

# Planning, Taxi Licensing & Rights of Way Committee

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Meeting Venue  
**By Teams**

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Meeting Date  
**Thursday, 1 December 2022**

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Meeting Time  
**10.00 am**

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



County Hall  
Llandrindod Wells  
Powys  
LD1 5LG

24 November 2022

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

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## AGENDA

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

<b>2.</b>	<b>MINUTES OF THE PREVIOUS MEETING</b>
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To authorise the Chair to sign the minutes of the previous meeting of the Committee held on 20 October 2022 as a correct record.

(Pages 5 - 8)

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

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

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

(Pages 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. 21/2085/FUL Rhydolog, Cwmdauddwr, Rhayader**

(Pages 11 - 86)

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

(Pages 87 - 172)

<b>6.</b>	<b>APPEAL DECISIONS</b>
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To receive the Planning Inspector's decisions regarding appeals.

(Pages 173 - 184)

<b>Rights of Way</b>
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<b>7.</b>	<b>DECLARATIONS OF INTEREST</b>
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To receive any declarations of interest from Members relating to the following items on the agenda.

<b>8.</b>	<b>PUBLIC PATH ORDERS: WORKING PRACTICE AND CHARGES</b>
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To consider the report.

(Pages 185 - 208)

**Taxi and other licensing**

**9. DECLARATIONS OF INTEREST**

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

**10. MINUTES OF TAXI LICENSING SUB-COMMITTEES**

To authorise the Chair presiding at the Taxi Licensing Sub-Committee held on 19 October 2022 to sign the minutes as a correct record.

(Pages 209 - 210)

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**MINUTES OF A MEETING OF THE PLANNING, TAXI LICENSING & RIGHTS OF WAY COMMITTEE HELD AT HYBRID MEETING - ZOOM - COUNTY HALL ON THURSDAY, 20 OCTOBER 2022**

**PRESENT**

County Councillor K Lewis (Chair)

County Councillors G D Jones, T Colbert, A Davies, D Edwards, L George, H Hulme, P James, A Jones, G E Jones, C Kenyon-Wade, I McIntosh, G Morgan, G Pugh, E Roderick, R G Thomas, E Vaughan, J Wilkinson and D H Williams

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

<b>2. MINUTES OF THE PREVIOUS MEETING</b>
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The Chair was authorised to sign as a correct record the minutes of the meeting held on 5 October 2022.

<b>Planning</b>
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<b>3. DECLARATIONS OF INTEREST</b>
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(a) County Councillor G Thomas declared a prejudicial interest in application 21/0422/FUL because he had provided a licenced bar at the premises.

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

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

(d) The Committee noted that County Councillor A Jenner (who is not a member of the Committee) would be speaking as the 'local representative' in respect of application 21/0422/FUL.

In addition to the above, the Committee noted that County Councillor H Williams (who is a member of the Committee) would be acting as 'Member Representative' in respect of application 21/0658/FUL as he would be speaking on behalf of an objector.

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

#### 4.1 Updates

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

County Councillor G Thomas having declared a prejudicial interest left the meeting for the next item.

#### 4.2 21/0422/FUL Land Near To St Mary The Virgin Church, Trelystan, Welshpool, SY21 8LD

**Grid Ref:** E: 326265 N: 303958

**Valid Date:** 17.03.21

**Community Council:** Forden With Leighton & Trelystan Community Council

**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 (Part Retrospective)

**Application Type:** Full application

The Principal Planning Officer advised that since the update report had been circulated a further seven letters of support had been received.

County Councillor A Jenner spoke as the local representative.  
Mrs D Stevens spoke as an objector.  
Mr T Williams spoke as the agent.

In response to questions the Principal Planning Officer confirmed that sufficient car parking facilities were available. The Highways Officer advised that no additional infrastructure was required on the highway as the number of vehicle movements associated with the development was not increasing above the capacity of the existing Church.

