on balance that the proposed development is in accordance with relevant planning policies and the recommendation is therefore one of conditional consent.

Conditions

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

2. The development shall be carried out in accordance with the following approved plans and documents: R491 P-01, R491 P-02, R491 P-03M, R491 P-04, R491 P-05, R491 P-06, R491 P-07, R491 P-08, R491 P-09, R491 P-10, R491 P-12, R491 P-13, R491 P-14, R491 P-15, R491 P-16, R491 P-17, R491 P-18, R491 P-19, R491 P-20, R491 P-21, R491 P-23, R491 P-24, R491 P-25, R491 P-26, R491 P-27, R491 P-28, R491 P-29, R491 P-30, R491, R491 -Schedule of Accommodation, RDS Landscape Plan, Topographic Survey (MW Surveys), C1537_C-SK07 Highway Long Sections Sheet 1 of 2 Rev A, C1537_C-SK08 Highway Long Sections Sheet 2 of 2 Rev B, Toucan Crossing v2-AT05, R491 POS Plan, Tree Survey by ArbTS LTD, Tree Protection Plan, Arboricultural Method Statement, Updated Ecological Survey by Fiona Elphick (21st July, 2019), Ecological Construction Method Statement.

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 Prior to commencement of development, a detailed Construction Method Statement in respect of the control of noise and dust during the construction shall be submitted to the Local Planning Authority and shall be implemented thereafter as approved.

5 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 shall also only take place within the permitted hours detailed above.

6 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).

7 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.

8 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 7 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' (2017).

9 The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2) specifications, as prescribed in BS8485:2015+A1:2019 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings', must be installed.

Appropriately qualified personnel as described in Ciria C735 must verify the installation and qualify the installer. The specification and verification methodologies, for the installation of the ground gas protection measures, must be provided in a Verification Plan (as described in Ciria C735) that is part of the Remediation Strategy and must be approved in writing, by the local planning authority, prior to the commencement of the development.

10 The approved remediation scheme must be carried out in accordance with its

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

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

Following completion of 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' (2017).

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

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

12 The development shall be undertaken in strict accordance with the following

- i) Section 6 (Recommendations) and Ecological Construction Method Statement, Updated Ecological Survey, Land at Brynygroes, by Fiona Elphick, dated 21st July 2019
- ii) Landscape Masterplan, Drawing no. RS200613-01-03
- iii) Section 6.0 (Arboricultural Method Statement) and Appendix 4 (Tree Protection Plan), Arboricultural Report, by ArbTS Ltd, dated 21st June 2021
- iv) Proposed Access Arrangement & Culvert Works, Drawing no. C-SK13

The measures identified shall be adhered to and implemented in full and maintained thereafter.

13 Prior to commencement of development (including ground works and vegetation clearance), a Construction Environment Management Plan shall be submitted to the Local Planning Authority and approved in writing. The CEMP shall include but not be limited to the following:

- o Ecological Construction Method Statement
- o Pollution prevention plan
- o Biosecurity risk assessment
- o Tree protection plan
- o Lighting during construction phase
- o Ecological enhancement plan to include number, location and timing of implementation of reptile refugia; and timing of planting, site preparation and aftercare measures.
- o Roles and responsibilities

The approved measures shall be adhered to and implemented in full.

14 Prior to any works being undertaken to trees, a bat survey of affected trees shall be undertaken by a suitably qualified ecologist. The survey shall be undertaken in accordance with Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) The Bat Conservation Trust, London. Any works shall be undertaken in accordance with expert ecologist and arborist advice and European Protected Species license requirements where appropriate.

15 Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary or boundary between individual plots. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each fenced aspect of the boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The access points shall be maintained thereafter.

16 Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as approved.

17 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable 44 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 4 of housing units; ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)]; iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

18 Notwithstanding the provisions of the Town and Country Planning (General

Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development for the Affordable Dwellings identified in Condition 18 above under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

19 Prior to the commencement of development a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the phasing of all housing and infrastructure including (but not limited to) phasing of open market/affordable dwellings, provision of public open space, provision of visitor car parking areas, landscaping/ biodiversity enhancements and associated infrastructure. Development must thereafter be completed in full accordance with the details as approved.

20. Prior to commencement of development a plan for the provision of children's play equipment in the 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.

21. Notwithstanding the submitted details, within 10 days from the commencement of the development a detailed suite of highway engineering drawings covering the highway works within the site, including those relating to the new culvert, provision of traffic calming measures, appropriate signing and turning head provision 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.

22. Notwithstanding the submitted details, within 30 days from the commencement of the development a detailed suite of highway engineering drawings and a completed independent Stage 1 & 2 Safety Audit covering the off-site highway works along the frontage of the A4067 county highway, including the realigned access from the A4067, the active travel link from the A4067 into the site & the Toucan Crossing installation, 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.

23. The gradient of the access from the A4067 shall be constructed so as not to exceed 1 in 30 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

24. The gradient of the internal haul road shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining estate road along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

25.No dwelling hereby approved shall be occupied before the off-site highway works detailed in condition 2 above, have been fully constructed to an adoptable standard to the written satisfaction of the LPA. Such works shall include the commissioning of the Toucan Crossing, completion of the realigned access and widened footway links alongside the A4067 and the construction of the active travel footway link from the A4067.

26.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 R491P-03 Rev M. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence

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

28.No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining A4067 carriageway. The area will be maintained to this standard for as long as the development remains in existence.

29.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

30.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.

31.Each private drive shall be surfaced in a suitably bound material, prior to the occupation of each respective dwelling and retained as such for as long as the development remains in existence.

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

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

6 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

7 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

8 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

9 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

10 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

11 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.

12 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.

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 In the interests of the Welsh language and culture in accordance with Powys Local Development Plan (2018) policy DM12.

17 In order to control further development which has the potential to have adverse effects on the affordable nature of the dwellings hereby approved in line with policy H5 of the Local Development Plan and Planning Policy Wales.

18 In order to control further development which has the potential to have adverse effects on the affordable nature of the dwellings hereby approved in line with policy H5 of the Local Development Plan and Planning Policy Wales.

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

20. To safeguard the amenities of the locality in accordance with policy DM3 of the Powys Local Development Plan.

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

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

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

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

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

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

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

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

29. In the interest of highway safety in accordance with Powys Local Development Plan

policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

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

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

Informatives

1.Dwr Cymru

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition.

Further information can be obtained via the Developer Services pages of www.dwrcymru.com 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.

2. 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.

3. 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.

4. Protected Species

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

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.

5. Rights of way

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.

- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.

Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

6. Groundwater

We refer you to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by NRW. In particular, Position Statement

G13 (Sustainable drainage systems) which applies to this development.

Advice on environmental considerations and the assessments needed to support your planning application can be found on our external website.

For advice on how to deal with possible land contamination on your development visit:

<http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/>

[advice-for-developers/land-contamination/?lang=en](http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/advice-for-developers/land-contamination/?lang=en)

For advice on how to protect groundwater at your development visit:

<http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/>

[advice-for-developers/protecting-groundwater/?lang=en](http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/advice-for-developers/protecting-groundwater/?lang=en)

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the development.

Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with the Guidance for Pollution Prevention and of particular importance to this application is GPP5 'Works in, near or

over

watercourses' which is available at:

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

If a pollution incident does arise the site must inform us immediately via our incident hotline.

7.Common Land

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 16 of the Commons Act 2006 are available on the Welsh Government website:

<https://gov.wales/commons-act-2006-apply-under-section-16>

The Registration Authority also recommends the reading of the Welsh Government 'Common Land Consents Guidance' that was published in August 2014. This document is available at the following link:

<https://gov.wales/common-land-consents-guidance>

Land Drainage Advisory

Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <https://customer.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-for-works>

Highways

All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the

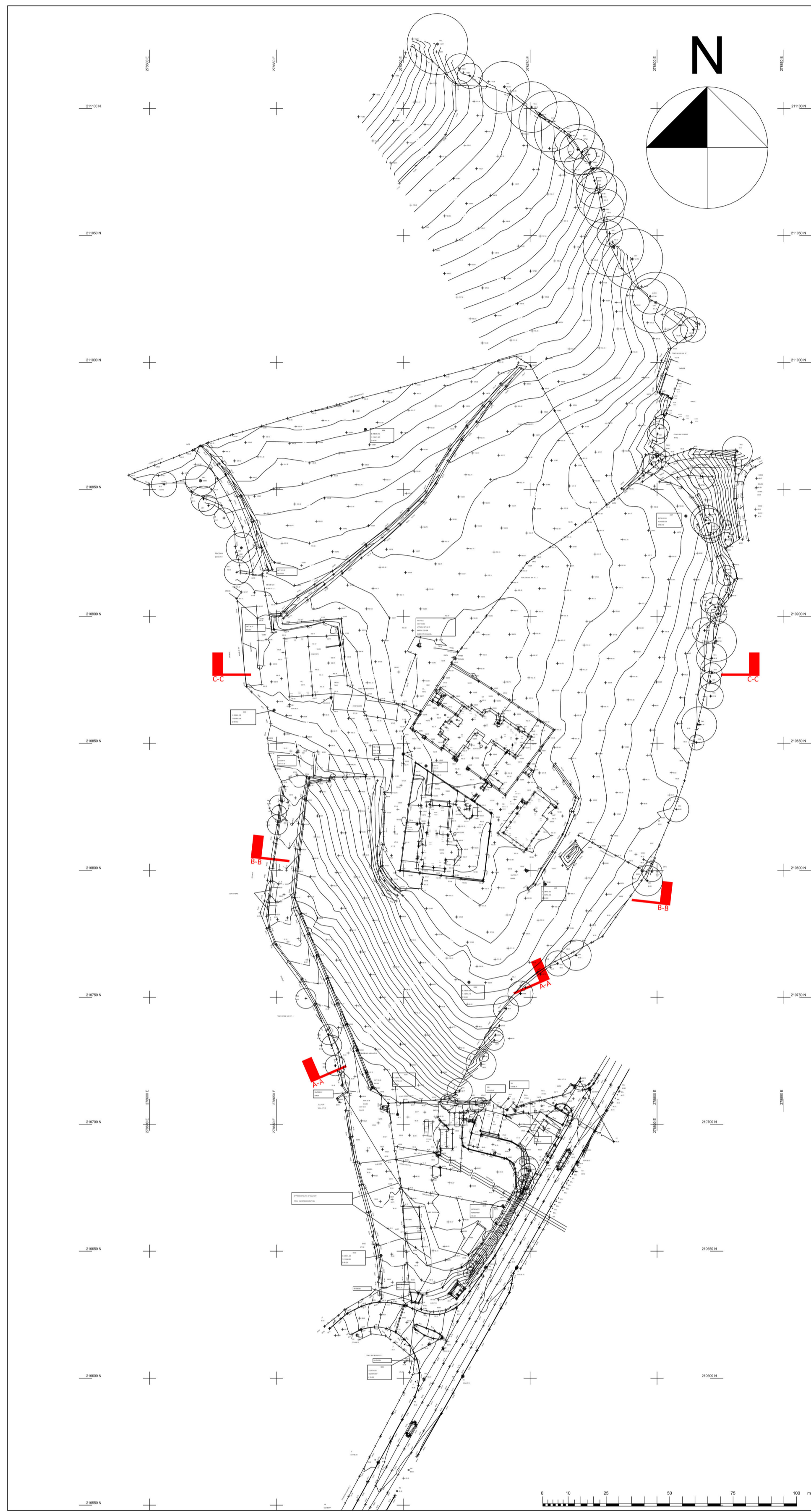
estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

Case Officer: Lorraine Jenkin, Senior Planning Officer
Tel: 01597 827527 E-mail: lorraine.jenkin@powys.gov.uk

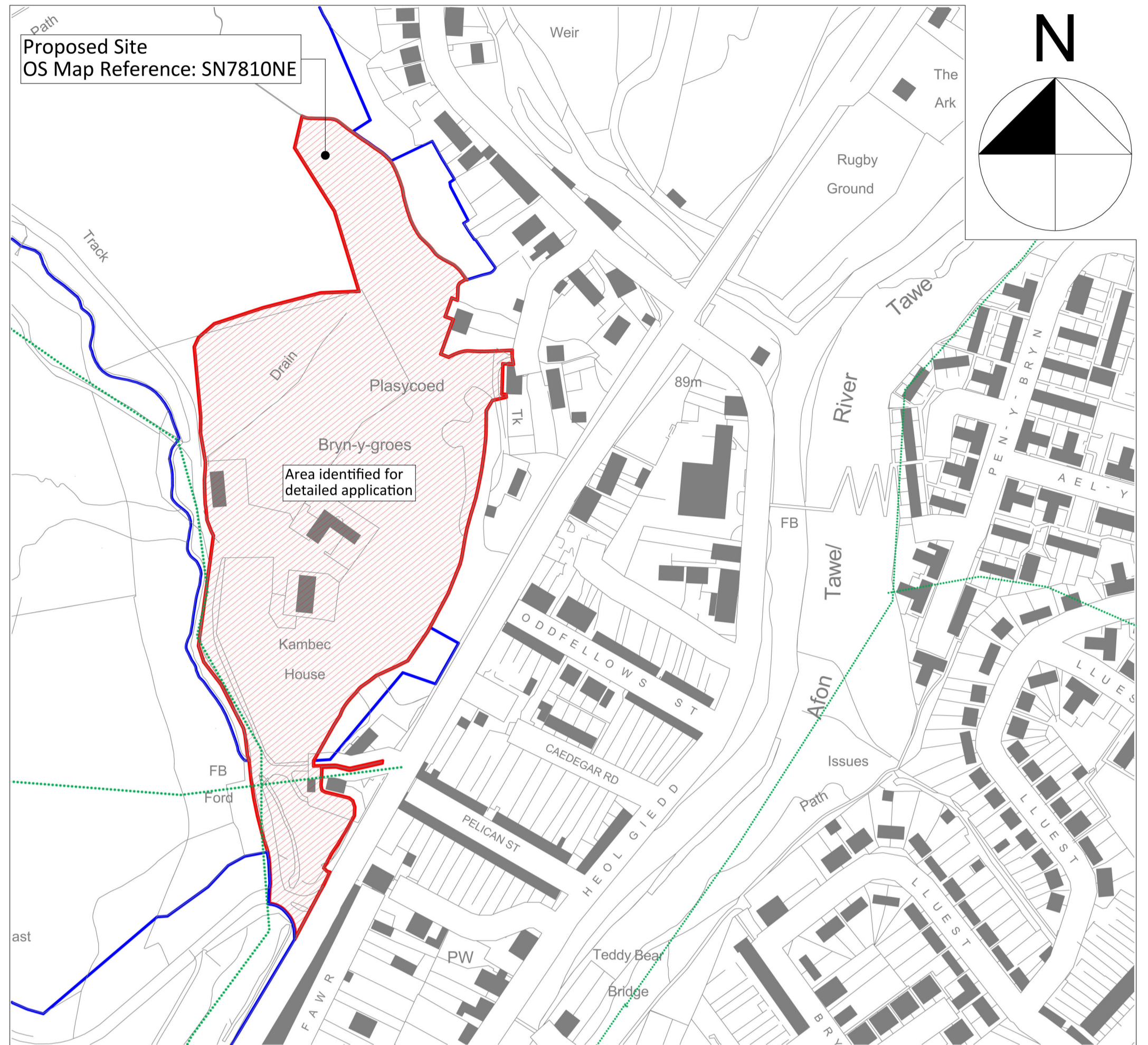
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Legend:

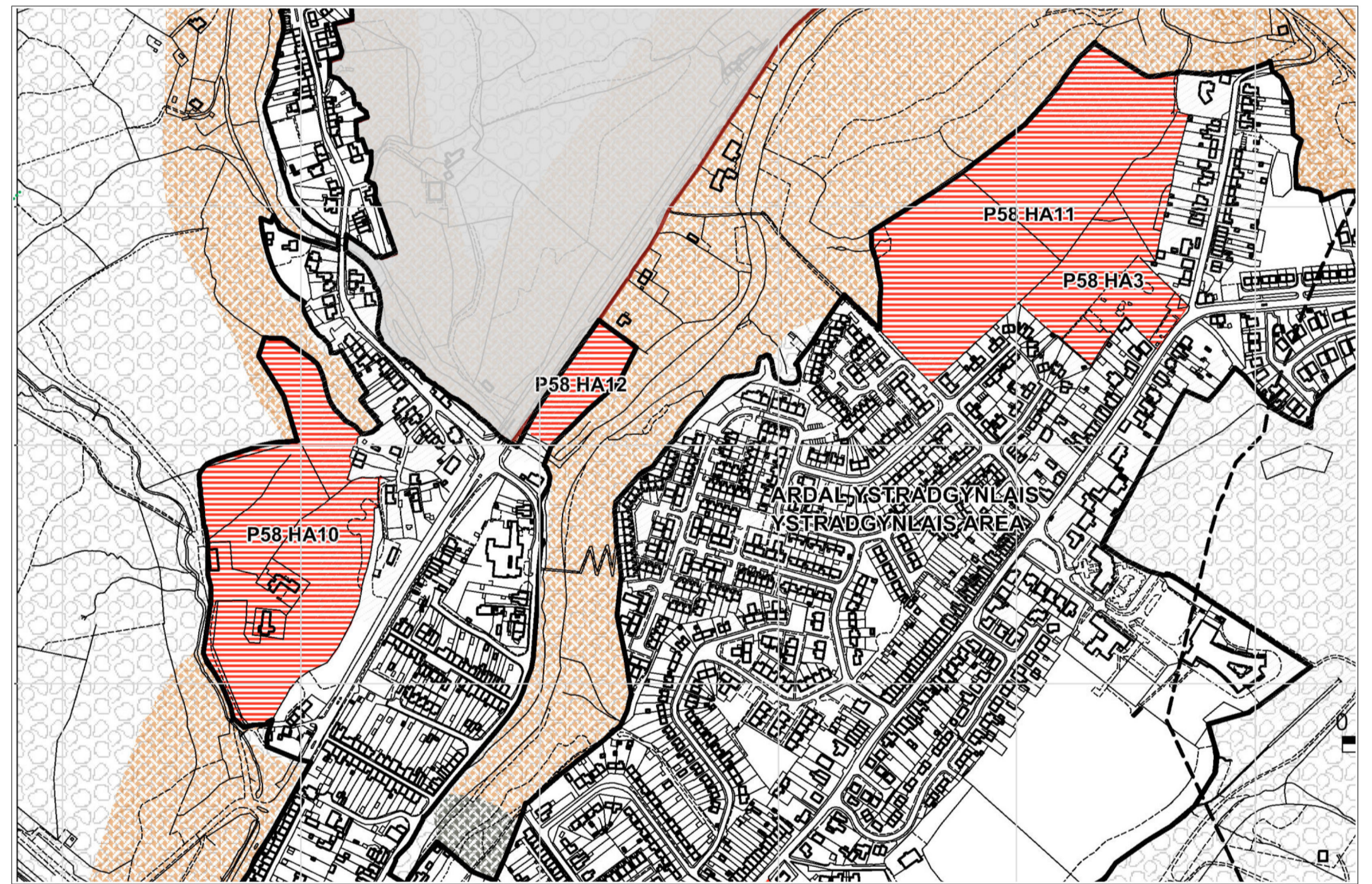
- - Indicates Application Site Boundary; Refer to LDP Allocation P58 HA10
- - Indicates Other Land in Applicants Ownership/Control. To be confirmed/agreed



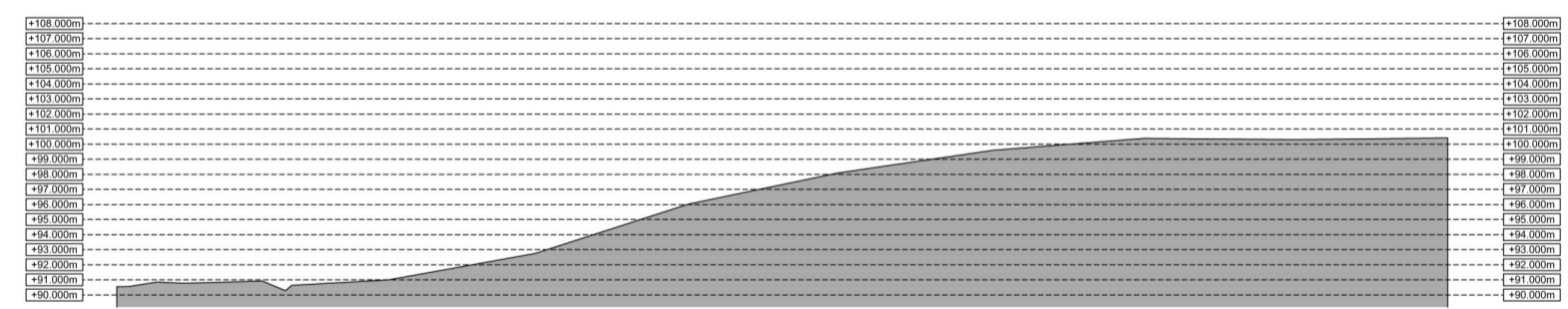
Topographic Site Survey Plan 1:1250



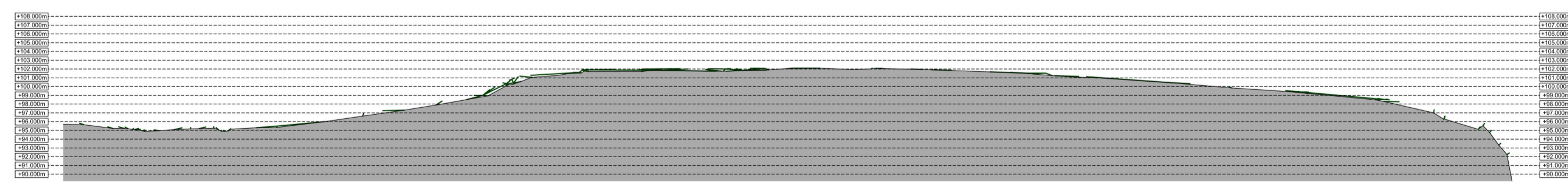
Site Location Plan For Identification Purposes Only 1:2500



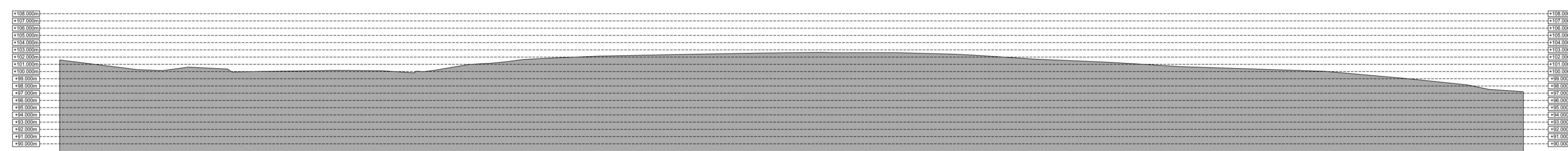
Adopted Powys Local Development Plan (2011-2026) - P58E Map Inset Extract NTS



Existing Site Section 1 1:500



Existing Site Section 2 1:500



Existing Site Section 3 1:500

Revision:	Date:	By:
Rev A - Topographic survey updated	13th Dec 2019	RH
Rev B - Topographic survey updated	6th Mar 2020	SE
Rev C - Drawing sheet updated to include site sections	18th May 2020	SP
Rev D - Phase 2 area of land updated to be included in detailed application ahead of PAC issue.	19th June 2020	SE
Rev E - Issue for Formal Planning Application.	13th August 2020	SE

Notes:

Planning Issue

14 Main Street, Fishguard, Pembrokeshire, SA65 9HJ
01348 435004/06
www.rlharchitectural.com

Page 123

Morgan Construction Wales Limited

Client: Morgan Construction Wales Ltd
Scale: Noted
Date: May 2020
Drawn: SP/RH

Job Title: Proposed Development, Bryn Y Groes Farm, Ystradgynlais, Swansea, SA9 1LF

Drawing Title: SURVEY DRAWINGS - Topographic Site Plan & Site Location Plan

R491 S-01E

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4.4

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0422/FUL **Grid Ref:** E: 326265
N: 303958
Community Council: Forden With Leighton & Trelystan **Valid Date:** 17.03.2021

Applicant: Mrs J Jones

Location: Land Near To St Mary The Virgin Church, Trelystan , Welshpool, SY21 8LD,

Proposal: Erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit

Application Type: Full Application

The reason for Committee determination

The application has been 'called-in' by the Local Member to be determined by the Planning Committee due to local interest and the unique setting of the proposed development.

Consultee Responses

Consultee

Received

Forden with Leighton and Trelystan
Community Council

13th Apr 2021

Forden with Leighton and Trelystan Community Council SUPPORT this application but do have some concerns:

This application was discussed in an extraordinary meeting and concerns were made that the roads leading to this proposed venue are extremely narrow with inadequate passing places.

The roads, from all directions to the location, are also in poor condition and with the added traffic this application may give, the council would like to see improvements to the highways as soon as its reasonably practical to do so.

PCC-Building Control

No comments received at time of writing report

Councillor Corfield

24th Mar 2021

Thank you for sending notification of the above planning application. Due to local interest could I please call this application into Committee.

Additional comments received 5th August 2021 -

I write as the County Councillor for the Forden Ward, regarding Planning Application number 21/0422/FUL. Following communication from neighbours to the site, I know you will already have received correspondence from them regarding this application. The application as submitted is for permission to permanently keep erected one marquee to hold receptions following weddings at the nearby Trelystan Church, from April to October each year.

Initially residents and the Forden with Leighton & Trelystan Community Council were tentatively supportive of this new venture, having been led to believe the application was for one marquee to hold a traditional wedding reception close to the unique Grade 11 listed Trelystan Church. However, it appears the venture is turning out to be somewhat different to that suggested in the application form and papers submitted supporting the planning application. It has become a bone of contention for residents in what is being promoted and advertised by the applicant as available at the venue site, via the applicant's 'Quaint Country Weddings' website, and what has actually been applied for within the planning application itself, are not exactly in tune. As stated, residents and the Community Council were given to understand from the planning application, one marquee was to be placed on site but not an additional array of Yurts/Tipis/Tents etc. as well.

Thus far I understand approx. 4 weddings have taken place at the Church this year, and whilst the marquee is used for the main wedding reception, the site is also hosting up to 29/30 Tipis, Yurts, Camping Tents etc. The problem without any constraint, is the site effectively becomes a camping site, with guests arriving on a Friday for a Saturday wedding and not leaving until Sunday at earliest. The temptation is seemingly for people invited to a wedding to make a short break 'holiday' out of this beautiful and tranquil location, adjacent to a listed building.

Anecdotally, I am told the current situation has already put some worshippers/visitors off attending the Church and Cemetery. The various Tipis, Yurts and Tents are erected adjacent to the track which leads down the field to Trelystan Church. When visiting or

attending a church service, following a wedding the day before, worshippers are currently having to negotiate their way through a 'campsite'. A recent monthly Sunday service held at 3.00 pm following a Saturday wedding, found many campers were still on site adjacent to the Church track. There will be occasions when funerals will take place at the Church, and mourners could find themselves negotiating their way to a personal solemn church service, having to make their way through the middle of campers still on site following, or setting up camp prior to a wedding. Campers maybe drinking and having a barbecue. Once people are on site this type of socialising is all but impossible to control and appear very insensitive to church attendees, particularly on a sad occasion. There has already been an issue with noise, not just at immediately neighbouring properties, but the sound carrying quite some way down the valley, and residents much further afield also being affected by this noise.

The main wedding marquee itself is not the issue for residents, who as earlier stated tentatively supported the venture, as this would provide funds for the Church. The issue is the unforeseen camping site which is developing and all that goes with that. For all concerned it would be more appropriate if the camping element were treated as a separate planning application, as this has not formed any part of the current application as submitted. It is the issue of the array of Tents and the camping which is creating tension locally and contributing to loss of amenity. I trust this application for all concerned will be given very careful consideration.

Hafren Dyfrdwy

29th Mar 2021

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

PCC – Highways

19th Apr 2021

The Highway Authority (HA) has no fundamental objection to the proposed development on the basis of the proposed access improvements, and the proposed Section 106 agreement. We note that no drawing showing the highway access improvements has been submitted.

Clarity is sought from the Planning Authority that the ties of the Use[s] of the Church and Wedding Venue/Marquee is acceptable under a Section 106 agreement, and that a suitable condition/clause can be attached which restricts the maximum number of guests attending a wedding is 150. Furthermore, that the marquee is not used independently of the church, and that the marquee is not used for any other type of event such as parties

not in connection with a wedding at the church.

We also seek clarity as to whether for the purposes of condition and/or a S.106, the church should be included within the redline application site.

The HA shall consider the application in terms of highway safety, once clarity of the above points has been obtained.

Additional comments received 11th January 2022 –

The County Council as Highway Authority for the County Class III Highway, C2046

Wish the following recommendations/Observations be applied
Recommendations/Observations

The Highway Authority (HA) has reviewed the revised details submitted in support of the application.

We note the applicant's comments that the proposed development does not include any land for the purposes of camping, and/or holiday letting.

The Unilateral Undertaking has been updated to restrict the Use of the development, to that stated in the planning description. Namely, the erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit.

On the basis that the development and Section 106 agreement are as described on the application form dated the 8th of March 2021, and the following conditions are attached to any consent given, we withdraw our earlier objections.

Notwithstanding the submitted details on drawing numbers 20 1107A (03) 11 & 20 1107A (90) 10 Rev A the Highway Authority wish the following conditions to be applied to any consent given.

Prior to the first beneficial use of the development the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface 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.

Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 60 cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

The gradient of the access shall be constructed so as not to exceed 1 in 20 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.

The width of the access carriageway, constructed as Condition 2 above, shall be not less than 5.5 metres for a minimum distance of 10 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

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

Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

- a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
 - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
 3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
 4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

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

PCC - Environmental Protection

19th Apr 2021

Foul drainage

The proposal is to utilise a portable toilet unit with built-in storage. Environmental Protection has no objection to this proposal.

Noise impact

The application has been accompanied by a supporting document, 'Environmental sound survey & Noise impact report' by TGS Acoustics. The report assessed the levels of noise at the three closest noise-sensitive properties which can be expected as a results of the

playing of recorded music at the marquee until 0100 hours. The report concludes that at only one property will the level of music noise exceed the existing background noise level. This property is owned by the applicant. Therefore it can be expected that there should be no adverse noise impact from the development at nearby residential properties.

Artificial light

The design and layout of the lighting scheme, the orientation of the development, and the topography of the area means that there should be no adverse impact on amenity due to artificial light.

I have no objection to the application.

Additional comments received 26th August 2021 -

I understand that the applicant has already been operating the site as a wedding venue this year. As a result of this, I have received a noise complaint. Based on the information I have received, I have concerns about the application and therefore I would like to add to my previous comments, as follows.

Noise

Noise from the campsite

It has been brought to my attention that wedding guests are being encouraged/allowed to camp at the site both the night before and after the wedding ceremony. In effect, this is creating a mini festival at the site. I feel the way the application has been presented, and the way the noise report focused purely on the noise from music inside the marquee, is not a true reflection of the reality of the development. I would have concerns if this camping/festival site were to be allowed because the potential for uncontrolled noise to have a negative impact on nearby residential properties would be significant. Potential noise sources from camping include the voices of the campers, plus any other noises they introduce such as the playing of musical instruments or recorded music. Unlike the music in the marquee, which has been the subject of a detailed noise impact assessment and can be controlled at source, monitored at the site boundary and stopped at a designated time, these noises have the potential to occur throughout the night on Friday and Saturday every weekend for 28 consecutive weeks.

Live bands and recorded music in the marquee

While I recognise the fact that the current position of the marquee does not reflect where it is proposed to be placed as part of this application, it is of concern that music from live bands has allegedly travelled long distances at a loud level. The noise impact assessment report concluded that these sort of noise levels would not be experienced.

The results of the noise report submitted in support of this application rely on the source noise being controlled and the event managed and monitored correctly. While I do not currently have evidence of the noise levels being exceeded, anecdotally the confidence in management of events would appear to be a concern.

Artificial light

Similarly to my above comments regarding noise, I am also concerned that the potential impact of artificial light from the site has not been properly assessed. As stated, the creation of a 'festival' site could introduce a number of light sources with the potential to adversely impact the amenity of nearby residential properties.

Therefore, I would like to change my position to an objection on the basis of insufficient information to reflect the true impact of noise and artificial light from the development.

Additional comments received 21st October 2021 –

I have met with the applicants to discuss the noise issues raised in my previous email. Before I make any further comments, and recommend conditions, specifically regarding music from the marquee, could I ask the applicants to provide as much detail as possible please regarding their proposals to provide overnight camping?

As previously stated, this aspect would appear to be very much part of the plan, however it has not yet been fully considered due to its absence from the application and supporting documents.

Additional comments received 12th November 2021 -

Re: 21/0422/FUL | Erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit | Land Near To St Mary The Virgin Church Trelystan Welshpool SY21 8LD.

Noise

To clarify my position on this one, unfortunately I have to disagree with the noise report that concluded there will be no noise impact from this development. Any noise report submitted at the planning application stage is by definition a prediction. I appreciate the fact that it is planned to locate the marquee in a slightly different position than that used this year. However, the use of the marquee this year has demonstrated that in reality there will be an unavoidable noise impact on nearby residents. Also, it has come to light that the site will be used for overnight camping which will create an additional source of noise.

Therefore, I object to the application unless the following conditions are applied to any permission granted:

- Music shall not take place anywhere on the site except within the marquee identified on plan 20 1107A (03).
- All live and recorded music at the site shall finish no later than midnight.
- Prior to the first beneficial use of the site, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Plan shall include details of an acceptable noise limit at a noise monitoring location within the boundary of the development. It shall also include details about how camping at the site, associated with the development, will be managed to control the impact of noise.
- Use of the development shall be restricted to a maximum of 6 events per calendar year with a minimum of 14 days separation between events.

Additional comments received 2nd December 2021 –

Thank you for sending me the noise consultant's rebuttal to my previous comments.

I hope my previous comments have not been taken as a criticism. I have no reason to suggest that the noise monitoring and calculations presented in the report are not accurate. However, as a model for predicting the actual noise levels emanating from the site, there are clearly some aspects that have not been taken into account which will be present in real life (and have probably contributed to the complaints received). Therefore the report must be read as an indicative prediction, and its limitations need to be noted.

The noise report was prepared by playing music from a sound system at a set level. Noise measurements were made in close proximity to the noise source and at a distance. In addition to this, noise predictions were then made based on the fact that the application site is in a slightly different location from the measurement site. A few examples of how the reality of actual events may have differed (and might differ in future) are as follows.

Bass tones

The report does not make mention of any tonal aspects that can be present in music noise. The main example of this is the low frequency tone commonly referred to as the 'bass'. Bass tones can be annoying even at low levels, and can often be heard at greater distances than higher frequency tones. In addition to this, noise barriers which can be effective against higher frequency tones, are less effective against bass tones. As bass tones are present in a lot of popular music likely to be played at wedding receptions, it is important to expect disturbance from this type of noise.

Live bands

The report does not make mention of the effects of noise from a live band. One significant difference between the playing of recorded music and the playing of a live band, is that not all elements of a band can be controlled. For example, drums and other percussive instruments often do not run through the amplification system, and are therefore not subject to noise limiters.

People noise

The potential effect of people noise cannot be underestimated. I do not know the exact limit on the number of guests at the wedding receptions, but it is likely that guests will sing along to the music. In addition to this, there will also be the sound of guests laughing and shouting.

Camping

Over the summer just gone, there were apparently a number of guests camping at the site on the nights before and after the weddings. As stated previously, this can have the effect of turning the site into something more akin to a weekend festival site. From my experience of such sites, I know that people who are camping have been known to bring their own stereos to play music, to bring their own musical instruments, and even to let off fireworks in the middle of the night. This is all in addition to the sound of voices shouting/laughing/singing which, in the middle of the night in such a quiet location, have the potential to create a large negative noise impact on the area.

There will also be a certain amount of disturbance at the end of the night as vehicles (taxies, minibuses etc.) collect waiting guests from the venue.

I do not know of any other site in the county that has gone from being a field to an outdoor music event venue that operates for more than 6 days per year. Typically, wedding reception venues have indoor space and therefore can control noise emissions much more effectively.

Hopefully my examples above provide some further background for my previous comments on this application. I stand by my suggested conditions mentioned previously.

Additional comments received 22nd December 2021 -

Re: 21/0422/FUL | Erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit | Land Near To St Mary The Virgin Church Trelystan Welshpool SY21 8LD.

Further to my previous remarks in relation to noise issues from the development, I have taken into account all of the correspondence received from the noise consultant. It has

also been confirmed that any associated camping activities can take place under permitted development rights and, as such, will not form part of this application.

Given that control of noise from the development can be achieved by the use of planning conditions, it will not be necessary to put a limit on the number of events that can take place. However, in order to ensure the effective control of noise, it will be necessary to refine those conditions to set an acceptable noise limit and to require the applicant(s) to monitor and record noise emissions from the site to confirm compliance.

Therefore, I would like to change my recommended conditions to the following:

Condition 1

The level of noise emitted from the site shall not exceed $L_{Aeq (15 \text{ min})}$ 30 dB at any time as measured at Church House Farm.

(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.)

Condition 2

All live and recorded music at the site shall finish no later than midnight.

Condition 3

Prior to the first beneficial use of the site, a Noise Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved throughout the lifetime of the development. The Plan shall include details of how events will be managed and monitored to control the impact of noise. This should include a provision for record-keeping in relation to noise monitoring and a protocol for how the applicant(s) can be contacted directly by anyone affected by noise.

PCC – Countryside Services

No comments received at time of writing report

PCC-Built Heritage Officer

25th May 2021

Background to Recommendation

Designation

Cadw ID 19546 Church of All Saints grade II* included on the statutory list on 26/10/1953

Cadw ID 7721 Lower House included on the statutory list on 26/10/1953

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 asset

LDP Objective 13 - Landscape and the Historic Environment

Comments

The proposal is for the erection of a marquee on land in close proximity to Church of All Saints for wedding receptions. I note the previous application 20/0284/FUL which was refused.

The Church is an isolated building high up on Long Mountain and situated E of a minor road between Leighton and Marton. The church is reached down a private track and has a woodland plantation to its East. An early C15 church thoroughly restored in 1856, although its early roof survives. C15 arched-braced roof with some C19 timber, alternate bays of which have hammer beams (said to have been sawn off tie beams and now with iron ties inserted through them), and cusped wind bracing. The walls are boarded with pitch pine. Flagstone floor with C17 and C18 memorial slabs in floor at E end. Five-light

fragment of medieval rood screen; plain benches, Perpendicular-style octagonal font. The E window glass shows the Garden of Gethsemene, and is said to be by David Evans of Shrewsbury. The building is listed as grade II* as the only surviving timber-framed church in Montgomeryshire, retaining good external character and internal detail.

Lower House is located approximately 0.4km SE of Trelystan church and situated at the end of a farm road on the E side of a minor road between Trelystan and Marton. A C18 house with integral servants' wing, to which single-storey wing was added late C18. The property is a one-and-a-half storey house consisting of a main range with rear wing, forming an L-plan, with single-storey wing added to rear wing. Timber-framed in square panels with brick nogging painted white, and with slate roof. External stack to R; axial stack to L of centre. The main range is 2-unit with an additional unit to L with a separate entrance. Three dormers have 2-light small-pane casements while the lower storey windows have 3-light casements with transoms. The buildings is included on the statutory list as a good, late example of the local tradition of timber framing retaining its original character.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May 2017 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 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. It is noted that no such assessment accompanied the application.

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"

I note the Heritage Impact Assessment undertaken by Green Planning Studio. I

acknowledge that the location of the marquee has changed from the previous application to be not directly adjacent to the church and the access road to the church which is on higher land than the church but is sited to the north of the access road, which is a more appropriate location. I also note that the marquee roof will be blue black to mimic slate roof which is welcomed.

However the Heritage Impact Assessment has identified that the proposed marquee would have a visual impact on the setting of the Church of All Saints and to a much lesser degree the setting of Lower House. Whilst I would not consider that the proposal would harm the setting of Lower House, I would agree that the proposal would have a harmful impact on the setting of in a visual sense and also non visual to the Church of All Saints. Paragraph 1.26 of TAN 24 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.

It is therefore considered that the proposal has the potential to harm the non visual aspect of the Church of All Saints through the loss of tranquillity or introduction of noise in an otherwise quiet location. This consideration perhaps has a greater significance when applied to Church buildings than to secular buildings.

However I note the comments from the Highway Authority which seek to restrict the numbers attending the events but also to restrict the use of the marquee so that it cannot be used independently of the church and can only be used for wedding receptions after the service at the church.

I understand that this is something that is being considered. If such a condition/section 106 or unilateral undertaken were in place thereby restricting the use of the marquee for events only in association with the church - presumably weddings/ blessings/ christenings etc then it could be argued that the non visual harm such as noise, disturbance from the Marquee would effectively be addressed as both the Church and the Marquee would be in some respects a joint venture albeit with 2 different landowners and as such the benefits to the Church would be obvious.

I would have some concern if the marquee could be used for any event - especially if a Saturday night event, however by working in association, I am assuming that the church car parking is being offered by the Church as the guests would have attended a church service and then move onto the Marquee and if there were any conflict with the loss of the car park for visitors to a separate church service then it is the control of the Church to prevent future use of the car park.

I also note the tight area of the application site which differs from the previous application that was a larger site to permit camping and other temporary structures to be erected,

and camping was advertised on the website for guests. As the application does not include camping or any other structure other than the marquee and disabled toilet, I am therefore assuming that no such uses are being considered as part of this application. Again this is welcomed due to the harm that such activities could pose to the grade II* listed Church. I would request that an informative be included in the decision reminding the applicant that the only structures hereby approved by this permission are the structures included in the application and as such any camping or other such temporary structures on the site or the adjacent site may require planning permission.

Whilst it is acknowledged that there will be some visual impact on the Church by the introduction of the marquee, it is also acknowledged that should the suggestion by the highways authority be included as a condition/section 106/unilateral undertaking then many of the concerns previously given could be alleviated. I also note that there are permitted development rights for the erection of a marquee for a much lower time period which is also a consideration. Noting that the building is temporary is also reassuring, however in addition to the months of the year limitation, I would be grateful if consideration could also be given to an end time limit for the marquee after which the permission would have to be renewed, such as 10 years or similar.

Noting the revised location of the marquee, the smaller site and that no other structures are being proposed, and that it is anticipated that the use of the marquee would be restricted to events in association with the Church and following a church service. As such it is considered that the proposal has the potential to have the same positive benefits as a large Church Hall but similar to a Church Hall would be sited in proximity to the church and as such have the potential to impact on its setting.

As such provided that there is a unilateral undertaking in respect of the marquee being used for events linked to the Church, I would consider that my concerns in respect of the previous application would be addressed and subject to the unilateral undertaking/s 106 agreement I would raise no objections to the current application.

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"

PCC-Ecologist

18th May 2021

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 1 record 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 mistle thrush.

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

One non-statutory designated sites were identified within 500m of the proposed development;

- o Trelystan Road Verge Nature Reserve (RVNR) - approximately 232m from the proposed development

The proposed development is located within the boundaries of an existing agricultural field adjacent to a woodland and existing church and is likely to impact areas of semi-improved grassland, a habitat considered to be of relatively low ecological value.

Wildlife Sensitive Lighting

I have reviewed the proposed external lighting plan detailed in section 5.23 of the submitted planning statement and illustrated on the submitted site layout plan. The measures proposed with regards to external lighting at the site are considered to be

appropriate and acceptable to minimise impacts to nocturnal wildlife at the site and in the wider environment.

It is recommended that adherence to the identified external lighting scheme is secured through an appropriately worded planning 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 measures could include:

- o Provision of bird and bat boxes including the details of the number, type and location of these boxes;

- o 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;

- o 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:

External lighting at the site shall be undertaken strictly in accordance with the details identified in section 5.23 of the submitted planning statement and illustrated on drawing number (03) 11 produced by Green Planning Studios. The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11,

February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to 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:

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

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

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

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.