The Principal Planning Officer advised that special regard should be given to the Listed Church but given the financial and community benefits to the Church this was considered to be an acceptable development on balance.

In response to questions regarding permitted development rights the Principal Planning Officer advised that the applicant may currently hold weddings on 28 days in any calendar year. Under permitted development rights there are no controls on any issues such as the number of guests or when the marquee can be erected. If the Committee were minded to approve the application a range of

conditions are recommended including the number of guests, noise levels and a S106 agreement.

The clarity of the S106 agreement was questioned and the Principal Planning Officer advised that if the Committee was minded to approve the application the S106 could be made clearer by including in addition “that no camping is permitted on the night of a wedding”. In response to a question about whether financial viability should be taken into account as a material planning consideration, the Principal Planning Officer advised the financial benefits considered were in respect of the viability of the church. The Built Heritage Officer advised that CADW guidance stated that the communal benefits of an application could be considered.

It was moved and duly seconded to approve the application as recommended by the officer and that it be delegated to the Professional Lead Planning in consultation with the Chair to amend the S106 to include reference to the fact that no camping is permitted on the night of a wedding.

<b>RESOLVED:</b>	<b>Reason for decision:</b>
<b>that the application be granted consent, subject to the conditions set out in the update report which is filed with the signed minutes and that it be delegated to the Professional Lead Planning in consultation with the Chair to amend the S106 to include reference to the fact that no camping is permitted on the night of a wedding.</b>	<b>As officer’s recommendation as set out in the update report which is filed with the signed minutes.</b>  <b>To make the S106 clearer.</b>

County Councillor G Thomas returned to the meeting.

#### 4.3 21/0658/FUL Land at Yr Ysgol, Ystradgynlais, SA9 1LQ

**Grid Ref:** E: 278940 N: 210859

**Valid Date:** 10.05.21

**Community Council:** Ystradgynlais Town Council

**Applicant:** Fieldbay Ltd

**Location:** Land at Yr Ysgol, Ystradgynlais, SA9 1LQ

**Proposal:** Proposed development of 4 no. supported living bungalows, 1 no. staff pod and associated works

**Application Type:** Full application

County Councillor H Williams spoke as a Member Representative, on behalf of the objector, Mr M Holland, who was unable to speak at the meeting. County Councillor Williams left the meeting.

Ms L Hallett spoke as the agent.

In response to questions the Highways Officer confirmed that within the revised parking layout there was sufficient space for HGVs to turn, that the current access to the site was adequate and the number of parking spaces are adequate for the development. The Principal Planning Officer in response to questions regarding contaminated land advised that four planning conditions were recommended by the Contaminated Land Officer.

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

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

County Councillor H Williams returned to the meeting.

<b>5.</b>	<b>DECISIONS OF THE HEAD OF PROPERTY, PLANNING AND PUBLIC PROTECTION ON DELEGATED APPLICATIONS</b>
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The Committee received for information a list of decisions made by the Head of Property, Planning and Public Protection during the period between 11 August 2022 and 4 October 2022 and 5 October 2022 and 12 October 2022.

**County Councillor K Lewis (Chair)**



**Planning, Taxi Licensing and Rights of Way Committee  
1<sup>st</sup> December 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><b>21/2085/FUL</b></p> <p>Rhayader</p> <p>294204 267941</p> <p>16:11:2021</p>	<p>Change of Use of dwelling (C3) to a D1 (wellbeing and healing retreat), conversion of part of barn to artisit's studio and store, installation of solar arrays and all associated works</p> <p>Rhydolog, Cwmdauddwr, Rhayader</p> <p>Miss Charlotte Church</p> <p><b>Recommendation:</b></p> <p>Conditional Consent</p>
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# 4.2

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

**Application Number:** 21/2085/FUL      **Grid Ref:** E: 294204  
N: 267941  
**Community Council:** Rhayader Community      **Valid Date:** 30.11.2021

**Applicant:** Miss Charlotte Church

**Location:** Rhydoldog, Cwmdauddwr, Rhayader, Powys, LD6 5HB

**Proposal:** Change of use of dwelling (C3) to a D1 (wellbeing and healing retreat), conversion of part of barn to artist's studio and store, installation of solar arrays and all associated works

**Application Type:** Full Application

### Reason for Committee determination

The Local Member has requested that the application be determined before Members of the Planning Committee due to concerns raised from the Town Council over traffic generation and that impact to existing residents/businesses using that highway network.