Public Representations

Following the display of a site notice there has been 11 letters of support received and 10 letters of objecting to the proposed development. The main issues raised are as follows:

- Increase in traffic
- Concerns regarding the highway network
- Concerns regarding campsite being run in connection with the wedding business
- Concerns regarding noise impact
- Concerns regarding artificial lighting
- The development is out of keeping with the character of the area
- Landscape concerns
- Concerns regarding litter
- Concerns regarding no limit being placed on the number of weddings that can take place

Planning History

App Ref	Description	Decision	Date
P/2016/1221	Erection of Residential Extension	Consent	23rd Jan 2017
DIS/2017/00 86	Discharge of condition no.3 (P/2016/1221	Approve	4th May 2017
20/0284/FUL	Erection of a temporary marquee	Refused	8th Oct 2020

Principal Planning Constraints

Within 50m of Listed Building
Right of Way
Mineral Safeguarding Sandstone Cat
2

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
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PPW	Planning Policy Wales (Edition 11, 2021)		National Policy
FWTNP	Future Wales: The National Plan 2040		National Policy
TAN5	Nature Conservation and Planning	2009	National Policy
TAN11	Noise		National Policy
TAN12	Design	2016	National Policy
TAN18	Transport	2007	National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment	2017	National Policy
DM2	The Natural Environment		Local Development Plan 2011-2026
DM4	Landscape		Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting		Local Development Plan 2011-2026
DM8	Mineral Safeguarding		Local Development Plan 2011-2026
DM13	Design and Resources		Local Development Plan 2011-2026
DM15	Waste Developments	within	Local Development Plan 2011-2026
SP2	Employment Growth		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
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
E6	Farm Diversification	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPG	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPG	Historic Environment SPG (2020)	Local Development Plan 2011-2026
SPG	Landscape	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Community Council area of Forden with Leighton and Trelystan. The proposed site is located approximately 4.5km to the south east of Welshpool, in the open countryside as defined by the Powys Local Development Plan (2018). The application site is in close proximity to the curtilage of the C15th grade II* listed building St Mary the Virgin Church (also known as Church of All Saints) which has a village hall and car park.

Farmland surrounds the site to the north, west and south with St. Mary the Virgin

Church approximately 90 metres to the south-east. Weddings are currently being offered utilising the marquee erected under the provisions of permitted development regulations.

Consent is sought for the erection of a temporary marquee for wedding receptions (between April and October each year), creation of access, installation of infrastructure and siting of a temporary toilet unit.

The proposed marquee will measure approximately 24 metres in length and 9 metres in width, reaching a height of 2.3 metre to eaves and 4 metres to ridge. The proposed marquee will be constructed using a metal frame with white pvc canvas sides. The proposed roof will be finished with a blue/grey canvas. The marquee would have clear plastic windows which would be south-facing. Parking will be alongside the track that leads from the public highway down to the site.

The other works associated with the development include the creation of a level platform for the marquee, a relocatable disabled toilet and a turning space and access tracks. A proposed 3.6m wide access track from the existing track to the marquee area will be created. Existing car parking at the church will also be utilised as part of the proposal.

Background

This application is a resubmission of application reference number 20/0284/FUL for the erection of a temporary marquee. The application was refused for the following reasons:

1. The development would create an unacceptable adverse impact on road safety, and is therefore contrary to the standards expected in LDP policy DM13 and T1. The application is therefore contrary to policies DM13 and T1 of the Powys Local Development Plan, Technical Advice Note 18: Transport and Planning Policy Wales.
2. Insufficient information has been submitted to fully assess the potential impacts of the proposed development on noise and light pollution. The proposed development is therefore contrary to policy DM13, part 11 of the Local Development Plan, and Planning Policy Wales (Edition 10, 2018).
3. The development would create an unacceptable adverse impact on built heritage, harming the setting of the listed building and therefore contrary to Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 Local Development Plan (2018) policies SP7 and DM13, Technical Advice Note 24 (2018) and Planning Policy Wales (2018).
4. The development would create an unacceptable adverse impact on landscape, and is therefore contrary to the standards expected in LDP policy DM4, and SPG Landscape.

5. The development is considered unacceptable in terms of design and is contrary to the standards expected in LDP policy DM13, and Planning Policy Wales (2018).

The applicant has attempted to address these reasons for refusal in this revised application. The applicant proposes a new location for the marquee, hedgerow planting, revised lighting, a new colour roof and the provision of a draft S106 legal agreement.

Principle of Development

Policy E2 of the Powys Local Development Plan states proposals for employment development on non-allocated sites will be permitted 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.

Policy E2 states the provision of new employment proposals within the open countryside is also supported where it can be demonstrated that such a location is justified by the nature of the proposal.

Quaint Country Weddings was set up in 2020 as a diversification from a family farm business. The farm has been in the family ownership since 1932. The farm no longer operates as a working farm therefore diversification provides a modern development in which to support the business owners. The first stage of the diversification was to operate the wedding venue under permitted development by hiring in marquee equipment to assist in setting up. The success of the pilot trials and interest of couples to celebrate their weddings at the venue led to the purchase of equipment to enable the business to provide a high-quality space and control of equipment.

In terms of the criteria above as set out within policy E2, the agent has submitted a business case to support the application to demonstrate that the location of the proposal is justified. Having considered the submitted Business Case it is considered that the location of the proposed development is justified and it is also noted that the marquee will only be erected between the months off April and October in any calendar year. The proposed marquee has been relocated to a different location from the previous application which was refused to ensure the siting of the proposal is acceptable. It is

therefore considered that sufficient information has been provided in the form of a business case and it is considered the location of the marquee is justified by the nature of the proposal.

Policy E6 of the Powys Local Development Plan states development proposals for farm diversification will be permitted where:

1. The proposed diversification will be of an intensity of use appropriate to the location and setting and will have no significant detrimental effect on the vitality and viability of any adjacent land uses, either individually or through cumulative impact;
2. Adequate provision is made for the parking of vehicles and the storage of materials/equipment; and
3. The construction of new, or conversions of existing buildings, that form part of the proposal lie within or immediately adjacent to the existing farm building complex.

As noted above Quaint Country Weddings was set up in 2020 as a diversification from a family farm business. The proposal would create an intensity of use which is therefore considered to be appropriate to its location and given that the proposal is a diversification measure it is not considered that it would impact the vitality/viability of the existing farm which has been demonstrated through the Economic Impact Statement submitted. Existing parking is located at the church and materials would be stored off site when the marquee is taken down. The proposed marquee is temporary in nature, though it has been assessed as a permanent feature. Due to farm diversification the venue will introduce new business and income to many local businesses as well as a strong support and a lifeline for St. Mary the Virgin Church.

In terms of the criteria of policy E6 the use of the proposed marquee would, through a S106 legal agreement, be tied to the adjoining church and church hall with numbers using the marquee limited to 150. This is considered to be within the capacity of the existing church. It also provides control over the intensity of use as opposed to operating under permitted development regulations.

It is considered that the principle of the proposal is acceptable, subject to the considerations below:

Design and External Appearance

With respect to design, specific reference is made to LDP policies DM13 (Part 1) and PPW. LDP policy DM13 and PPW require 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 proposed marquee will measure approximately 24 metres in length and 9 metres in width, reaching a height of 2.3 metre to eaves and 4 metres to ridge. The proposed marquee will be constructed using a metal frame with white pvc canvas sides. The

proposed roof will be finished with a blue/grey canvas. The marquee would have clear plastic windows which would be south-facing.

The previously refused application was proposed on an exposed plateau on the side of the wide valley. The revised location for the marquee is approximately 90m to the north, set amongst a backdrop of mature trees. While it proposes white elevations (one elevation being transparent windows), this would be offset to some extent by the proposed hedgerow and natural topography, with land rising from east to west. The proposed roof has been revised from white to blue/grey following concerns raised by the PCC Built Heritage officer, which is considered an improvement to the previously proposed white roof.

The temporary marquee is considered to be of an acceptable design and size and scale within this location. The minor change to the roof colour is a welcomed alteration and it is therefore considered the design and appearance of the marquee is acceptable within this location. It is also noted that landscaping in the form of trees and hedgerow planting is proposed as part of the application.

A condition will be attached to any consent granted controlling the time frame to which the marquee is erected and removed from site.

In light of the above and subject to the recommended condition, it is therefore considered that the design and external appearance of the proposed is consistent with LDP Policy DM13 and TAN 12.

Economic Impact

An Economic Impact Statement has been submitted in support of the proposal which highlights the potential economic benefit for local businesses and the adjacent Church. The Economic Report submitted demonstrates the economic potential of the proposal for the local community by employing local companies to carry out the wedding event services.

It is worth noting that the financial information provided has already been trialled via a number of weddings, under permitted development rights. These events took place during 2019 and 2020 season and it is noted that further bookings are in place for the 2022 and 2023 seasons.

The proposed development will support the local economy and increase the sustainability of many local companies as well as the adjoining church at Trelystan which is a grade II* listed building via hiring the Church and Church Hall facilities and donations to help sustain the future of the Church.

It is therefore considered that the proposal would have significant economic benefit consistent with Policy SP2 of the LDP (2018) and TAN 23.

Amenity

In considering the amenities enjoyed by the occupiers of local properties, consideration has been given to the LDP policy DM13 (Part 12).

PCC Environmental Protection has been consulted on the proposed development in terms of foul drainage, potential noise nuisance and artificial light. In relation to foul drainage, the proposal is to utilise a portable toilet unit with built-in storage. The PCC Environmental Protection officer raised no objection to the method of foul drainage.

In relation to noise, further to the officers previous concerns and objections in relation to noise issues from the development, the officer has taken into account all of the correspondence received from the noise consultant including the submitted Noise Impact Assessment. PCC's Environmental Protection officer noted given that control of noise from the development can be achieved by the use of planning conditions it would not be necessary to put a limit on the number of events that can take place.

However, in order to ensure the effective control of noise, it will be necessary to refine those conditions to set an acceptable noise limit and to require the applicant(s) to monitor and record noise emissions from the site to confirm compliance. Following additional information the officer raised no objection to the development subject to the inclusion of a number of noise conditions which will be attached to any consent granted.

In terms artificial light the PCC Environmental Protection officer noted the design and layout of the lighting scheme, the orientation of the development, and the topography of the area and noted there should be no adverse impact on amenity due to artificial light from the proposal.

In light of the above PCC Environmental Protection raised no objection to the proposal subject to the inclusion of the conditions regarding noise.

In light of the above and subject to the recommended conditions it is therefore considered that sufficient information has been submitted to demonstrate the proposal would not present an unacceptable adverse impact on the amenity of neighbouring dwellings and therefore the proposal is considered to be in accordance with LDP policy DM13.

Landscape

LDP policy DM4 and SPG "Landscape" deal with the impact of development proposals on the landscape. Landmap considers the area to be of high landscape value, with a strong sense of place / local distinctiveness. The landscape here is a wide valley with isolated farmsteads, small, scattered settlements and patches of woodland within an agricultural setting. Rights of way are located in close proximity to the site and one adjoins the area of the proposed track. It is not considered that the rights of way to the south and east would be significantly impacted. Views from the rights of way to the west and north west have been considered in the Landscape Impact Assessment submitted as part of the application considered below.

Initial concerns within the previously refused application stated that the proposed location did not take account for the lie of the land and the location of the marquee was considered to be intrusive to the landscape. The revised location (approximately 90m to the north) is considered to be an appropriate position, set within the backdrop of the mature trees and further away from the grade II* listed church which would be screened from the proposed marquee by the regrowth of the plantation between the two locations. It is noted that further landscaping is proposed in the form of hedgerow planting on the eastern and northern elevations. The location of the marquee has been carefully chosen to minimise the effects on the wider landscape and on the setting of the Church.

The application has been supported by a Landscape Impact Assessment (March 2021 – Green Planning Studio). The assessment provides a description of the site and the proposal, methodology, and an assessment of landscape and visual effects. The visual effect of the application proposal has been assessed from public view points. The assessment concludes that the proposed development, along with the increased activity that will inevitably result from the proposal will have a negative impact on the tranquillity of the area. However, the location of the proposed marquee has been carefully chosen to minimise the effects on the wider landscape. The visual impact on the landscape has been mitigated by careful choice of location, the colour of the marquee roof and proposed new planting. It is acknowledged that the proposed development also includes the creation of an access track to the marquee, having considered the proposed track it is not considered the access track will have a detrimental impact on the landscape. It is noted that tree planting has been proposed along a section of the access track with hedgerow planting beyond.

It is also noted that the proposed development includes ground works to create a flat platform for the marquee to be sited. As part of the application, site sections have been submitted to demonstrate the ground works required to create the flat platform. Having considered the proposed ground works required it is not deemed the proposal will have a detrimental impact on the landscape of the surrounding area.

Having considered the proposed location of the marquee and the amendments made to the roof colour and the landscaping proposed, it is considered on balance the proposal is deemed acceptable. A condition will be attached to any consent granted ensuring the implementation of the landscaping proposed.

It is therefore considered that the proposal would not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape in accordance with LDP Policies SP7, DM4 and the Landscape SPG.

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.

The application is supported by a highways statement report from the Hurlestone Partnership Ltd (22/2/2021), which was prepared to address concerns raised following refusal of planning application 20/0284/FUL.

The Highway Authority has reviewed the revised details submitted in support of the application and noted the applicant's comments that the proposed development does not include any land for the purposes of camping, and/or holiday letting.

The Highway Authority noted on the basis that the development and the Section 106 legal agreement as described on the application form dated the 8th of March 2021, the Highway Authority raised no objection to the development subject to the inclusion of a number of conditions.

In light of the above and subject to a number of conditions and the proposed Section 106 Legal Agreement the Highway Authority raised no objection to the development.

Built Heritage

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.

Policy SP7 seeks to protect strategic resources and assets from inappropriate development. Listed Buildings are listed within this policy under criterion 2 as assets to protect. Technical Advice Note 24 states the listed buildings are nationally important assets which represent a unique source of information about the past and make a valuable contribution to the quality and character of Welsh landscapes and townscapes. Special consideration should be given to the importance and grade of the building as well as its intrinsic architectural or historic interest especially the impact of the proposed works on the significance of the building. Attention should be given to the physical features of the building which justify its listing and contribute to its significance, including any features of importance such as the interior.

TAN 24 - The Historic Environment requires historic assets to be considered within the

planning process. A Heritage Impact Assessment (HIA) is the structured process that enables the significance of a designated asset to be assessed. The application has been supported by a Heritage Impact Assessment.

The application site is within close proximity to St Mary's Church which is a grade II* listed building (also recorded as All Saints Church by Cadw) which sits to the south-east of the proposed site and is surrounded by a stone wall. It is noted as being the only surviving timber-framed church in Montgomeryshire retaining good external and internal detail. The building is listed by Cadw as being an early C15th church which was thoroughly restored in 1856. The Cadw description of the Church is as follows:

“Consisting of nave and chancel under a single roof, with S porch, W bellcote and N vestry. Timber-framed with brick nogging painted white, on a rubble stone plinth with dressed coping. Slate roof. The S wall has, to R of porch, 3x2-light mullioned windows with trefoil heads and lattice glazing, with similar window to L of porch. The porch doorway has an arch with a pointed trefoil, while the side walls each have 2 small openings of cruciform shape. The porch is laid with red and black tiles in diaper fashion, and has a boarded S door.”

The application site is also within proximity of Lower House which is a grade II listed building. Lower House is located approximately 0.4km South East of Trelystan church and situated at the end of a farm road on the East side of a minor road between Trelystan and Marton. The Cadw description of Lower House is as follows:

“A C18 house with integral servants' wing, to which single-storey wing was added late C18. The property is a one-and-a-half storey house consisting of a main range with rear wing, forming an L-plan, with single-storey wing added to rear wing. Timber-framed in square panels with brick nogging painted white, and with slate roof. External stack to R; axial stack to L of centre. The main range is 2-unit with an additional unit to L with a separate entrance. Three dormers have 2-light small-pane casements while the lower storey windows have 3-light casements with transoms. The buildings is included on the statutory list as a good, late example of the local tradition of timber framing retaining its original character. “

Given the concerns raised on the previously refused application, the proposal is now located in a different position, approx. 90m to the north west of the Church with mature trees located between the proposed marquee and the church. Woodland continues to the east of the proposed site and north of the church. The application also proposes significant screening by way of a hedgerows adjacent to the eastern and northern elevations.

The PCC Built Heritage officer has been consulted on the development and noted the Heritage Impact Assessment undertaken by Green Planning Studio. The officer acknowledged that the location of the marquee has changed from the previous application to be not directly adjacent to the church and the access road to the church which is on higher land than the church but is sited to the north of the access road,

which is a more appropriate location. The officer also noted that the marquee roof will be blue grey to mimic slate roof which is welcomed.

The Built Heritage officer acknowledged the Heritage Impact Assessment has identified that the proposed marquee would have a visual impact on the setting of the Church of All Saints and to a much lesser degree the setting of Lower House. The officer noted whilst she does not consider that the proposal would harm the setting of Lower House, however would agree that the proposal would have a harmful impact on the setting of in a visual sense and also non visual to the Church of All Saints.

Paragraph 1.26 of TAN 24 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.

It is therefore considered that the proposal has the potential to harm the non visual aspect of the Church of All Saints through the loss of tranquillity or introduction of noise in an otherwise quiet location. This consideration perhaps has a greater significance when applied to Church buildings than to secular buildings.

The officer noted the comments from the Highway Authority which seek to restrict the numbers attending the events but also to restrict the use of the marquee so that it cannot be used independently of the church and can only be used for wedding receptions after the service at the church.

The officer noted such a condition/section 106 or unilateral undertaken were in place thereby restricting the use of the marquee for events only the non-visual harm such as noise, disturbance from the marquee would effectively be addressed.

The officer also noted the smaller site area of the application site which differs from the previous application that was a larger site to permit camping and other temporary structures to be erected, and camping was advertised on the website for guests. As the application does not include camping or any other structure other than the marquee and a disabled toilet, the officer therefore assumes that no such uses are being considered as part of this application. The Built Heritage officer welcomed the amended site area due to the harm that such activities could pose to the grade II* listed Church.

The officer requested that an informative be included in the decision reminding the applicant that the only structures hereby approved by this permission are the structures included in the application and as such any camping or other such temporary structures on the site or the adjacent site may require planning permission. The officer acknowledged that there will be some visual impact on the Church by the introduction of the marquee.

The officer also noted that there are permitted development rights for the erection of a marquee for a much lower time period which is also a consideration. Noting that the building is temporary is also reassuring, however in addition to the months of the year

limitation, the officer noted if consideration could also be given to an end time limit for the marquee after which the permission would have to be renewed, such as 10 years or similar.

Noting the revised location of the marquee, the smaller site and that no other structures are being proposed, and that it is anticipated that the use of the marquee would be restricted. The officer noted it is considered that the proposal has the potential to have the same positive benefits as a large Church Hall but similar to a Church Hall would be sited in proximity to the church and as such have the potential to impact on its setting.

The officer concluded as follows, provided that there is a unilateral undertaking in respect of the marquee being used for events linked to the Church, the officer considers that the concerns in respect of the previous application would be addressed and subject to the unilateral undertaking/s 106 agreement, the officer raised no objections to the current application.

Officers therefore consider that the proposed development would not detrimentally harm the setting of the listed buildings, having had special regard to this, and is in accordance with relevant planning policy and in particular LDP Policy SP7.

Ecology

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 has been consulted as part of the application. One record of protected and priority species within 500m of the proposed development with no records found for the site itself. 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 (Trelystan Road Verge Nature Reserve (RVNR) – approximately 232m from the proposed development).

The Ecologist noted the proposed development is located within the boundaries of an existing agricultural field adjacent to a woodland and existing church and is likely to impact areas of semi-improved grassland, a habitat considered to be of relatively low ecological value.

With regard to external lighting, it is recommended that adherence to the identified external lighting scheme is secured through an appropriately worded planning condition, which will be attached to any consent granted.

As the application has not indicated any proposed biodiversity enhancements, a condition has been included to secure the submission of a biodiversity enhancement plan prior to the commencement of development. A condition will also be attached to any consent granted securing the implementation of the landscaping proposed in the form of native hedgerows and tree planting.

It is therefore considered that this application, subject to the recommended conditions and informative note, is acceptable in relation to ecology and in particular, LDP policy DM2 and the Biodiversity SPG.

Minerals Safeguarding

The application site is located within a Category 2 Sand and Gravel Minerals Safeguarding Area. As such, consideration must be given to Policy DM8 of the Powys LDP (Minerals Safeguarding). This policy can be read as follows;

“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 an area which has been designated for sand and gravel mineral safeguarding. Given the nature of the site and the proposed development being temporary in nature it is concluded that the proposal complies with the criteria of Policy DM8.

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

Public Footpath

It is acknowledged that Public Footpaths 259/19/1 and 259/28/1 run in close proximity to the proposed development. PCC Countryside Services has been consulted on the development, however no comments have been received at the time of writing this report.

Having reviewed the location of the public footpaths in connection with the proposed development it is not considered the development will impact upon the public footpaths. An informative note will be attached to any consent granted.

In light of the above and subject to an informative note it is therefore considered the proposed development fundamentally complies with relevant planning policy.

Section 106 Legal Agreement

The applicant has provided a draft s106 agreement, which has been shared with Powys County Council Solicitor, with the following two undertakings defined in the second schedule:

- 1 If Planning Permission is granted by the Council:
 - a. For the lifetime of the Development to only use the Development for wedding events held following a marriage ceremony at the Church and/or the Hall and/or the temporary marquee permitted by the Development
 - b. For the lifetime of the Development, to restrict use of the Development to events with, no more than 150 guests at any given time.

The definition of “wedding event” and “marriage ceremony” are as follows:

- 1) " wedding events" any celebrations that follow a marriage ceremony.
- 2) “marriage ceremony” a ceremony that results in or celebrates a relationship between two people.

The use of the proposed marquee would, through the S106 legal agreement, be tied to the adjoining church and hall with numbers limited to 150 guests. This is considered to be within the capacity of the existing church.

The applicant currently operates weddings from the site. These weddings utilise the marquee erected under the provisions of permitted development regulations, which permit such events to occur for 28 days per calendar year. It is noted that the existing activity has no restriction on visitor numbers, or times during the year when the marquee can be erected

It is acknowledged that the PCC Built Heritage noted consideration should be given to an end time limit for the marquee after which the permission would have to be renewed, such as 10 years or similar. Having considered the Built Heritage Officer’s suggestion, it is not considered necessary to attach a condition restricting the time frame of the development and a condition to this effect would not meet the 6 tests of being necessary, precise and enforceable, and ensuring conditions are effective and do not make unjustifiable demands of applicants as set out within the Welsh Government Circular 016/2014: The Use of Planning Conditions in Development Management.

In the light of the above, it is considered that the application is in accordance with the local and national policy context. The recommendation is for one of conditional consent

subject to a S106 Legal Agreement.

RECOMMENDATION – Conditional Consent Subject to S106

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: Site Location Plan 20 1107a (90) 10 rev A; Marquee Plan 20 1107a (03) 12; Site Layout 20 1107a (03) 11, 20 1107A (03) 11 & 20 1107A (90) 10 Rev A, Economic Impact Statement, Planning Statement dated March 2021, Landscape Impact Assessment dated March 2021, Bespoke Wooden Bollards, Highway Statement Report Hurlstone Partnership Ltd (22/2/2021), Noise Impact Assessment by TGS Acoustic.
- 3 External lighting at the site shall be undertaken strictly in accordance with the details identified in section 5.23 of the submitted planning statement and illustrated on drawing number (03) 11 produced by Green Planning Studios. The measures identified shall be adhered to and implemented in full and maintained thereafter.
- 4 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.
5. All planting, seeding or turfing comprised in the approved landscaping plan drawing no: (20 1107A) (03)11 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.
6. Prior to the first beneficial use of the development the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 25 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

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

8. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material, 60mm of bituminous macadam binder course material and be finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

9. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 60 cars and two heavy goods vehicles together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

10. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

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

13. The marquee hereby approved shall only be erected on site between 1st April and 31st October each year. The marquee shall be taken down and removed from site on/or before 31st October in any calendar year.

14. The level of noise emitted from the site shall not exceed $L_{Aeq(15\text{ min})}$ 30 dB at any time as measured at Church House Farm. (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.)

15. All live and recorded music at the site shall finish no later than midnight.

16. Prior to the first beneficial use of the site, a Noise Management Plan shall be

submitted to and approved in writing by the Local Planning Authority and shall be implemented as approved throughout the lifetime of the development. The Plan shall include details of how events will be managed and monitored to control the impact of noise. This should include a provision for record-keeping in relation to noise monitoring and a protocol for how the applicant(s) can be contacted directly by anyone affected by noise

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 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.

4 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.

5. To comply with Powys County Council's Policies LDP DM2 and DM4 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 In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

7 In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

8. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

9. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

10. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

11. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

12. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2018), Planning Policy Wales (2018) and Technical Advice Note (TAN) 18: Transport (2007).

13. In order to ensure control of the use as a temporary marquee and to prevent the establishment of permanent structure.

14. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11.

15. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11

16. In order to control the level of noise associated with the development and to ensure the proposal does not have a detrimental impact on the neighbouring amenities of neighbouring properties in accordance with policy DM13 of the Powys Local Development Plan and TAN 11

Informative Notes

- 1 The only structures hereby approved by this permission are the structures included in the application and as such any camping or other such temporary structures on the site or the adjacent site may require planning permission
- 2 Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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

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 – Highways

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

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

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

3. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
4. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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

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

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

PCC – 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.

We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- 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.

- Legal Diversion – If development will directly affect a public right of way and the affected public right of way cannot be appropriately incorporated into the development, the developer will need to seek advice from the council. No development can take place on a public right of way until a legal order is confirmed by the council.

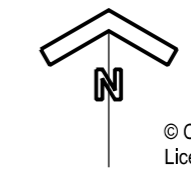
A legal public path order process typically takes at least 6 months. This is a separate procedure for which a fee applies. For more information please discuss with Countryside Services at the earliest available opportunity.

For advice, please contact Powys County Council Countryside Services with details of the development at:




rights.of.way@powys.gov.uk

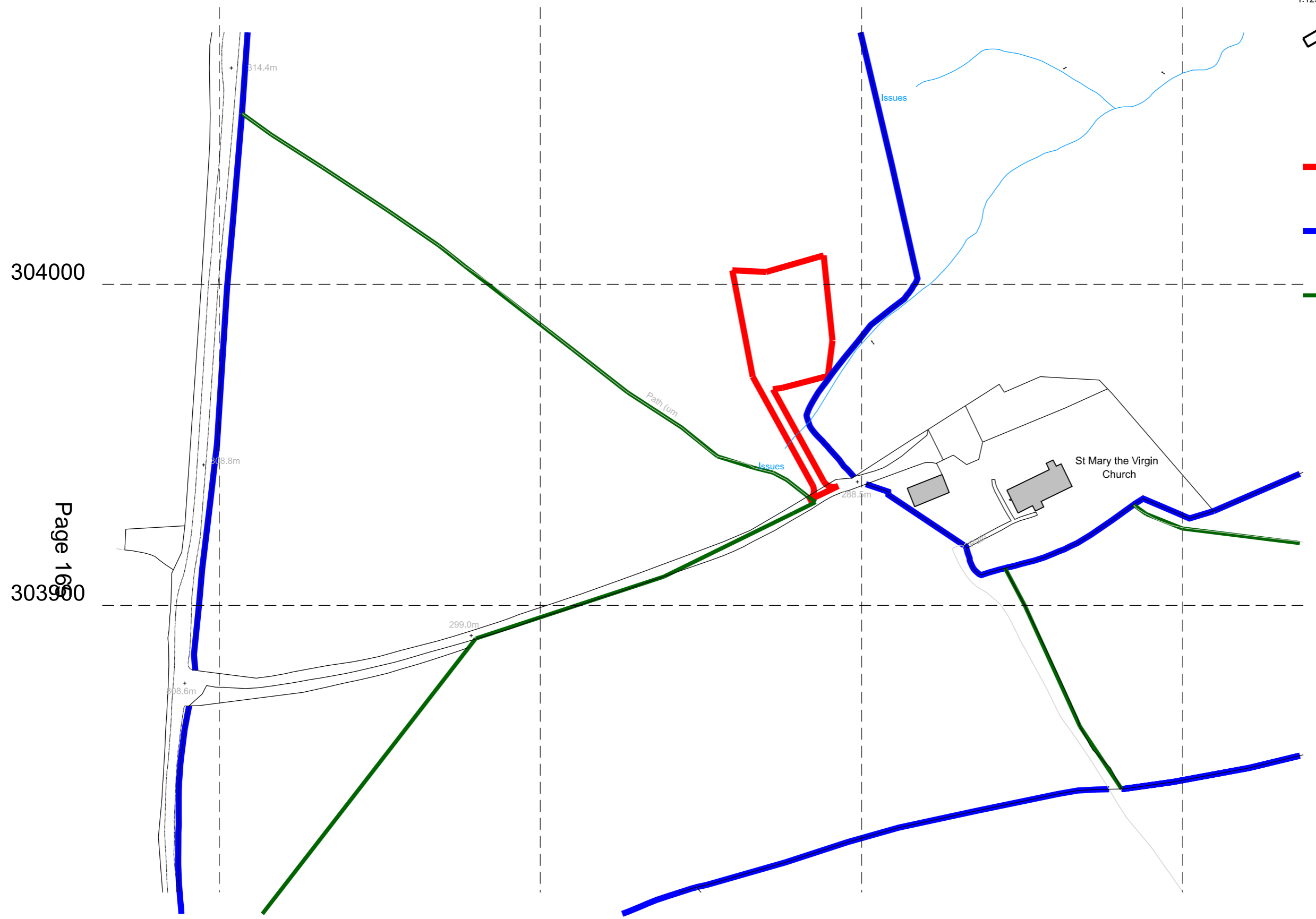
01874 614057

Case Officer: Luke Jones, Principal Planning Officer
Tel: 01597 827115 E-mail: luke.jones@powys.gov.uk



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-  Red Line Boundary
-  Blue Line Boundary
-  Public Footpaths



Land at St Mary the Virgin Church
Trelstan
Welshpool
Powys
SY21 8LD

OS Location Plan
20 1107A (90) 10 rev A

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Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1241/FUL **Grid Ref:** E: 294486
N: 299084
Community Council: Carno Community Council **Valid Date:** 30.09.2020

Applicant: Corrine Adlington

Location: Glanhanog Isaf Barns, Glanhanog Isaf, Carno, Caersws, Powys SY17 5JU

Proposal: Conversion of existing barn to 5 holiday let units, the change of use of an agricultural building to a communal recreational area and all associated works.

Application Type: Full Application

The reason for Committee determination

The Local Member has exercised their right to call-in the application for Committee determination on the grounds of the public interest and planning history of the site.

Consultee Responses

Consultee

Received

Carno Community Council

22nd Oct 2020

1. Access A470/Site.

The proposed access from the A470 to site is completely inadequate for the level of traffic that will be generated by the proposal. The high level of accidents that have occurred along this stretch of the A470 at this location is a well-documented. The occupiers of the lets will be unaware of the danger entering and leaving the site will pose.

The Council understands that the current sight lines from the access along the A470 are inadequate for a road with a speed limit of 60 mph.

The Council also questions the validity of the statement made in the application to justify the proposed access. It states, ' the overall traffic is likely to decrease from the current permanent agricultural use'. No statistics have been submitted to support this statement. The Council is aware that there has been minimal agricultural traffic using the site for

many years. In addition, no mention is made regarding the traffic (including HGVs) generated from an adjoining manufacturing facility which uses the same access.

(For information, the Council can find no planning permission for facility on the Powys website).

2. Flooding.

Local knowledge confirms the site is liable to flood and this is confirmed when reviewing the NRA Flood Plain maps. This is contrary to the statement made in the application.

3. Overdevelopment of the Site.

With the adjoining development approved under P/2018/0050, and the adjoining, manufacturing facility, the Council believes that the site is being overdeveloped. In particular, the ability of the adjoining stream to cope with the output from the two treatment plants and increased number of soakaways.

In conclusion, the Community Council wishes to lodge a strong objection to the proposal. To this end the Council asks that the application is 'called in' to be decided by the Planning Committee rather than under Officer Delegation. We have discussed this with our Powys CC Ward Councillor, and he is in full agreement. The Council further believes that it would benefit the decision-making process if a site visit were to be made.

Additional comments received 13th January 2021 -

The Community Council objected to the above application and has received copies of letters of objection that have been submitted by adjoining properties.

The latest correspondence received by the Community Council relates to the Vehicle Movement Survey requested by the Trunk Road Authority and was submitted by the applicant's agent on 26.11.2020.

Following examination by the Council, we would like it recorded that the Council shares the concerns about the data that has been provided. In the correspondence we have received (which I also understand has been sent to Powys CC) it has been pointed out that:

1. How can daily figures be recorded for existing vehicle movements by residents/domestic deliveries when there are no residential properties on the site.
2. Local knowledge says that there has been minimal agricultural activity at the site for many years and none since the site was purchased by the current owners.

The Council would also like to add that no reference is made to the usage generated by traffic from the lane through Glanhanog Farm to properties beyond, an entrance, which can be seen from the plans, almost merges with that from the proposed development.

Part of the problem arises from a lack of information about the methodology used which would/may have helped clarify the information. As it stands, the report should not be taken as defacto until the issues that have been raised are fully addressed.

On behalf of Cyngor Cymuned Carno Community Council

PCC-Building Control

No comments received at the time of writing this report

Councillor George

20th Oct 2020

In accordance to planning protocol may I draw your attention to Application Ref No. 20/1241/FUL, Grid Ref: E:294486 N:299084 conversion of existing barn to 5 holiday let units, to include demolition of an outbuilding and all associated works.

I have been approached by many residents in this immediate area who have major concerns about this application and also have grievances to previous developments.

I have also had discussions with Carno Community Council whose members have unprecedented knowledge of this site and are adamant that their views as a Community Council are heard and respected.

Please accept this email as notice to call the above planning application in.

CPAT

15th Oct 2020

The Glanhanog Isaf outbuilding is not currently recorded on the Historic Environment Record, but it is clear from early OS maps and photos in the ecological report that this is a traditional stone and timber framed barn of local vernacular interest, which dates to the late 18th and 19th centuries with later additions. It retains original timber framing, feeding stalls, floors and stone wall detailing in doors, windows and vents. As elements of the historic layout, function, fixtures and fittings will inevitably be lost through the conversion process it is important that a record of the building in its current form is made.

We would therefore recommend that suitable building recording is completed prior to the conversion works commencing to obtain a permanent record of the buildings in their present form. In this case we would advise that a Level 2 survey is completed in

accordance with the Planning Policy Wales (Dec 2018) and TAN 24 (May 2017) guidance and an appropriate condition is supplied below. The Level 2 survey would include a detailed photographic survey, written descriptive survey and a measured survey using annotated architects plans.

The condition in this case would be:

Suggested planning condition to facilitate a programme of historic building recording, the equivalent of an Historic England Level 2 building survey, in order to allow an adequate analytical record of the buildings to be made prior to alteration.

No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the local planning authority.

The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment

Record.

Reason:

To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded.

I have attached a brief for the Level 2 survey and guidance on sources of archaeological contractors who may wish to tender for this work. The chosen archaeological contractor will need to submit a WSI (written scheme of investigation) document to me for approval before they can commence works on site.

Advice

1. The application proposal involves the conversion of an agricultural building to form a residential units/holiday lets. Agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any building constructed before 2000 may have asbestos products which should be considered.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) 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."

3. In respect of contaminated land paragraph 5.55, of the Welsh Government (WG) circular 'The Use of Planning Conditions for Development Management' (ref: WGC 016/2014), states that: "Conditions might also be imposed requiring the developer to draw to the attention of the planning authority the presence of significant unsuspected contamination encountered during redevelopment".

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

4. Based on the available information and current planning guidance, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application:

Potential Contamination

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

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the

local planning authority, prior to commencement of use of the development.

Hafren Dyfrdwy

6th Oct 2020

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

PCC – Highways

12th Oct 2020

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

PCC - Environmental Protection

9th Oct 2020

Thank you for the consultation in respect of this application. Please could the applicant confirm the size of the treatment plant which they are proposing and demonstrate that it is sufficient for the size of the development.

In addition please can they also confirm where the treatment plant will be discharging too.

Additional comments received 15th October 2020 –

Thank you for the clarification. Further to this information I have no objection subject to the necessary discharge consent being sought from NRW.

Having reviewed the plans again, I recall that there is also a business operating from the site, or at least a storage shed for materials. In order to avoid future conflict of land use and to protect amenity onsite I would strongly recommend a condition tying the use onsite together

Additional comments received 28th June 2021 -

Further to our discussion in relation to the updated plans, I can confirm that Environmental Protection have no objection subject to my previous comments.

PCC – Countryside Services

No comments received at the time of writing this report

Thank you for the opportunity to comment on planning application 20/1241/FUL which concerns an application for conversion of existing barn to 5 holiday let units, to include demolition of an outbuilding and all associated works at Glanhanog Isaf Barns, Glanhanog Isaf, Carno, Caersws, Powys SY17 5JU.

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 1 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 pipistrelle bat.

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

A preliminary bat roost assessment by Cambrian Ecology Ltd, dated 26th June 2020 has been submitted with the application. I consider that the survey methods and effort employed were in accordance with current National Guidelines.

The survey report details the findings of an internal and external inspection of the stone outbuilding and of two activity surveys. The internal inspection was undertaken on 28th May 2020. The outbuilding interior was separated into several single and two storey sections, with a slate roof in poor condition. The upper floor of the north-western end had been secured as a dedicated bat roost following previous planning approval for an adjacent development. No evidence of roosting bats was found during the inspection of the remainder of the building but several potential roost features were identified; raised ridge tiles, slipped and broken slates and crevices within the stonework. The surrounding habitat was considered to be of moderate potential for foraging bats. Two activity surveys were undertaken on 28th May 2020 (dusk) and 25th June (dusk). A static detector was left for 5 days (28th May -2nd June) in the upper storey of the building. Four bats; two common pipistrelles and two soprano pipistrelles, were identified emerging from east and west elevations and a roof ridge tile during the first survey. Three soprano pipistrelles were identified from the south-eastern gable end and the western elevation of the roof. The static detector recorded consistent activity by roosting common and soprano pipistrelle, as well as a flight behaviour (but not roosting) of *Myotis* sp.

The proposed development will result in potential disturbance of bats and will result in the loss of roosts for at least four individual pipistrelle bats. Therefore, a European Protected Species will be required for the proposed development.

Mitigation has been proposed for the roosts to be lost as a result of the current proposal. Roosting provision will be retained on the converted building through installation of fascia boards with gaps retained behind suitable for crevice dwelling bats such as pipistrelles. A suitable method statement of to inform works has also been provided. Enhancement has been proposed through improvement to the current designated bat roost in the north-western end of the building. Re-roofing will take place to install an unlined slate roof, with no breathable membranes permitted. The works will be undertaken prior to commencement of the proposed conversion of the remaining building.

Swallows were confirmed to use the outbuilding for nesting. Multiple alternative nest sites exist in an adjacent building and, therefore, it was considered there would be no adverse impact to nesting birds as a result of development.

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

Mitigation measures are to be identified clearly on the approved architectural plans.

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.

Therefore, should you be minded to approve the application the following conditions are recommended

The development shall be undertaken in strict accordance with the Proposed Plan, Drawing PL02 (floor plan showing bat roost). The measures identified shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

The development shall be undertaken in strict accordance with the bat mitigation and enhancement measures identified in section 9 of Glanhanog Isaf Long Barn, Carno Outbuilding Conversion Protected Species Survey, by Cambrian Ecology Ltd, dated 26th June 2020. The measures identified shall be adhered to and implemented in full and

maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

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

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

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

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.

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.

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

All: Having assessed the Planning Application Ref 20/1241/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

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

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

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

Additional comments received 16th July 2021 –

I have considered the flood risk issues and note from NRW's National Flood Hazard and Risk Maps, in particular, the Flood Risk from Surface Water and Small Watercourses, the potential for this site to be seriously impacted.

Attached is a screenshot (20.1241.FUL – flood Mapping_01) showing the extent and depth of flooding (during 'Low Risk' events), which indicates a depth greater than 0.9m in and around this location. The sewage treatment facility is also at risk from inundation and no doubt the internal areas of the proposed accommodation would be too.

Also attached is a screenshot (20.1241.Ful – flood Mapping_02) showing the hazard rating, which is case is rated at 'Danger for All' (during 'Low Risk' event).

Further information in respect to the Extent/Depth/Hazard ratings can be found on NRW website.

The LLFA would have serious concerns and would recommend that the LPA does not approve the application without there being detailed analysis to assess these risks further.

Additional comments received 10th January 2022 –

Having reviewed the submitted FCA in respect to this application, the LLFA would deem matters acceptable and would recommend as a minimum that the design of the build follow the flood mitigation measures outlined in the assessment.

Natural Resources Wales

21st Oct 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 01/10/2020.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you include the following documents within the condition identifying approved plans and documents on the decision notice:

- o Protected Species Survey: (Glanhanog Isaf Long Barn, Carno Out-building Conversion) Section 9 by Cambrian Ecology dated 26th June 2020

- o Proposed Plan Drawing: PL01(detailing bat roost area), by George and Tomos Architects dated March 20.

Protected Species

We note that the bat report 'Protected Species Survey: (Glanhanog Isaf Long Barn, Carno Out-building Conversion) by Cambrian Ecology dated 26th June 2020 has identified that four individual pipistrelle bats /roosts are present at the application site.

A European Protected Species (EPS) licence will be required to facilitate the proposals.

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. 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 (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

On the basis of the above report, 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.

We also 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.

In line with the 'Dear CPO' 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: An European protected species (EPS) Licence is required for this development.

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

It is an offence to deliberately capture, kill or disturb EPS or to 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/permits-and-permissions/protected-species-licensing/european-protected-species-licensing/information-on-european-protected-species-licensing/?lang=en>.

Development 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) authorizing the specified activity/development to go ahead.

Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

Foul Drainage

We note that the application information highlights that foul drainage for the converted barn will connect to the Package Treatment Plant (PTP) at the adjacent dwelling (which has already received planning approval). That the PTP is yet to be installed on the site and the plan is to install a larger PTP suitable for 20 persons (BioRock-treatment plant) as detailed in proposed Block Plan Drawing PL03A March 20.

Having considered this, we raise no further queries regarding this matter.

However, if a private drainage solution is to be progressed, the Applicant will need to apply for an Environmental Permit from us. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

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.

Advice for the Developer:

Works Near Watercourse and Pollution Prevention

NRW maps indicate that a watercourse is immediately adjacent to the application site. 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-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Environmental Management

All works at the site must be carried out in accordance with relevant PPGs: 'Working at construction and demolition sites' which are available on the following website:

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

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

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

Welsh Government Transport

22nd Oct 2020

I refer to your consultation of 2 October 2020 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

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

1. The applicant must provide the existing and proposed Annual Average Daily Traffic (AADT - vehicle movement values) for the access onto the A470 trunk road

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

Additional comments received 20th January 2021 –

I refer to your consultation of 09/12/2020 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

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

Additional comments received 12th March 2021 -

I refer to your consultation of 26/02/2021 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road directs that any permission granted by your authority shall include the following conditions:

The new access / junction and visibility requirements (approved in planning application P/2018/0050) shall be substantially complete and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport) prior to the commencement of any other works associated with the development.

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

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

Public Representations

Following the display of a site notice 5 letters of public representation have been received with 4 letters of objections received. The main issues raised are as follows:

- Out of keeping with the surrounding area
- Concerns regarding site access and highway infrastructure
- Increase in traffic movements from substandard access
- Concerns raised regarding siting of treatment plant
- Surface water flooding
- Incorrect details on application form in relation to site address
- Overlooking and loss of privacy concerns
- Noise issues
- Concerns raised regarding traffic movement data submitted.

A further representation has been received from Powys Ramblers which is as follows:

“Powys ramblers wish to comment on this application please.

The two rights of way close to the development site would not appear to be adversely affected by the proposed development. It will however be important to make sure that the routes of these rights of way are signed accordingly as they follow rather a convoluted route through the farm. Can this be included as an informative note if planning application is granted please. This will be especially important for the people who use the holiday lets in future. Can the applicant also please be informed about the importance of making sure that the right of way is not obstructed during any development works and is kept open throughout.

In looking at the location plan it looks as though the right of way might be blocked at the northern end of the site albeit out of the development area. Can this be checked out please and if this is the case can appropriate steps be taken please to ensure that a formal diversion is put in place or some other solution found.”

Planning History

App Ref	Description	Decision	Date
20/0366/DIS	Application to discharge conditions 6 and 12 of planning approval P/2018/0050	Approved	15/4/2020
P/2018/0050	Conversion of outbuilding into a dwelling and improvements to existing access and installation of a treatment plant	Conditional Consent	24/4/2018
P/2016/1311	Formation of access track and engineering works (retrospective)	Conditional Consent	16/2/2017
M/2006/0219	Conversion of farm buildings into 3 dwellings, installation of biodisc sewage treatment plant and alterations to vehicular access	Refused	8/5/2006

Principal Planning Constraints

Right of Way
 Trunk Road
 Open Countryside
 Surface Water Flooding

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
FWTNP	Future Wales: The National Plan (2040)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN 6	Planning for Sustainable Rural Communities		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets		Local Development Plan 2011-2026
DM2	The Natural Environment		Local Development Plan 2011-2026

DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM12	Development in Welsh Speaking Strongholds	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste within Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPG	Landscape	Local Development Plan 2011-2026
SPG	Biodiversity and Geodiversity	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 lies within the Community Council area of Carno and is located within the open countryside as defined by the Powys Local Development Plan (2018). To the north of the application site is an existing agricultural building which is within the applicants ownership and to the south is an existing agricultural building which has been granted consent for the conversion to a dwelling under planning permission (P/2018/0050) also to the south is the A470 trunk road. To the east of the application site is an existing residential dwelling known as 'Glanhanog Isaf' and to the west is an Unclassified Highway U2531.

Consent is sought for the conversion of existing barn to 5no. holiday let units, the change of use of an agricultural building to a communal recreational area and all associated works. The accommodation will comprise of 2no. 2-bed units and 3no. 1-bed units. The existing agricultural building is constructed from stone for the external walls and slate tiles for the roof and timber windows and doors.

The agricultural building measures approximately 28.6 metres in length and 6.5 metres in width. The agricultural building reaches a height of approximately 5.1 metres to eaves and 7.3 metres to ridge at its highest point.

The application also includes the change of use of an existing agricultural building to a communal recreational area in association with the tourism development. The proposal does not involve any alterations to the agricultural building proposed for a change of use.

Principle of Development

Local Development Plan Policy TD1 – Tourism Development, sets out the principle of development for tourism proposals of this nature. Policy TD1 can be read as follows;

“Policy TD1 – Tourism Development

Development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

- 1. Within settlements, where commensurate in scale and size to the settlement.*
- 2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:*

- i. It is part of a farm diversification scheme; or*
 - ii. It re-uses a suitable rural building in accordance with TAN 6; or*
 - iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
 - iv. It is not permanent in its nature.*
- 3. Accommodation shall not be used for permanent residential accommodation”.*

The application is located within the open countryside as defined by the Powys Local Development Plan (2018) and involves the re-use of a suitable rural building. TAN 6 states the following with regard to conversion proposals;

“Conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building”.

The application does include a structural report which concludes the existing structure is in a suitable condition for conversion. It is noted the damaged roof covering will require re-surfacing to a satisfactory standard. The structural report concludes the walls are in a sound condition and since there is likely to be very little increase in wall loadings, no structural problems are foreseen in carrying out a conversion as is proposed. The agricultural building is suitable for conversion without extensive alterations, rebuilding or extension.

It is therefore considered the proposed development re-uses a suitable rural building and fulfils the requirements of TAN 6. The principle of development is therefore acceptable, subject to a review of the design, character and landscape impact below.

Design, Character and Landscape Impact

With respect to design specific reference is made to LDP policy DM13 (Part 1). This policy indicates that development proposals will only be permitted where the development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing. TAN 6 states that; *“conversion proposals should respect the landscape and local building styles and materials. If a planning application is submitted for the re-use of a building which the planning authority considers has a significant adverse effect on the landscape in terms of visual amenity, it may be appropriate in connection with any proposed structural changes to impose conditions to secure an improvement in the external appearance of the building”.*

Given that the proposal seeks to utilise the majority of existing openings with a small number of new openings it is considered that the proposal seeks to retain the character of the existing agricultural building. The use of timber windows and doors is

welcomed as is the use of slate tiles for the roof. Overall, the design is considered to respect the character of the existing building in accordance with LDP Policy DM13.

The existing stone walls will be retained and repointed, where required. Timber boards are proposed to clad over existing blockwork areas, this will match the adjacent dwelling and replicate other agricultural buildings in the local vernacular. The proposed development does not include any extensions to the existing footprint of the agricultural building. It is acknowledged that the existing slate roof will be stripped given it is in a poor condition and will be re-covered in natural slates, with existing slates re-used where possible.

The amount of new glazing and flues has been reduced from the initial proposal and given the reduction in new openings and flues it is not considered the proposed development will have a detrimental impact on the character and appearance of the building. The proposed works are considered acceptable and will have minimal impact upon the character of the existing building.

In terms of landscape impact, LDP Policy DM4 seeks to ensure that proposed 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. The visual and sensory LANDMAP classification for the site is moderate:

LANDMAP describes the area as a traditional livestock farming landscape with a strongly defined field pattern - managed hedgerow boundaries and small to medium sized field patterns are a signature element for the aspect. The area forms part of the A470(T) and rail transport corridor and as such is an important thoroughfare and tourist route attracting development. Grazing types range from semi-improved grassland to marginal grazing on the upper slopes. Settlements tend to be small, clustered and other than Carno in the centre of the area have few facilities. Some new development has taken place in the form of caravan parks and light industrial development that need careful design to integrate into the existing field patterns. The Carno windfarms to the south are apparent, especially Carno 2 which is prominent on the skyline.

Given that it is proposed to use an existing building without major modification or any extensions, the proposed design of the holiday lets is considered acceptable and in keeping with the character and appearance of an agricultural building. It is therefore concluded that the proposal would not have an unacceptable adverse impact upon the valued characteristics and qualities of the landscape in accordance with LDP Policy DM4. The proposed development is considered to be of an appropriate size and scale within this location and it is also considered that the proposed conversion has been sensitively designed. The proposed change of use of the agricultural building to a communal recreational area does not involve any external alterations to the building and therefore the proposal will not have a detrimental impact on the character and appearance of the surrounding area.

It is therefore concluded that the proposal would not have an unacceptable adverse impact upon the landscape and retains the character of the existing agricultural building.

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

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by occupiers of neighbouring properties consideration has been given to the LDP Residential Design SPG & LDP: DM13 (Part 11).

It is acknowledged that application P/2018/0050 was granted conditional consent for the conversion of outbuilding into a dwelling and improvements to existing access and installation of a treatment plant. The barn conversion approved under application P/2018/0050 is sited in front of the proposed development, having considered the proposed development it is not considered the proposal will have a detrimental impact on the neighbouring amenities of the approved barn conversion given the distance between and siting. It is also noted that the approved barn conversion under application P/2018/0050 is within the applicants ownership.

The proposed development is not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy, overlooking or loss of light given the distance between.

In terms of noise and loss of privacy and disturbance PCC Environmental Health has been consulted on the proposed development and noted that there is also a business operating from the site, or at least a storage shed for materials on the site. The officer recommended in order to avoid future conflict of land use and to protect amenity onsite the officer recommended a condition tying the uses onsite together. Having considered the recommended condition it is not considered sufficient justification has been provided to attach this condition given that the proposed holiday lets where residents would only occupy the accommodation on a temporary basis, and the existing farm holding are both within the applicants ownership and therefore the recommended tie is not considered necessary. The proposed development, will however, be restricted to be used for holiday accommodation only.

The officer raised no objection in terms of noise to the change of use of the agricultural building to a communal recreational area in association with the holiday lets.

In light of the above and subject to the recommended condition, it is therefore considered that the proposed development complies with relevant planning policy.

Highways

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

The Local Highway Authority has been consulted on the proposed development and did not wish to comment as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government Transport.

Welsh Government Transport has also been consulted on the proposed development and requested the submission of an Annual Average Daily Traffic survey. Welsh Government Transport reviewed the attached survey and raised no objection to the development subject to the inclusion of a condition which will be attached to any permission granted.

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

Biodiversity

With respect to biodiversity specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The PCC Ecologist has 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 1 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 pipistrelle bat.

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

The PCC Ecologist has noted the preliminary bat roost assessment by Cambrian Ecology Ltd, dated 26th June 2020 has been submitted with the application and considers that the survey methods and effort employed were in accordance with current National Guidelines.

The Ecologist noted the survey report details the findings of an internal and external inspection of the stone outbuilding and of two activity surveys. The internal inspection was undertaken on 28th May 2020. The outbuilding interior was separated into several single and two storey sections, with a slate roof in poor condition. The upper floor of the north-western end of the building had been secured as a dedicated bat roost following previous planning approval for an adjacent development.

The PCC Ecologist noted no evidence of roosting bats was found during the inspection of the remainder of the building but several potential roost features were identified; raised ridge tiles, slipped and broken slates and crevices within the stonework. The surrounding habitat was considered to be of moderate potential for foraging bats. Two activity surveys were undertaken on 28th May 2020 (dusk) and 25th June (dusk). Four bats; two common pipistrelles and two soprano pipistrelles, were identified emerging from east and west elevations and a roof ridge tile during the first survey. Three soprano pipistrelles were identified from the south-eastern gable end and the western elevation of the roof.

The Ecologist noted the proposed development will result in potential disturbance of bats and will result in the loss of roosts for at least four individual pipistrelle bats. Therefore, a European Protected Species will be required for the proposed development.

The Ecologist noted mitigation has been proposed for the roosts to be lost as a result of the current proposal. Roosting provision will be retained on the converted building through installation of fascia boards with gaps retained behind suitable for crevice dwelling bats such as pipistrelles. A suitable method statement has also been provided. Enhancements have been proposed through improvement to the current designated bat roost in the north-western end of the building. Re-roofing will take place to install an unlined slate roof, with no breathable membranes permitted. The works will be undertaken prior to commencement of the proposed conversion of the remaining building.

The Ecologist noted swallows were confirmed to use the outbuilding for nesting. Multiple alternative nest sites exist in an adjacent building and, therefore, it was considered there would be no adverse impact to nesting birds as a result of development.

It is, therefore, recommended that adherence to the identified mitigation and enhancement measures are 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 mitigation measures, external lighting and approved plans.

NRW has also been consulted on the proposed development and raised no objection to the development subject to the inclusion of a condition regarding approved plans as requested by the PCC Ecologist.

In light of the above, and subject to the inclusion of appropriately worded conditions, it

is considered the proposed development complies with relevant planning policy.

Foul Drainage

Planning policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000.

The PCC Environmental Health officer has been consulted and noted further information is required to confirm the size of the treatment plant which they are proposing and demonstrate that it is sufficient for the size of the development. Following the submission of additional information the PCC Environmental Health officer raised no objection to the development subject to the necessary discharge consent being sought from NRW. Natural Resources Wales has also been consulted on the method of foul drainage and raised no objection to the proposal.

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

Contaminated Land

With respect to land contamination, specific reference is made to LDP policy DM10 which seeks to control development on contaminated or unstable land.

PCC Contaminated Land has been consulted on the proposed development and noted agricultural buildings and land could contain potential sources of contamination, depending on what they were used for in the past, such as: pesticides, fuels and oils, slurry tanks and pits, fire sites, animal burial pits or other buried waste, fertiliser, sheep dip pits, asbestos, old machinery, waste chemical drums and ammunition. Any building constructed before 2000 may have asbestos products which should be considered.

The application site does have potential to affect land which has potential sources of contamination. The Contaminated Land Officer has stated that in the event that the presence of contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. A condition will be attached to any consent granted which secures the above.

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

Archaeological Implications

CPAT has been consulted on the proposed development and noted the outbuilding at Glanhanog Isaf outbuilding is not currently recorded on the Historic Environment Record, but it is clear from early OS maps and photos in the ecological report that this is a traditional stone and timber framed barn of local vernacular interest, which dates to the late 18th and 19th centuries with later additions.

CPAT therefore recommended that suitable building recording is completed prior to the conversion works commencing to obtain a permanent record of the buildings and advised that a Level 2 survey is completed in accordance with the Planning Policy Wales and TAN 24 (May 2017) guidance. The Level 2 survey would include a detailed photographic survey, written descriptive survey and a measured survey using annotated architects plans.

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

Surface Water Drainage

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

Powys County Council is responsible for managing local flood risk from other sources of flooding such as ordinary watercourses, surface runoff and groundwater.

PCC Land Drainage officer has been consulted on the proposed development and noted having considered the flood risk issues and note from NRW's National Flood Hazard and Risk Maps, in particular, the Flood Risk from Surface Water and Small Watercourses, there is potential for this site to be seriously impacted.

The Lead Local Flood Authority initially raised serious concerns and recommended that the Local Planning Authority did not approve the application without there being detailed analysis to assess these risks further.

NRW Flood Risk from Surface Water and Small Watercourses map demonstrates the extent and depth of flooding (during 'Low Risk' events), which indicates a depth greater than 0.9m in and around this location. The sewage treatment facility is also at risk from inundation and no doubt the internal areas of the proposed accommodation would be at risk.

NRW Flood Risk from Surface Water and Small Watercourses map demonstrates the hazard rating, which in this case is rated at 'Danger for All' (during 'Low Risk' event).

The PCC Land Drainage officer noted following the submission of a Flood

Consequence Assessment to support the application, the Lead Local Flood Authority would deem matters acceptable and would recommend as a minimum that the design of the build follow the flood mitigation measures outlined in the assessment.

The FCA has demonstrated that the proposed development has an acceptable flood risk within the terms and requirements of TAN15 and accompanying Technical Guidance. The development proposals are acceptable, as the flood risk from all sources are considered low.

The FCA states although Powys County Council LLFA has stated the existing building is in an area which is at 'Danger to All' in the Low Risk flood event, in fact on closer inspection only the proposed parking area of the development is an area for 'Danger for All'. The building subject to this proposal only partly resides in a 'Low Hazard' during the low risk flood event, with the remaining area not subject to flood risk from small watercourses.

The flood mitigation proposed under the submitted FCA includes finished floor levels above 150mm higher than external areas in accordance with building regulations requirement for the necessary damp-proof course. All drainage systems will be routinely maintained to reduce the blockage and surface water flood risk. Flood resilient materials will be used for flooring and on the walls to minimise the potential damage. Other mitigation measure such as raising the height of electric sockets will be incorporated in the design.

In light of the above, and subject to the inclusion of a condition, it is considered that the proposed development fundamentally complies with relevant planning policy.

Countryside Services

PCC Countryside Services has been consulted on the proposed development, however no comments have been received at the time of writing this report. It is noted that public footpath 206/26/1 is located in proximity to the site, however the public footpath will not be obstructed by the development. An informative note will be attached to any consent granted ensuring the footpath is not obstructed at any time during and after construction work.

In light of the above, and subject to the inclusion of an informative note, it is considered that the proposed development fundamentally complies with relevant planning policy.

Welsh language

The site is located within Carno Community Council area which is identified within the LDP as a Welsh language stronghold. Given that the proposal is in relation to 5no. holiday units the requirements of LDP Policy DM12 are not applicable.

Public Representations

Following the display of a site notice 5 letters of public representation have been received with 4 letters of objection received. The main issues raised are as follows:

- Out of keeping with the surrounding area – The proposed development is considered to comply with policy TD1 of the Powys LDP and TAN6 as it re-uses a building suitable for conversion within the open countryside.
- Concerns regarding site access and highway infrastructure – Welsh Government Transport has been consulted on the proposed development and following the submission of additional information in the form of an Annual Average Daily Traffic survey, WGT raised no objection to the development subject to the inclusion of a condition.
- Concerns raised regarding siting of treatment plant – PCC Environmental Health and NRW has been consulted on the proposal and raised no objection to the development.
- Surface water flooding – Matters in relation to surface water flooding have been considered above with a Flood Consequence Assessment submitted to support the application.
- Incorrect details on application form in relation to site address – The details submitted on the application form are not considered to be incorrect.
- Overlooking and loss of privacy concerns - Matters in relation to overlooking and loss of privacy have been considered above, it is not considered the proposal will have a detrimental impact on neighbouring amenities of any existing properties
- Noise issues - PCC Environmental Health has been consulted on the proposal and raised no objection to the development in terms of noise.
- Concerns raised regarding traffic movement data submitted - Welsh Government Transport has been consulted on the proposed development and following the submission of additional information in the form of a Annual Average Daily Traffic survey, raised no objection to the development subject to the inclusion of a condition.

RECOMMENDATION – Conditional Consent

In light of the above it is considered that the proposed development 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: PL03C, PL01A, PL02A, Glanhanog Isaf Long Barn, Carno Out-

building Conversion Protected Species Survey, by Cambrian Ecology Ltd, dated 26th June 2020, Flood Consequence Assessment JN:1132, by Flume Consulting Engineers, dated October 2021, L01A, Structural Condition Report

3. Prior to commencement of development the new access / junction and visibility requirements (approved under planning application P/2018/0050) shall be completed and available for use to the written satisfaction of the local planning authority in consultation with the Welsh Government (Transport).

4. The development shall be undertaken in strict accordance with the Proposed Plan, Drawing PL01A (floor plan showing bat roost). The measures identified shall be adhered to and implemented in full and maintained thereafter.

5. The development shall be undertaken in strict accordance with the bat mitigation and enhancement measures identified in section 9 of Glanhanog Isaf Long Barn, Carno Out-building Conversion Protected Species Survey, by Cambrian Ecology Ltd, dated 26th June 2020. The measures identified shall be adhered to and implemented in full and maintained thereafter.

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

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

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

8. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey, has been secured and implemented, in accordance with a brief issued by the local planning authority and a written scheme of investigation which has been submitted and approved in writing by the Local Planning Authority.

The survey will be completed by a professional archaeological contractor. The programme of building analysis and recording must meet the standards laid down by the Chartered Institute for Archaeologists in their Standard and Guidance for the archaeological investigation and recording of standing buildings or structures. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment

9. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

10. The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.

11. The development shall be undertaken in strict accordance with the Flood Mitigation Measures outlined on page 12 of the Flood Consequence Assessment JN:1132, by Flume Consulting Engineers, dated October 2021. The measures identified shall be adhered to and implemented in full.

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 maintain the safety and free flow of trunk road traffic In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales (Edition 11, February 2021).
4. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
6. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the Powys Local Development Plan (2018)
8. To allow an adequate analytical record of the buildings to be made, before they are converted, to ensure that the buildings origins, use and development are understood and the main features, character and state of preservation are recorded in accordance with LDP Policy SP7 and TAN24: The Historic Environment 2017 and Planning Policy Wales (Edition 11, February 2021),
9. To protect the character and appearance of the building and the landscape in accordance with Policies DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note (TAN) 23: Economic Development (2014) and Planning Policy Wales (2018)
10. To prevent the establishment of permanent dwellings in open countryside locations and retention of tourist facilities in accordance with Powys Local Development Plan policy TD1, Technical Advice Note 6 (2010) and Planning Policy Wales (2018).
11. To comply with Powys County Council's LDP policy DM5 and DM6 in relation to Flood Risk and to meet the requirements of Planning Policy Wales (Edition 11,2021), TAN 15: Development and Flood Risk (2004).

Informative Notes

Biodiversity

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

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

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.

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.

Sustainable Drainage Body

All: Having assessed the Planning Application Ref 20/1241/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m² and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email sab@powys.gov.uk

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

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

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

Natural Resources Wales

Works Near Watercourse and Pollution Prevention

NRW maps indicate that a watercourse is immediately adjacent to the application site. 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-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Environmental Management

All works at the site must be carried out in accordance with relevant PPGs: 'Working at construction and demolition sites' which are available on the following website:

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

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

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

PCC – 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.

We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.

- 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.

- Legal Diversion – If development will directly affect a public right of way and the affected public right of way cannot be appropriately incorporated into the development, the developer will need to seek advice from the council. No development can take place on a public right of way until a legal order is confirmed by the council.

A legal public path order process typically takes at least 6 months. This is a separate procedure for which a fee applies. For more information please discuss with Countryside Services at the earliest available opportunity.

For advice, please contact Powys County Council Countryside Services with details of the development at:

rights.of.way@powys.gov.uk

01874 614057

Case Officer: Luke Jones, Senior Planning Officer
Tel: 01597 827115 E-mail: luke.jones@powys.gov.uk



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Project
**BARN CONVERSION @
GLAN HANOG ISAF, Carno**

Revisions	
Client	Ms Adlington
LLEOLIAD / LOCATION	
Job Nr.	Drawing Nr.
20 / 24	L 01A
Graddfa / Scale	Dyddiad / Date
1:1250 @A2 1:2500 @A4	Mar '20
	JD

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102 Applications

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Parish Name	Decision	Date Application	Application No.	Application Type	Date Decision	Proposal	Location
Abbey Cwm-Hir Community	Refused	18/08/2021	21/1603/REM	Removal or Variation of Condition	25/01/2022	Section 73 application for removal of landscaping condition no. 15 attached to planning approval P/2010/0111	Hawks Rise Bwlch Y Sarnau Rhayader Powys LD1 6PW
Aberhafesp Community	Approve	29/10/2021	21/1964/DIS	Discharge of Condition	19/01/2022	Discharge of condition no. 5 attached to planning approval 21/0656/FUL (detailed engineering drawings for widening and visibility improvements to the junction of the C2063/U2602/U2604, and forward visibility chord at the site access (U2602) and associated works)	Bank Farm Aberhafesp Newtown SY16 3LS

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Abermule And Llandyssil Community	Approve	29/11/2021	21/2235/DIS	Discharge of Condition	19/01/2022	Discharge of conditions 4, 5 and 10 of planning permission 20/0070/FUL (photographic survey, hedgerow replacement scheme and 3 passing bays	Lower Bryntalch Abermule Montgomery Powys SY15 6LA
Berriew Community	Approve	04/11/2021	21/1998/HH	Householder	05/01/2022	Single storey side extension and associated works.	9 Chapel Fields Refail Welshpool Powys SY21 8BU
	Approve	12/11/2021	21/1922/HH	Householder	07/01/2022	Erection of an extension, garage and store to include some demolition and associated works	Lletty Aderyn Berriew Welshpool Powys SY21 8AZ
	Approve	12/11/2021	21/1948/HH	Householder	12/01/2022	Demolition of lean to rear extension and small outbuilding to the side of the house and erection of 2 storey rear extension and carport	Yew Tree Berriew Welshpool SY21 8QQ

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	Approve	18/11/2021	21/2103/DIS	Discharge of Condition	11/01/2022	Discharge of conditions 3, 4 and 6 attached to permission 21/0957/HH, relating to bio diversity enhancements, external lighting and materials	Y Gostrel Garthmyl Montgomery Powys SY15 6RS
	Approve	22/11/2021	21/2201/TRE	Works to trees in Conservation Area	06/01/2022	Tree works to fell four Ash trees to ground level and remove	Vaynor Park Berriew Welshpool Powys SY21 8QE
Bronllys Community	Approve	20/09/2021	21/1709/HH	Householder	26/01/2022	Raise roof of garage and convert to annex	Oaklands Pont-Y-Wal Lane Bronllys Brecon LD3 0LU
Cadfarch Community	Approve	22/09/2021	21/1701/FUL	Full Application	13/01/2022	Erection of a dwelling, installation of a septic tank	Plot 3 Maes Y Meillion Forge Machynlleth Powys SY20 8RZ
	Approve	22/10/2021	21/1834/FUL	Full Application	25/01/2022	Construction of 2 x steel frame structures to form solar canopies for EV Charging	Cors Dyfi Reserve Derwenlas Machynlleth SY20 8SR

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Caersws Community	Approve	03/11/2021	21/1966/FUL	Full Application	21/01/2022	Erection of a dwellinghouse with integral garage and all associated works	Plot 3 Maes Y Cwm Llanwnog SY17 5JL
	Approve	12/11/2021	21/2062/FUL	Full Application	18/01/2022	Construction of a storage building in connection with woodland management apparatus	Land Next To Workshop Trecastell Wood Llanwnog Caersws Powys SY17 5PD
	Refused	02/03/2020	20/0389/OUT	Outline planning	18/01/2022	Residential development of up to 3 dwellings to include the creation of access (some matters reserved)	Land Adacent To Llanwnog Barn Llanwnog Caersws Powys SY17 5JG
Carno Community Council	Approve	23/09/2020	20/1610/REM	Removal or Variation of Condition	06/01/2022	Section 73 application in respect of variation of conditions 1, 2, 14 and 45 of planning permission P/2010/0762	Land Adj To Carno Wind Farm Carno Caersws Powys SY17 5JS

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	Approve	08/07/2021	21/1275/FUL	Full Application	14/01/2022	Erection of a replacement dwelling, to include installation of a treatment plant, access improvements, and associated works	Ty-coch Carno Caersws Powys SY17 5LT
Carreghofa Community	Approve	30/04/2021	21/0545/DIS	Discharge of Condition	21/01/2022	Application to discharge planning condition no's 3, 4, 5, 6, 7, 8 & 10 attached to planning approval P/2016/1012	North View Barn Llanymynech Powys SY22 6EA
Page 209	Approve	30/04/2021	21/0627/DIS	Discharge of Condition	11/01/2022	Discharge of conditions 4, 5, 7, 9 attached to listed building consent P/2016/1013	North View Barn North Road Llanymynech Powys SY22 6EA
Churchstoke Community	Approve	27/07/2021	21/1372/DIS	Discharge of Condition	10/01/2022	Discharge of conditions 5 and 7 of planning permission P/2017/0654 (Hedgerow protection plan and Footpath and Crossing Detail plan)	Land Directly West Of The Firs Churchstoke Montgomery Powys

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	Consent	08/07/2021	21/1273/HH	Householder	19/01/2022	(Retrospective) Erection of raised platform. Erection of outbuilding on top of raised platform. Extension of residential curtilage.	Hen Felin Churchstoke Montgomery SY15 6AF
	Refused	28/06/2021	21/1215/FUL	Full Application	07/01/2022	Proposed erection of a single storey timber framed accommodation block for centre manager and visiting teacher(s)	Satipanya Hyssington Montgomery Shrewsbury Powys SY5 0JN
Cilmeri Community	Approve	01/10/2021	21/1780/DIS	Discharge of Condition	10/01/2022	Discharge of conditions 7, 9, 10 & 12 of reserved matters approval 19/1857/RES (Section 38 and 278 Agreements Highway and Drainage plans)	Site Adjacent To Belmont Cilmeri Builth Wells LD2 3NY
Dwyrriw Community	Permitted Development	07/12/2021	21/2231/AGR	Agricultural Notification	20/01/2022	Proposed general purpose agricultural building 22.9m x 12.19m	Land At Cefn Coch Farm Cefn Coch Welshpool Powys SY21 0AR

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102 Applications

Forden With Leighton & Trelystan Com	Consent Section 106	07/05/2021	21/0840/OUT	Outline planning	24/01/2022	Outline application for residential development for 23 dwellings, formation of a vehicular access, installation of a sewage treatment plant and all associated works (all matters reserved)	Land Adj. Lyndale And Forden C In W Primary School Forden Welshpool SY21 8NE
Glantwymyn Community	Refused	08/12/2021	21/1847/HH	Householder	19/01/2022	Erection of a porch, rear extension and front decking area with associated retaining boulder wall, installation of a waste processing system and formation of car parking area	Peroryn Tal-Y-Wern Machynlleth SY20 8NY
Glasbury Community	Consent	08/11/2021	21/2024/HH	Householder	06/01/2022	Single storey detached home-working/study area	Llanfechan Cottage Llansteffan Brecon Powys

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Glascwm Community	Approve	19/03/2021	21/0400/FUL	Full Application	26/01/2022	Erection of an agricultural building for the storage of fodder and bedding, and the storage of farm machinery and equipment	Lower Llanean Franksbridge Llandrindod Wells Powys LD1 5SA
	Consent	29/05/2020	20/0791/FUL	Full Application	10/01/2022	Erection of dwelling, installation of package treatment plant and associated works	Plot 2 Adjacent To North Of Coedbach Franksbridge Llandrindod Wells Powys LD1 5SA
Guilsfield Community	Approve	13/10/2021	21/1777/HH	Householder	13/01/2022	Demolition of existing flat roof garage, erection of two-storey side extension and single storey rear extension.	41 Rhoslan Guilsfield Welshpool SY21 9NR
Gwernyfed Community	Consent	30/06/2021	21/1220/FUL	Full Application	10/01/2022	Proposed stables and fodder storage unit, adjacent to the existing stables approved Planning reference P/2016/0491	Oaktree Stables Pont Ithel Brecon Powys

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Kerry Community	Approve	08/10/2021	21/1635/HH	Householder	20/01/2022	Erection of single-storey rear extension to existing dwelling	Bay Cottage Kerry Newtown SY16 4NU
	Consent	15/04/2021	21/0574/FUL	Full Application	24/01/2022	Proposed Holiday-let development, junction improvements and associated works	Holiday Units Land At Cwm Mule Dolfor Newtown Powys SY16 4AU
	Permitted Development	15/12/2021	21/2237/AGR	Agricultural Notification	10/01/2022	Erection of a general purpose steel portal framed agricultural building for the storage of fodder and machinery.	Pen Y Gelli Kerry Newtown SY16 4EG
Llanbadarn Fawr Community	Refused	04/08/2020	20/1211/LBC	Listed Building Consent	14/01/2022	Listed building consent for internal and external works to cottage; new accessible entrance door; demolition of south porch; new two-storey extension to west and re-build of NW porch.	The Pales Llandegley Llandrindod Wells LD1 5UH



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Llanbadarn Fynydd Community	Approve	18/11/2021	21/2080/FUL	Full Application	26/01/2022	Erection of a roof over existing external cattle yard	Dolygarn Llanbadarn Fynydd Llandrindod Wells Powys LD1 6YL
Llanbrynmair Community	Approve	12/07/2021	21/1086/FUL	Full Application	10/01/2022	The proposed development is for a agricultural steel framed building (Retrospective)	Bryn Eglwys Dylife Llanbrynmair SY19 7BW
	Approve	23/11/2021	21/2208/DIS	Discharge of Condition	14/01/2022	Discharge of conditions 3 and 4 of planning permission 21/1539/REM (Biodiversity Enhancement Plan and Biosecurity Risk Assessment)	Land Adjoining Hafgan Llan Llanbrynmair Powys SY19 7DW
	Consent	16/02/2021	21/0256/FUL	Full Application	17/01/2022	Proposed holiday let development, new vehicular access and associated works	Hafodwen Newydd Talerddig Llanbrynmair Powys SY19 7AW

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Llandinam Community	Approve	08/09/2021	21/1577/HH	Householder	06/01/2022	Dismantle existing barn and erection of a single story extension	Waen Llwydion Llandinam Powys SY17 5AH
	Approve	08/09/2021	21/1580/FUL	Full Application	06/01/2022	Relocation of agricultural barn	Land Adjoining Waen Llwydion Llandinam Powys SY17 5AH
Llandrindod Wells Community	Approve	25/11/2021	21/2030/HH	Householder	14/01/2022	Installation of a platform lift to provide wheelchair access to the front door of the property and replacement door. Installation of a concrete ramp access at the rear entrance to the garden area and replacement door	Broadway House, Garden Flat Broadway Llandrindod Wells LD1 5HT
	Approve	14/12/2021	21/2234/DIS	Discharge of Condition	18/01/2022	Discharge of condition 16 of planning permission 19/0021/FUL (completion of carriageway)	Land East Of Ithon Road Ithon Road Llandrindod Wells Powys

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Llandysilio Community	Approve	08/11/2021	21/2027/LBC	Listed Building Consent	24/01/2022	Removal of existing wood burner, installation of new wood burner to include ducted air supply and relining of back inglenook wall. Installation of timber radiator cover in conservatory and reposition radiator	Fir Tree Farm Brynmawr Llanymynech Powys SY22 6PQ
	Approve	01/12/2021	21/2184/DIS	Discharge of Condition	21/01/2022	Discharge of conditions 3 and 5 of listed building consent 21/1191/LBC (Planning Statement)	Calcot Hall Llandrinio Llanymynech Powys SY22 6SJ
	Approve	17/12/2021	21/2302/TPO	Works to Trees subject to a TPO	25/01/2022	Application to fell tree covered by a TPO due to safety	Pentreheylin Newbridge Llanymynech Powys SY22 6PG

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	Refused	04/01/2021	20/2056/HH	Householder	14/01/2022	Removal of single storey modern conservatory and replacement with a single storey glazed extension and associated works of abutments to new extension	Street House Llandysilio Llanymynech Powys SY22 6RB
	Refused	04/01/2021	20/2057/LBC	Listed Building Consent	14/01/2022	Removal of single storey modern conservatory and replacement with a single storey glazed extension and associated works of abutments to new extension	Street House Llandysilio Llanymynech Powys SY22 6RB
Llanfawdd Community	Consent	24/06/2020	20/0836/FUL	Full Application	10/01/2022	Conversion of barn into a two storey dwellinghouse and all associated works	Wye Cottage Howey Builth Wells LD2 3TF
Llanfair Caereinion Community	Approve	14/10/2021	21/1731/FUL	Full Application	24/01/2022	Change of use of land from agriculture to tourism for the siting of two lodges and all associated works	Brynelen Uchaf Cyfronydd Welshpool Powys SY21 9HB



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Approve	17/11/2021	21/2171/FUL	Full Application	19/01/2022	Erection of steel portal framed building to cover existing yard area at Rhosfawr for the storage of manure, livestock gathering together with all other associated works	Rhos Fawr Cwm Golau Cyfronydd Welshpool Powys SY21 9HA
Approve	04/01/2022	21/2345/DIS	Discharge of Condition	24/01/2022	Application to discharge conditions 5, 18, 20, 21 and 22 from application 20/1890/FUL in relation to Engineering drawings, lighting, landscaping, biodiversity enhancement and materials	Land At Rhos Fawr Cwm Golau Cyfronydd Welshpool Powys SY21 9HA
Approve	15/11/2021	21/1978/FUL	Full Application	14/01/2022	Conversion of former redundant agricultural buildings to a single residential dwelling and associated works (part retrospective)	Conversion Of Agricultural Building Gwaelod Llanfihangel Llanfyllin Powys SY22 5JA



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102 Applications

	Consent	27/10/2021	21/1725/RES	Reserved Matters	13/01/2022	Reserved matters application in respect of outline planning permission 21/0094/OUT for erection of affordable dwelling and associated works (design, layout and landscaping)	Land Adjacent To The Cemetery Llanfihangel-yng-ngwynfa Llanfyllin Powys
Llanfihangel Rhydithon Community	Approve	16/11/2021	21/2072/FUL	Full Application	26/01/2022	Erection of a roof structure over an existing cattle feeding yard	Cilmaenowydd Llandegley Llandrindod Wells LD1 5UH
Llanfyllin Community	Approve	12/11/2021	21/2059/DIS	Discharge of Condition	07/01/2022	Discharge of condition no's 3,4,6,7, 8 9 attached to planning permission 19/1404/FUL	Telecommunications Base Station Llanfyllin Powys
Llangors Community Council	Consent	03/08/2021	21/1409/REM	Removal or Variation of Condition	06/01/2022	Section 73 application to vary conditions 11 and 12 attached to permission B/0007/0374 - relating to highway requirements	Pistyll Farm Llanfihangel Tal-y-llyn Brecon Powys LD3 7TG

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Llangunllo Community	Consent	29/09/2021	21/1572/FUL	Full Application	07/01/2022	Change of use from agricultural building to stabling for livery	Cefnsuran Farm Llangunllo Knighton Powys LD7 1SL
Llangyniew Community	Approve	23/09/2021	21/1670/FUL	Full Application	10/01/2022	The reordering and provision of new welfare facilities, with an extension, installation of air source heat pump units and new service equipment, a borehole water supply, new foul drainage installation and all associated works	St Cynyw's Church Llangyniew Welshpool SY21 9EL
Llangynog Community	Approve	09/11/2021	21/2033/HH	Householder	14/01/2022	Layout changes with extension at first floor with access and porch.	Glanrafon Llangynog Oswestry Powys SY10 0HD

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Llanidloes Community	Approve	17/11/2021	21/2172/HH	Householder	12/01/2022	Erection of a two storey extension to rear of existing semi-detached cottage, to replace existing single storey extension	2 Sabrina Cottages Penygreen Road Llanidloes Powys SY18 6AJ
	Approve	04/11/2021	21/1996/DIS	Discharge of Condition	13/01/2022	Application to discharge conditions 17, 18 and 19 from planning permission 21/1242/FUL in relation to the Phase 1 report and Phase 2 report of the contaminated land assessment and remediation strategy	Dolafon Newtown Road Llanidloes SY18 6AT
	Approve	01/12/2021	21/1699/HH	Householder	25/01/2022	Erection of balcony	5 Penygraig Street Llanidloes Powys SY18 6AL
Llansilin Community	Permitted Development	17/12/2021	22/0009/AGR	Agricultural Notification	14/01/2022	Agricultural notification for the erection of an agricultural storage building	Priddbwll Mawr Llangedwyn Oswestry Powys SY10 9JZ

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Llanwrthwl Community	Refused	01/12/2021	21/2010/DIS	Discharge of Condition	25/01/2022	Application to discharge condition 7 attached to permission 20/0318/FUL, relating to landscaping	Cringoed Issa Llanwrthwl Llandrindod Wells Powys LD1 6NU
Llanyre Community	Approve	18/11/2021	21/2104/HH	Householder	10/01/2022	Erection of front and rear extensions and a detached garage	Caercwrlif Llanyre Llandrindod Wells LD1 6EA
Machynlleth Community	Approve	13/09/2021	21/1663/FUL	Full Application	12/01/2022	Erection of 2No. Semi-detached industrial units	Semi Detached Industrial Unit Treowain Industrial Estate Machynlleth Powys
	Approve	17/09/2021	21/1696/LBC	Listed Building Consent	07/01/2022	Listed building consent for installation of a new central heating system including new gas fired boiler, standard flue and 7nr radiators	64 Maengwyn Street Machynlleth SY20 8DY
	Approve	22/10/2021	21/1649/HH	Householder	25/01/2022	Erection of a single storey extension	10 Cae Maenllwyd Machynlleth Powys SY20 8HJ

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Manafon Community	Approve	16/11/2021	21/2082/FUL	Full Application	25/01/2022	Erection of a replacement dwelling and associated works	Upper Glyn Manafon Welshpool Powys SY21 8BS
Meifod Community	Approve	03/11/2021	21/1962/REM	Removal or Variation of Condition	07/01/2022	Removal of condition no. 4 attached to planning approvals P/2015/0757 & 20/1613/REM to allow UPVC windows instead of timber windows	Trefnanney CP School Gaer Lane Meifod SY22 6XX
Merthyr Cynog Community	Refused	15/10/2021	21/1779/HH	Householder	18/01/2022	Construction of a proposed annexe for ancillary accommodation	The Old Vicarage Merthyr Cynog Brecon LD3 9SD
Montgomery Community	Approve	08/12/2021	21/2301/TRE	Works to trees in Conservation Area	10/01/2022	Works to tree within a Conservation Area- felling of a larch, spruce and pine tree	Mount House School Bank Montgomery Powys SY15 6QB
	Approve	15/12/2021	21/1933/TRE	Works to trees in Conservation Area	12/01/2022	Removal of one ornamental Cherry tree and replacement with a small tree	Community Garden Arthur Street Montgomery Powys

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Newtown And Llanllwchaiarn Community	Approve	21/09/2021	21/1589/HH	Householder	07/01/2022	Proposed Loft conversion and entrance porch	The Glen 6 Cambrian Gardens Newtown SY16 2AR
	Approve	27/09/2021	21/1703/HH	Householder	25/01/2022	Proposed two storey extension to existing dwelling	Ger-Y-Nant 9 Cwm Llanfair Newtown SY16 2RA
	Approve	22/11/2021	21/2101/HH	Householder	17/01/2022	2 storey side extension and single storey rear extension to existing dwelling comprising dining room, utility, garage and office	33 Oaklands Park Newtown SY16 2QR
	Approve	09/12/2021	21/2050/HH	Householder	12/01/2022	Erection of side extension.	Hillside Upper Dolfor Road Newtown SY16 3AD
	Refused	16/09/2021	21/1620/FUL	Full Application	26/01/2022	Change retail premises from A1 to Thai restaurant and takeaway A3	Unit 3 Sevenside Centre 26 - 27 Shortbridge Street Newtown Powys SY16 2LR

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Old Radnor Community	Consent	14/06/2021	21/0442/HH	Householder	06/01/2022	Removal of single storey extension. Replacement extension with single storey and two storey elements.	Woodside Evenjobb Presteigne LD8 2SG
	Consent	14/06/2021	21/0443/LBC	Listed Building Consent	06/01/2022	Removal of single storey extension ; Replacement extension with single storey and two storey elements	Woodside Evenjobb Presteigne LD8 2SG
Painscastle Community	Consent	17/05/2021	21/0927/FUL	Full Application	26/01/2022	Siting of 3 holiday cabin units, formation of access, tracks and parking area, installation of sewage treatment plant and all associated works	Lower Glasnant Bryngwyn Kington Powys HR5 3QN
Penybont Community	Approve	15/11/2021	21/2158/VAR	Discharge/Modification of S106	10/01/2022	Application to discharge Section 106 legal agreement attached to planning approval RAD/2007/0157 (PR391003)	Trawsty Newydd Penybont Llandrindod Wells Llanfechain Powys LD1 5SR

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	Refused	04/08/2020	20/1202/FUL	Full Application	14/01/2022	Erection of a communal dining / plant room / accessible toilet block; 3 shepherd's huts used as temporary accommodation; Re-build of woodshed; On-site parking and all associated works (resubmission of 19/1250/FUL)	The Pales Llandegley Llandrindod Wells LD1 5UH
	Refused	04/08/2020	20/1210/HH	Householder	14/01/2022	Alterations to cottage including new accessible entrance door, new two-storey extension to West; demolition of South porch, re-build of NW porch (resubmission of 19/1248/HH)	The Pales Llandegley Llandrindod Wells LD1 5UH
Presteigne Community	Refused	17/05/2021	21/0879/DIS	Discharge of Condition	26/01/2022	Discharge of conditions 12 and 16 of planning permission 20/0458/FUL (Tree and Hedgerow Protection Plan and Contamination)	9 Harper's Lane Presteigne Powys LD8 2AN

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Rhayader Community	Approve	15/12/2021	21/2238/TRE	Works to trees in Conservation Area	13/01/2022	Works to tree in a conservation area - reduction of height and removal of dead wood	Penrally House South Street Rhayader Powys LD6 5BH
Tawe-Uchaf Community	Approve	29/11/2021	21/2174/HH	Householder	24/01/2022	Single-storey extension to rear elevation	25 Dol Henrhyd Coelbren Neath SA10 9PG
Trefeglwys Community	Approve	17/11/2021	21/1921/HH	Householder	14/01/2022	Proposed extension to existing garage	2 Plas Trannon Trefeglwys Caersws SY17 5PW
Treflys Community	Approve	10/11/2021	21/1918/DIS	Discharge of Condition	10/01/2022	Application to discharge condition 5 attached to permission P/2016/0994 - relating to drainage	Land Adj Aberannell Bungalow Beulah Llanwrtyd Wells Powys LD5 4UA
	Refused	29/01/2021	21/0086/FUL	Full Application	21/01/2022	Erection of 3 dwellings and association works	12, 13 And 14 Y Maes Beulah Llanwrtyd Wells Powys LD5 4YH

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Trewern Community	Approve	07/10/2021	21/1827/FUL	Full Application	26/01/2022	Conversion of farm buildings to form 4No dwellings, installation of sewage treatment plant, upgrading of vehicular access and associated works	Moat Farm Criggion Lane Tre-Wern Welshpool SY21 8ED
	Approve	22/11/2021	21/1862/FUL	Full Application	20/01/2022	Erection of an agricultural building to cover existing holding yard, including demolition of existing building and all associated works	Lower Heldre Heldre Lane Buttington Welshpool SY21 8TD
Welshpool Community	Approve	11/08/2021	21/1543/REM	Removal or Variation of Condition	12/01/2022	Section 73 application for the variation of condition 2 in relation to site layout following planning permission P/2012/0810	Land At Former Awelfa Site Red Bank Welshpool Powys SY21 7PL



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102 Applications

	Approve	18/10/2021	21/1872/FUL	Full Application	14/01/2022	Erection of water tank (retrospective)	Powis Castle Red Lane Powis Castle Welshpool Powys SY21 8RF
	Approve	12/01/2022	22/0010/NMA	Non-Material Amendment	21/01/2022	Application for non-material amendments to permission P/2018/0337 to remove condition 20	Land At Salop Road Welshpool Powys SY21 7FA
	Consent	01/11/2021	21/1865/FUL	Full Application	18/01/2022	Change of use of part of a car park to bus station and all associated works	Car Park Mill Lane Welshpool SY21 7DY
	Consent	25/11/2021	21/2156/FUL	Full Application	12/01/2022	Renovation of building to offices and refurbishment of external fenestration	30 Broad Street Welshpool SY21 7RR
Ystradgynlais Community	Approve	19/12/2020	20/2094/FUL	Full Application	26/01/2022	Subdivision of dwelling to create two dwellings, with two-storey extensions and parking area	Dyfnant 123 Heol Tawe Abercrave Swansea SA9 1XR



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Approve	30/11/2021	21/1707/FUL	Full Application	25/01/2022	Change of use of property from a Chiropractic Clinic to a Chiropractic Clinic on the ground floor and self-contained flat on the first floor	Cristinas Wellbeing Chiropractic 24 Station Road Ystradgynlais SA9 1NT
Consent	25/08/2020	20/1348/FUL	Full Application	26/01/2022	Erection of a dwelling and all associated works	Development Rear Of Glandwr House Heol Twrch Cwm-twrch Isaf Swansea Powys SA9 2TD
Consent	18/05/2021	21/0940/RES	Reserved Matters	10/01/2022	Reserved matters application in respect of outline planning consent P/2018/0195 for the erection of 26 dwellings and associated works (appearance, landscaping, layout and scale)	Development Land Rear Of Nos 64 To 78 Brecon Road Ystradgynlais Swansea SA9 1HH



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Split Decision	19/05/2021	21/0942/DIS	Discharge of Condition	10/01/2022	Discharge of conditions 12, 13, 14, 15, 16, 18, 19 and 21 of planning approval P/2018/0195	Development Land Rear Of Nos 64 To 78 Brecon Road Ystradgynlais Swansea SA9 1HH
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Application **102**

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Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 22/11/21

gan Richard Duggan BSc (Hons) DipTP
MRTPI

Arolygydd a benodir gan Weinidogion
Cymru

Dyddiad: 06/01/2022

Appeal Decision

Site visit made on 22/11/21

by Richard Duggan BSc (Hons) DipTP
MRTPI

an Inspector appointed by the Welsh
Ministers

Date: 06/01/2022

Appeal Ref: APP/T6850/A/21/3278094

Site address: Mathafarn, C2164 From Junction with B4404 Cemmaes Road Near
Mathafarn To Junction with Access Road for Llanwrin, Machynlleth SY20 8QJ

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 failure to give notice within the prescribed period of a decision on an application for approval required under Schedule 2, Part 6, Class A of the Town and Country Planning (General Permitted Development) Order 1995.
- The appeal is made by Mr Samuel Carey against Powys County Council.
- The application Ref 21/0183/AGR, is dated 3 February 2021.
- The development proposed is described as a '*Steel Portal Framed Agricultural Building together with all associated works. The Building is to be a General Purpose Agricultural Building*'.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The GPDO grants planning permission for certain classes of development without any requirement for an application to be made under Part III of the Town and Country Planning Act 1990.
3. Schedule 2, Part 6, Class A of the GPDO enables, as permitted development, works for the erection, extension or alteration of an agricultural building; or any excavation or engineering operations which are reasonably necessary for the purposes of agriculture within that unit and the agricultural land unit is 5 hectares or more¹. In this case the agricultural unit extends to 230.2 hectares.
4. The GPDO procedures require that before starting work, the developer applies to the local planning authority for a determination as to whether prior approval of the authority will be

¹ Subject to certain caveats.

required to the siting, design and external appearance of the building, the siting and means of construction of the private way, the siting of the excavation or deposit or the siting and appearance of the tank, as the case may be. The Council confirmed that prior approval would be required on 16 March 2021.

5. In operating these provisions, local planning authorities will have due regard to the operational needs of agricultural businesses and the need to avoid imposing any unnecessary or excessively costly requirements. However, they will also need to consider the effect of the development on the landscape in terms of visual amenity and the desirability of preserving ancient monuments and their settings, known archaeological sites, listed buildings and their settings, and sites of recognised nature conservation value.
6. The appeal was submitted on 30 June 2021 prior to the Council making a decision on the application. However, the Council has since determined the application during the period since the appeal was lodged. The Council stated on its decision notice, dated 23 July 2021, that *“Insufficient information has been provided to demonstrate that the siting of the proposed development would not have an unacceptable impact upon European Protected Sites and the wider natural environment as a result of aerial emissions and pollution in accordance with Policies DM2 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning, and Planning Policy Wales (Edition 11, 2021) Environment Act Wales 2016, and the Conservation of Habitats and Species Regulations 2017 (as amended)”*.

Main Issue

7. Given the above, I consider the main issue to be whether the details provided under the Prior Approval procedure, in terms of siting, design and external appearance, are acceptable.

Reasons

8. As set out above, the Council refused the application based on its concerns relating to the siting of the proposed building and its impact upon European Protected Sites and the wider natural environment. Nevertheless, I consider it would be helpful to look at each of the specific matters which are the subject of prior approval.

Design and external appearance

9. The proposed building has been confirmed to be for general purpose machinery and equipment storage, bedding and fodder storage. It would consist of two parts: the first measuring approximately 6 metres in width and 40 metres in length, and the second measuring approximately 8 metres in width and 15 metres in length, with both aspects measuring approximately 2.57 metres to the eaves and 3.2 metres to the ridge. The building would be finished with concrete lower walls, with box profile steel sheeting in slate grey above, under a box profile steel sheeting roof in slate grey. The Council has confirmed that the building would be of an acceptable design, scale, height and massing with materials that are appropriate for an agricultural building at this location. I would agree with this assessment.
10. The proposed building would be located adjacent to existing agricultural buildings. As such, the Council considers that the development would not have an adverse impact on the landscape when viewed from public vantage points. Having viewed the site myself from various viewpoints I would agree that the proposed building would assimilate well within the site and would not lead to any harm to the landscape.

Siting

11. Whilst the principle of the development being proposed (as amended by the submission of further information by the applicant during the course of the application) has been established by the Council, the application as submitted failed to demonstrate that the siting of the agricultural shed in this location would not have a detrimental impact upon the natural environment.
12. The Council confirms that the appeal site is located approximately 50 metres away from the River Ceirig, which joins the River Dyfi about 430 metres to the south, and falls within the C2 Flood Zone² of these rivers. As such, the Council deemed that prior approval was required in order to thoroughly assess the siting of the proposed building, and accordingly Natural Resources Wales (NRW) was consulted.
13. NRW states that agricultural developments have the potential to impact protected sites through aerial emissions (ammonia and nitrogen deposition), and NRW assesses the air quality impact a development may have on European protected sites and Sites of Special Scientific Interest (SSSIs) within a screening distance of 5km of the unit. NRW confirmed³ that it has significant concerns with the proposed development and requested further information in the form of: (a) clarification on whether there will be any stock increase as a result of the proposal to ascertain whether an assessment of the potential impact of the proposal on protected sites is required; (b) site drainage plan, to confirm the drainage system has been designed not to cause pollution to the wider environment; and (c) pollution prevention plan, to detail a method statement for the construction of the proposal to ensure pollution to the wider environment does not occur.
14. In response to NRW's request the Appellant submitted a 'Method Statement and Pollution Prevention Plan' (PPP)⁴ in April 2021. Having assessed the PPP, NRW stated⁵ that it continued to require the outstanding information (clarification on stock numbers and a drainage plan) as this could affect the PPP. Although the Council contacted the Appellant in May 2021 to request that this additional information be submitted, no further documentation or information was provided to the Council prior to the submission of this appeal.
15. Whilst I note the suggested measures that would be implemented during the construction and operation of the agricultural building as put forward within the PPP, in the absence of the additional information which has been requested by NRW it is not possible for me to fully assess whether the development would adversely affect European Protected Sites and the wider natural environment.
16. Given these circumstances and adopting the precautionary principle, on the evidence presented, I consider that the proposal has the potential to adversely affect the neighbouring waterbodies and the surrounding natural environment, in conflict with Policies DM2 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note (TAN) 5: Nature Conservation and Planning, and Planning Policy Wales (Edition 11).

² As shown on the Development Advice Map and associated National Planning Policy Technical Advice Note 14 (TAN15): Development and Flood Risk

³ NRW Consultation Response dated 16 April 2021

⁴ Method Statement and Pollution Prevention Plan, prepared by Roger Parry & Partners LLP

⁵ NRW email to Powys County Council, dated 10 May 2021

Conclusion

17. Having regard to the above and considered all other matters raised by the Appellant in support of the appeal, I conclude that the details provided are unacceptable and prior approval should be not be granted and that the appeal should be dismissed.
18. 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 objectives of building a stronger, greener economy as we make maximum progress towards decarbonisation, making our cities, towns and villages even better places in which to live and work and embedding our response to the climate and nature emergency in everything we do.

Richard Duggan

INSPECTOR



Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 16 Tachwedd 2021

gan **I Stevens BA (Hons) MCD MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/01/2022

Appeal Decision

Site visit made on 16 November 2021

by **I Stevens BA (Hons) MCD MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 17/01/2022

Appeal Ref: APP/T6850/A/21/3281122

Site address: Church Field, Nant Glas, Llandrindod Wells, LD1 6PA

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 outline planning permission.
 - The appeal is made by Mr and Mrs Collard against the decision of Powys County Council.
 - The development proposed is erection of 1 no. affordable dwelling, 1 no. access point and 1 no. foul water receptacle.
-

Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr and Mrs Collard against Powys County Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of the proposal on the application form was for two dwellings; however, the scheme was amended to one dwelling and the Council determined the proposal on that basis. Accordingly, I shall determine this appeal on the same basis.
4. The planning application is made in outline and all matters except for access are reserved for later determination. A proposed site layout plan has been provided for illustrative purposes only; however, the submitted plan is an amended version of a previous plan that the Council based its decision on. The appeal process should not be used to evolve a scheme and the Council and other parties have not commented on the latest submitted plans. I shall therefore decide the appeal on the basis of the same plans determined by the Council, namely Location Plan No. U075.3.3.001 Rev C 09.02.21, and Proposed Site Plan No. U075.3.3.100 Rev C 09.02.21.
5. The appellant has indicated an intention to submit a planning obligation with this appeal; however, no such obligation has been received.

Main Issue

6. The main issue is whether the proposal would comply with national and local planning policy relating to new housing in the countryside, having regard to character and appearance and affordable housing need.

Reasons

7. The appeal site is located in the corner of a field fronting an unnamed highway. The highway provides a route into the small settlement of Nant Glas. The area is rural in nature and characterised by the open and spacious fields to the west of the appeal site, a large area of dense woodland to the east and generously spaced buildings that are sporadically located along the opposite side of the highway.
8. The Council's Affordable Housing Supplementary Planning Guidance (SPG), approved in October 2018, provides additional guidance on defining rural settlements. Nant Glas is named and shown on an Ordnance Survey map. There are also at least 10 closely grouped dwellings that provide some definition to the settlement. Nant Glas can therefore be considered as a 'rural settlement' under Strategic Policy SP5 of the Powys Local Development (LDP), adopted in 2018. Policies SP6 and H1 of the LDP add that single affordable homes to meet local need in perpetuity will be permitted on suitable sites where well-integrated into a rural settlement. A key question therefore is whether the proposal, for a single affordable dwelling, would be well-integrated into the settlement of Nant Glas, such that it is a suitable location for housing in accordance with local planning policy.
9. I saw that the core group of dwellings is located considerably further along the highway, approximately 0.35 km away from the appeal site. The area of woodland separates the appeal site from the core of Nant Glas and there are visibly large gaps between existing dwellings on the opposite side of the highway. The appeal site does not share a physical and visual relationship with the closely grouped dwellings and I would not regard it as well integrated into the settlement.
10. My attention has been drawn to other schemes in the local area. These include two recently constructed bungalows opposite the appeal site. Both dwellings were approved by the Council prior to adoption of the Powys LDP. The approved development has added to the built form and relates to a more identifiable albeit loose knit pattern of development that is concentrated on one side of the road. I note that the location of the appeal site in the lee of dense woodland renders it less visible from public vantage points, and the proposal is an opportunity to centralise development around the nearby church. Nevertheless, the appeal proposal would introduce built form on a large swathe of undeveloped road frontage and would be an ad hoc and sporadic form of development that is visually intrusive and poorly related to the existing built form of Nant Glas.
11. In the context of LDP Policies SP5 and SP6, the proposal would therefore comprise a single dwelling in the open countryside. LDP Policy H1 states that housing proposals in the open countryside need to comply with relevant national planning policy. The proposal would not satisfy any of the development types identified in paragraph 3.60 of Planning Policy Wales Edition 11 (PPW), which strictly controls new building in the open countryside away from existing settlements. Paragraph 4.2.24 of PPW adds that in the open countryside, the fact that a single house on a particular site would be unobtrusive is not, by itself, a good argument in favour of permission; such permissions could be granted too often, to the overall detriment of the character of an area. I am also aware of applications for a rural enterprise dwelling on land to the south west of the appeal site, near Nant Glas church and Church Farm. The policy context is different as a rural

enterprise dwelling is one of the few circumstances in which isolated new residential development in the open countryside may be justified.

12. The appellant has submitted evidence that indicates an affordable housing need in the Nantmel Community Council area, within which the appeal site is located. While this evidence is not disputed, the Affordable Housing SPG adds that for dwellings on exception sites developed by individuals, the initial occupier shall be the applicant who has obtained planning permission and, therefore, whose need has been assessed by the Council at the planning application stage.
13. The appellant has confirmed that the proposal would provide an affordable dwelling for their son. There are two main elements to the local needs assessment, as set out in Appendix C of the SPG. Firstly, on the matter of local connection, the evidence submitted suggests that the appellant lives in the local community, although it is not clear whether this has been for at least 12 months prior to the application submission. Secondly, on the matter of financial circumstances, the submitted evidence does not clearly demonstrate that the proposed occupier is not able to afford open market housing. The SPG advises that prospective occupiers register with Grwp Cynefin (Tai Teg) who will assess their circumstances and confirm their eligibility to occupy the proposed dwelling. It is understood that the appellant's son does not meet the eligibility criteria set out by Tai Teg although no further information has been provided to explain which criteria have not been met. While I recognise there is a need for affordable housing in the community that includes Nant Glas, the submitted evidence does not provide assurances that clear and adequate arrangements are in place to secure affordable housing for initial and subsequent occupiers, contrary to Policies H6 and SP3 of the Powys LDP.
14. For the above reasons, I conclude that the proposal would be contrary to local and national planning policy relating to new housing in the countryside and affordable housing need. The proposal would also be harmful to the character and appearance of the area, contrary to Policies SP3, SP5, SP6, H1 and H6 of the Powys LDP and national planning policy set out in PPW.

Other Matters

15. The proposal as illustrated would accord with the recommended maximum space standard as set out in the Council's Affordable Housing SPG. The plot size is also marginally bigger than recommended in the SPG. Although these matters are material considerations, in this case they have not been decisive as I have found the proposed development to be unacceptable and in conflict with planning policy.
16. The River Wye is a Special Area of Conservation (SAC) and is protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Natural Resources Wales (NRW) has set new phosphate standards for the River Wye SAC 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 widespread failures on the River Wye. As the discharge of sewage from the proposed development has the potential to increase the levels of phosphates into the catchment of the River Wye SAC, NRW recommend the applicant must demonstrate phosphate neutrality or betterment.
17. I note the appellants have submitted further information as part of the appeal and separate representations have been received from NRW. As I am dismissing the appeal for other reasons, I have not sought further information from the parties to inform a screening as to whether there would be a likely significant effect on the qualifying features

of the SAC. Even if the effects on the SAC were found to be acceptable, this would not outweigh my conclusion on the main issue.

Conclusion

18. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.
19. 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 objectives to make our cities, towns and villages even better places in which to live and work, and to embed our response to the climate and nature emergency in everything we do.

I Stevens

Inspector



Penderfyniad ar gostau

Ymweliad â safle a wnaed ar 16 Tachwedd 2021

gan I Stevens BA (Hons) MCD MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 17/01/2022

Costs Decision

Site visit made on 16 November 2021

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Date: 17/01/2022

Costs application in relation to Appeal Ref: APP/T6850/A/21/3281122

Site address: Church Field, Nant Glas, Llandrindod Wells, LD1 6PA

The Welsh Ministers have transferred the authority to decide this application for costs to me as the appointed Inspector.

- The appeal is made under the Town and Country Planning Act 1990, sections 78, 322C and Schedule 6.
 - The application is made by Mr and Mrs Collard for a full award of costs against Powys County Council.
 - The appeal was against the refusal of planning permission for 1 no. affordable dwelling, 1 no. access point and 1 no. foul water receptacle.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The Section 12 Annex 'Award of Costs' of the Development Management Manual ('the Annex') advises that, irrespective of the outcome of an appeal, costs may only be awarded against a party who has behaved unreasonably, thereby causing the party applying for costs to incur unnecessary or wasted expense in the appeal process.
3. The applicants contend that unnecessary or wasted expense has occurred in their attempt to secure planning permission, because the local planning authority has prevented development which clearly should have been permitted having regard to the development plan, national planning policy and other material considerations.
4. The delegated officer report details the Council's concerns with the proposal. The report describes the appeal site and sets out why the site's location would be inappropriate for the proposed development, having regard to local and national planning policy. The report also assesses the proposal against affordable housing policy, concluding that that insufficient evidence has been submitted to demonstrate a proven unmet local need. Finally, the report explains why the submitted evidence has failed to demonstrate that the proposal would not have a significant impact on the River Wye Special Area of Conservation in terms of any potential increase in phosphate levels. Having considered

the delegated officer report, I find that the Council has substantiated the reasons for refusal.

5. The applicants have explained why they consider the proposal is acceptable having regard to the relevant policies and material considerations. However, the Council was entitled to reach its decision based on the evidence presented. I do not consider that the Council has acted unreasonably in reaching its decision.
6. I therefore find that unreasonable behaviour resulting in unnecessary or wasted expense, as described in the Annex at Section 12 of the Development Management Manual has not been demonstrated. An award of costs is therefore not justified in this case.

Conclusion

7. The costs application is refused.

I Stevens

Inspector

CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE

3 February 2022

REPORT BY: HEAD OF HIGHWAYS, TRANSPORT AND
RECYCLING

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

REPORT FOR: DECISION

Proposal to divert part of public footpath N1 on land at Ysgol Cedewain, Plantation Lane, Newtown SY16 1LH (Community of Newtown & Llanllwchaiarn.)

Background:

This report is being presented to the committee in accordance with the Council's constitution as the diversion proposal affects Council land. The need for a diversion of footpath N1 has arisen because the development subject of planning application 21/1660/FUL would lie on the line of part of the footpath.

To expedite matters, this report is being presented at the same committee meeting as the report to determine planning permission. If planning permission is not granted, then this report will be withdrawn.

The planning permission sought, is for the demolition of all buildings currently associated with the existing Ysgol Cedewain School site, the erection of a new 2 Storey Additional Learning Need School, formation of a Multi-Use Games Area, external services yard compound, sports pitch, new 45 space car parking area including 4 electric charging bays, new vehicular access off Plantation Lane, landscaping works and all associated works. The applicant's plans, as submitted during the planning permission process showing the footpath diversion and the development are at Appendix A and B. The proposed line of the footpath diversion is illustrated on the plan at Appendix C.

The applicant for the proposed diversion of the footpath is Powys County Council Schools Service.

Current Definitive route:

From a point on the access road to Ysgol Cedewain at OS Grid Reference SO 1006, 9045 (being point A shown on the plan at Appendix C), leading in a generally south-westerly direction through the grounds of Maesyrrhandir County Primary School to connect with Footpaths N2A and N3A on the south side of Ysgol Cedewain at OSGR SO 0998,9031 (point B). The total length to

be diverted is approximately 172 metres. The width is undefined in the definitive statement.

Proposed alternative route:

The proposed diversion route of footpath N1 commences at a point on the school car park access road off Plantation Lane at OSGR SO 1006, 9045 (being point A shown on the plan at Appendix C). It then follows in a generally south-south-easterly direction for approximately 50 metres alongside the access road to OSGR SO 1007, 9040 (point C). It continues in a generally south-south easterly direction for approximately 28 metres to OSGR SO 1009,9038 (point D). It then turns to follow a path adjacent to the site boundary for approximately 123 metres to end at a junction with footpath N3 (A) at OSGR SO 1002, 9029 (point F)

The total length of the proposed new path is approximately 201 metres; the width is 2 metres.

Works required:

The works to make the new route ready for use will be undertaken by the applicant. The footpath between points C-E-F to comprise two metres width with an asphalt finish and bounded on the school side by a 2.1m high safeguarding fence.

Consultation:

The Schools Service carried out pre-Order consultation, in October 2020, and consultees were given 28 days to respond. Responses to the proposals have been received from:

- Newtown & Llanllwchaiarn Town Council, who support the proposal;
- Ramblers Association, who have no objection to the proposal and felt that it will result in an improvement of the rights of way;
- Open Spaces Society who requested a paper copy of the definitive map and statement but provided no further comment;
- SP Energy, BT Openreach, Severn Trent, Wales & West Utilities, Powys Archaeological Trust, Planning Services and Local Member (Cllr Les Skilton), none of whom objected to the proposals.

Options:

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

On the proviso that planning permission 21/1660/FUL has been approved for the new school that will lie on the line of footpath N1, and the development is not 'substantially complete', it is considered that the legal criteria for the making of a diversion Order are met.

If a diversion Order is made, opposed and submitted to the Welsh Government, the Inspector could consider wider issues, including the

suitability of the proposed new route, in deciding whether the Order should be confirmed or not. However, they will not re-open the matter of the planning merits of the development itself.

The Committee could:

1. Decide not to make a diversion Order in respect of this application; in that event, the applicant would not be able to implement the development subject of the planning permission that has been granted, as to do so would obstruct the line of footpath N1.
2. Approve the making of a diversion Order. Given that there are no outstanding objections, there is a low risk that the Order may then be formally opposed.

If a diversion Order is made and opposed, it could be formally abandoned. Alternatively, the Order could be submitted to the Planning and Environment Decisions Wales division in the Welsh Government for determination.

Provided that planning permission is granted, the proposal meets the legal criteria for the making of a diversion Order, and it is proposed that a diversion Order be made. If it is opposed, then unless significant new information comes to light, it is suggested that the Order should be submitted to the Welsh Government for determination. It would then be for the Schools Service to make any representations in support of the confirmation of the Order.

RECOMMENDATIONS:

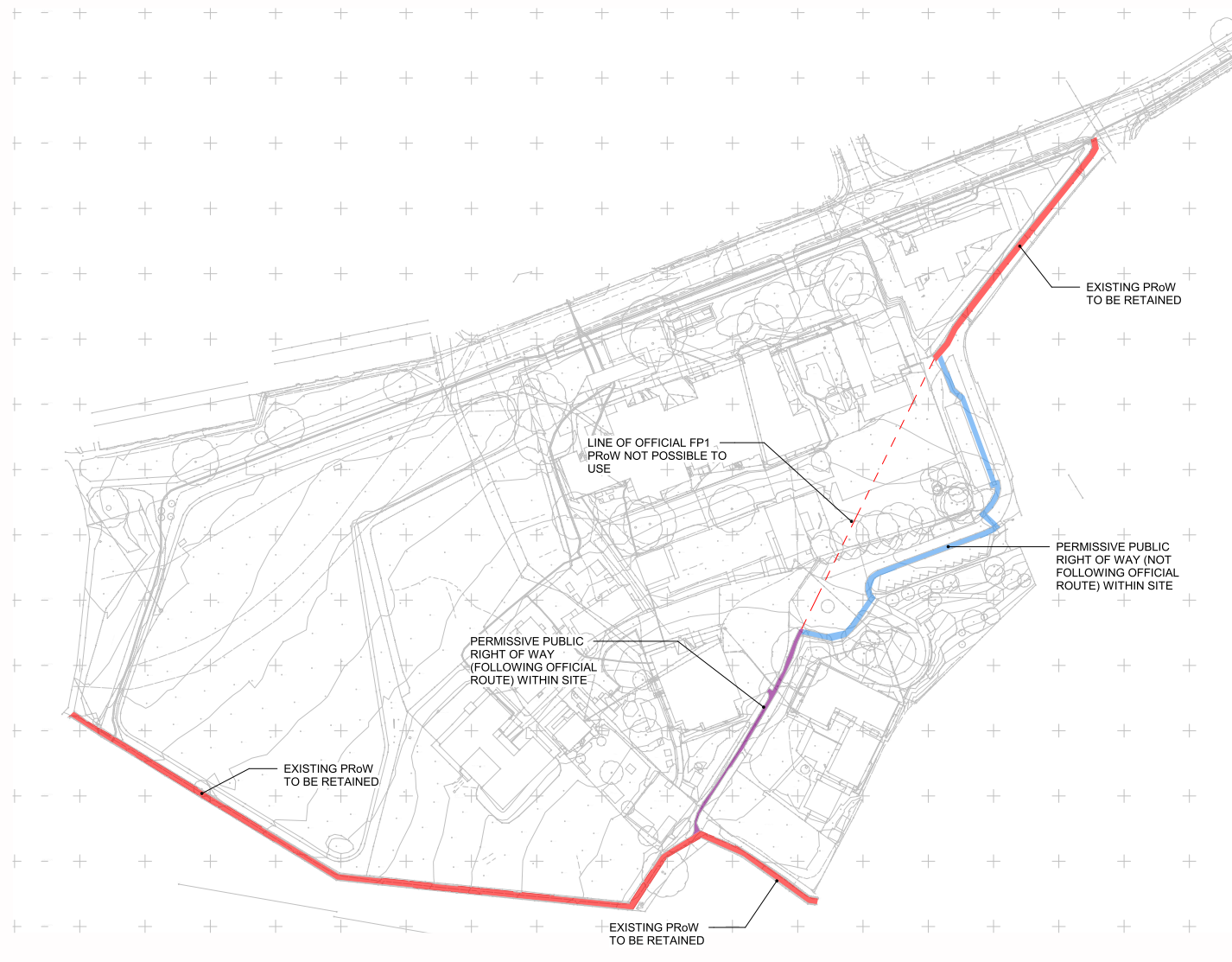
1. That an Order be made to divert part of footpath N1, on the land at Ysgol Cedewain, Plantation Lane, Newtown as shown on the plan at appendix C;

Appendices:

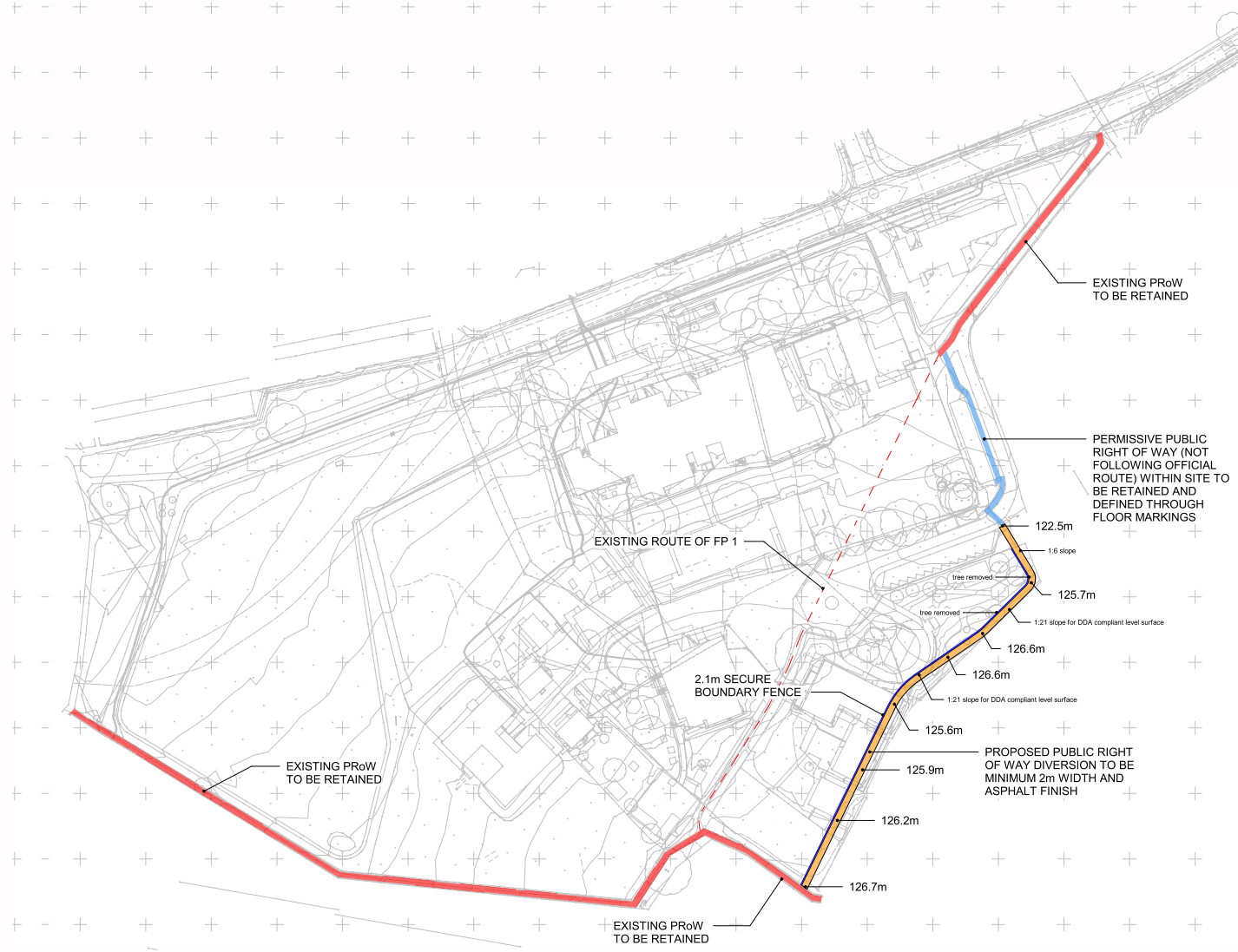
- Appendix A 21/1660/FUL Applicant's PROW Diversion Plan
- Appendix B Applicant's Development Site Plan
- Appendix C Plan of proposed diversion

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Notes
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 This drawing is to be read as part of a full Landscape Drawing Package in conjunction with all the relevant surveys alongside the Architectural and Engineers drawing.
 Only figured dimensions are to be taken from this drawing. Dimensions should not be scaled from this drawing, as scaling of this drawing cannot be assured.
 All dimensions are to millimetres unless specified otherwise.
 All contractors must visit the site and be responsible for taking and checking all dimensions, services and setting out related to the works shown on this drawing.
 All coordinates are set to dimensional points to enable easy cross referencing on site.
 All setting out points are to be verified on site and any discrepancies should be clarified by the Landscape Architect.
 Hatching is not a technical representation of surface patterns, contractors are to follow the line of direction specified on drawings. Where no line of direction is given contractor to contact Landscape Architect before laying.
 All levels should be checked on site and conflicts reported to the design office.
 ...if in doubt ask

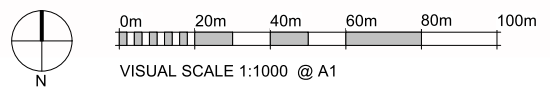


EXISTING PUBLIC RIGHT OF WAY ROUTES 1:1000



PROPOSED PUBLIC RIGHT OF WAY ROUTES 1:1000

- KEY**
- EXISTING PUBLIC RIGHT OF WAY UNAFFECTED
 - - - OFFICIAL LINE OF PUBLIC RIGHT OF WAY PROPOSED FOR CHANGE
 - EXISTING PUBLIC RIGHT OF WAY (FOLLOWING OFFICIAL ROUTE) WITHIN SITE
 - PERMISSIVE PUBLIC RIGHT OF WAY (NOT FOLLOWING OFFICIAL ROUTE) WITHIN SITE
 - PROPOSED PUBLIC RIGHT OF WAY - BLUE LINE INDICATES 2.1m SECURE FENCE



P3	RF	SR	06.09.21	ISSUED FOR PLANNING
P2	RF	SR	20.07.21	ISSUED FOR PAC
P1	RF	SR	24.06.21	STAGE 2 APPROVAL
Rev	Drawn	Check	Date	Description

FOR PLANNING



land studio

Client:
POWYS COUNTY COUNCIL

Project:
CEDEWAIN ALN SCHOOL

Drawing Title:
PUBLIC RIGHT OF WAY DIVERSION

Drawn By: MR Date: 08.06.21
 Checked By: RF Date: 08.06.21

Drawing Scale: 1 : 1000 Sheet Size A1

Drawing No:	Status	Rev.
CEDEWAIN-XX-DR-L-0100	S4	P3

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Appendix B

Notes

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- Legend**
- Red Line Boundary: Development boundary
 - Easements: Refer to Surveys for more information
 - Existing Trees and their RPA: To be retained
 - New Tree Planting: Refer to Detailed Planting Plan
 - Trees Removed: Refer to Arboricultural Impact Assessment
 - New Grass Areas: Refer to Detailed Planting Plan
 - New Buffer Planting and Whips: Mix of tree planting and whips planting to create a tree belt. Refer to Detailed Planting Plan
 - New Sports Pitch: Refer to Detailed Planting Plan
 - New Dry Swale Planting: Mix of meadow seed and shrub whip planting. Refer to Detailed Planting Plan
 - New Meadow and Bulb Planting: Mix of meadow seed and bulb planting. Refer to Detailed Planting Plan
 - New Ornamental Planting: Mix of low growing, evergreen groundcover. Refer to Detailed Planting Plan
 - Vehicular Tarmac: Colour: Grey
 - Vehicular Permeable Paving: Colour: Grey, block paving
 - Pedestrian Tarmac: Colour: Buff
 - Pedestrian Tarmac: Colour: Grey, including Multi-use games area (MUGA)
 - Pedestrian Paving: Colour: Buff, block paving
 - Coloured Weltpour: Colour: Coloured with line markings and play mounds
 - Concrete Paving: Colour: Grey, Concrete Flag or similar
 - Bark Chippings: Mulch path for access to forest school.
 - Gates: To match surrounding fence types, refer to Boundary Plan
 - Boundary Fence Line: External boundary treatments, refer to Boundary Plan for details
 - Internal Fence Line: Demarcation boundary treatments, refer to Boundary Plan for details
 - Bat Boxes: Located 3m above ground level, facing south. 3no. Chillon Woodstone bat box or similar
 - Bird Boxes: Located on existing trees and structures facing north. 2no. Schwegler 1SP sparrow terrace and 2no. Schwegler 17 swift box.
 - Cycle Hoops: 12no. sheffield steel cycle hoops
 - Storage Units (Existing): Containers relocated from existing school
 - Storage Units: 4no. new metal secure storage shed, Asguard 3x1.5m or equal approved

P3	RF	SR	06.09.21	ISSUED FOR PLANNING
P2	RF	SR	20.07.21	ISSUED FOR PAC
P1	RF	SR	24.06.21	STAGE 2 APPROVAL
Rev	Drawn	Checked	Date	Description

FOR PLANNING

land studio

Client:
POWYS COUNTY COUNCIL

Project:
CEDEWAIN ALN SCHOOL

Drawing Title:
LANDSCAPE
GENERAL ARRANGEMENT

Drawn By: RF Date: 21.06.21
Checked By: SR Date: 21.06.21
Drawing Scale: 1 : 500 Sheet Size: A1

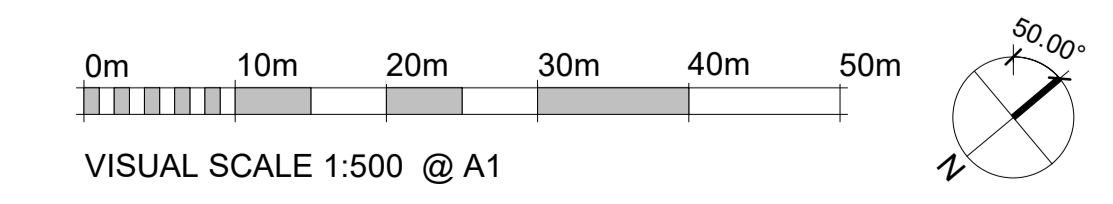
Drawing No: CED-LST-A1-XX-DR-L-0200	Status: S4	Rev: P3
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KEY NOTES

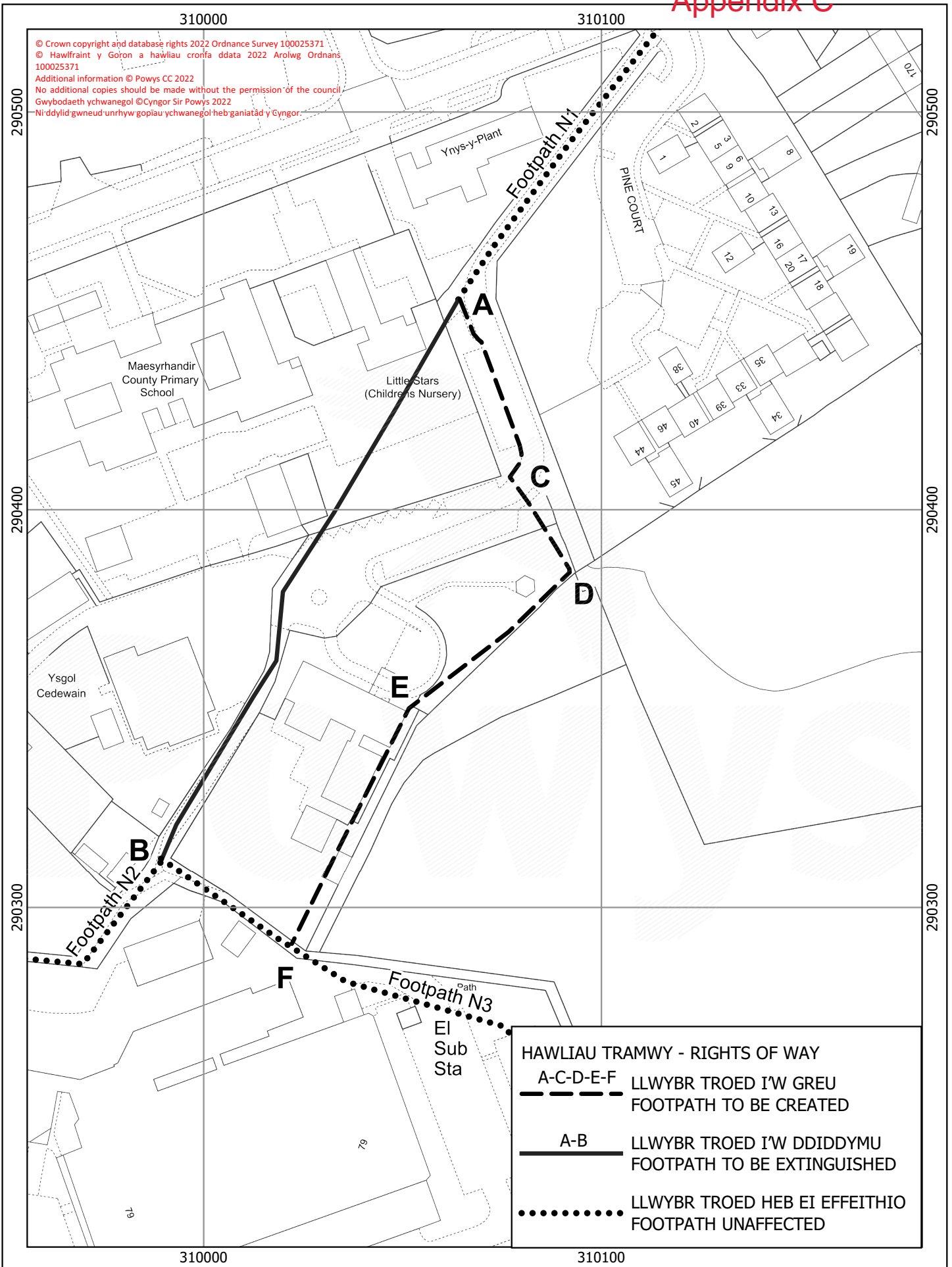
1. **Gated Entrance:**
Vehicular and pedestrian gates are set back in to the site for a vehicular threshold off the highway. Gate operation to be confirmed
2. **Car Park:**
48 standard bays (4 electric charging points)
15 mini bus spaces
3 DDA spaces
3. **Bike Storage:**
Secure enclosure for 12no. cycle stands (22 spaces in total)
4. **Service Yard:**
Secure compound for sprinkler tank, bin storage and recycling
5. **Canopy Cover:**
Canopy over mini bus layby and main entrance
6. **Swale Basin:**
Drainage swales planted with meadow seed.
Refer to Drainage Engineers drawing pack for additional information
7. **Swale Feature:**
Drainage swales planted with meadow seed.
Refer to Drainage Engineers drawing pack for additional information
8. **Teaching Gazebo (4m dia):**
Covered teaching space with internal benching and half height panels
Cedar shingle tiled roof from the Lap Company or equal approved
9. **Mounded Play:**
Wetpour mounds and line markings for play
3no. sensory totem poles from Handmade Places or equal approved
10. **Sand Pit Play:**
Circular sand pit with steel edge and removable lid
11. **Quiet Seating Space:**
Paved circular space with curved modular bench
Hopop Arch from Artform or equal approved
12. **Reading Gazebo (2m dia):**
Covered teaching space with internal benching
Cedar shingle tiled roof from the Lap Company or equal approved
13. **Play Park:**
Relocated play equipment with surfacing appropriate to critical fall height
14. **Balance Cubes:**
Informal seating cubes/ balance units
Hopop from Artform or equal approved

15. **Sensory Courtyard:**
Small feature tree planting with ornamental planting beds and raised wooden beds. Curved seating for group areas
Hopop loop and line from Artform or equal approved
16. **Learning Terrace:**
Curved seating and raised beds for planting
Hopop loop and line from Artform or equal approved
17. **Amphitheatre/ Performance Area:**
Curved paths wrap around a central stage with modular seating.
Hopop arch and block units from Artform or equal approved
18. **Outdoor Dining Area:**
Picnic benches with wheelchair access set amongst tree planting
19. **Storage Containers:**
Relocated from existing school
20. **Paths to Forest School Area:**
Tarmac path for easy level access
21. **Existing Shelter and Store:**
Retained and reused as forest school area
22. **Grass Pitch:**
Located for easy use by Maesyhandir and community out of school hours
23. **MUGA:**
Enclosed with timber fencing with multi-use goal ends
24. **Tenant Area:**
Garden area with existing canopy area and polytunnel.
25. **Existing Car Park:**
Retained and surface, repairs where necessary
26. **Diverted Public Right of Way:**
New section of Public Right of Way to tie in with existing.
Refer to Relocated Public Right of Way drawings for more information
27. **External Storage:**
4no. Metal secure storage shed, Asguard 3x1.5m or equal approved
28. **Pedestrian & Cycle Path:**
3m wide path to accommodate cyclist and pedestrians up to cycle store
29. **Extension to Maesyhandir school Playground:**
New pedestrian grade tarmac to make good after demolition of cabin unit.
30. **Maintenance Access Track:**
Bodpave or similar grasscrete to create access track to swale areas.

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