### Consultee Responses

#### Consultee

#### Received

Community Council

21st Dec 2021

During the afternoon of 20th December 2021 a number of Rhayader Town Council made a site visit in respect of this application. The applicant detailed the proposal and community concerns were discussed. The application was considered at a Planning Meeting of Rhayader Town Council held on the evening of 20th December 2021 where Councillors noted correspondence received from residents and public representations made at the meeting before discussing the application in detail.

It was resolved unanimously to OBJECT to the application on grounds of Highway Safety.

The application relies on the use of the C1219 which is single-track joining the B4518. The applicant's Transport Statement dated September 2021 indicates this as the preferred route stating "traffic will naturally use the superior eastern route to and from the B4518" (P5 para 3.5) The road already provides access to existing residential properties and agricultural holdings.

Councillors noted that small 'passing places' on the road also served properties for the collection of household recycling and refuse collection. A number of these sites are on third party land and are not formal passing places and not maintained as part of the highway. There is concern that gateway accesses are also used as informal passing places. It was noted that the applicant had not consulted with roadside landowners regarding potential passing place creation. Councillors also noted that the road was not only used by residents and for agricultural purposes but was used by horse riders.

Concern was raised over the number of new vehicle movements that would be created by the development proposal. Page 9 para 4.16 of the Transport Statement (which also relates to an additional planning application 21/1904/FUL for the development of 4 log cabins) states "it is considered that both planning applications, the log-cabins and the Health and Wellbeing Retreat, have the potential to generate a combined 30 daily movements (15 arrivals and 15 departures)".

Concerns were raised that 3 parking spaces have been allocated to 8 members of staff, in view of the rural nature location of the property it was felt that the number of staff vehicles accessing the property would be significantly higher than the calculation based on parking places and the number of parking places proposed may be inadequate.

Councillors agreed the applicants estimates to be inadequate due to the strong link between this application and 21/1904/FUL. Further there appeared to be no indication within the application regarding the movement of delivery and other services vehicles.

Councillors referred specifically to the Powys Local Development Plan (LDP) in terms of transport related policies, DM13 (Design and Resources) requires that development satisfies a number of criteria, including:

- o The development has been 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.
- o Development proposals should 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.

Rhayader Town Council concurred that the application and its supporting documents failed to fully and adequately assess the impact of this development on highway use and safety and in addition that the Planning Authority ensures that this application and application 21/1904/FUL be considered concurrently in order to assess the cumulative impact of both.

Rhayader Town Council has requested that this application be called in for determination by the Planning Committee of Powys County Council and strongly recommend that members of that committee undertake a site visit.

Ward Councillor

20th Dec 2021

Rhayader Town Council recently contacted you about these two applications and requested an extension of time for the Council to provide you with comments, you very kindly agreed to that request.

Earlier this evening I attended a meeting of Rhayader Town Council when the two planning applications were discussed following a site meeting earlier today. At the meeting this evening, after discussion, the Town Council asked me as County Council to 'call in' both applications so that the applications would be determined by the Planning Committee. This e-mail is my request to call in both applications.

I'm aware that the deadline dates for call ins printed in the letters I received from you have passed, but I assume that because an extension was given to the Town Council to provide their comments, and the fact that the Town Council did not meet until this evening, an extension would equally apply to the dates by which the two applications would need to be called in by.

The Town Council clerk will be contacting you tomorrow to provide you with the comments made by the Town Council regarding the two applications and will also be confirming that I as County Councillor was asked to call in the applications.

Looking forward to your reply and many thanks in anticipation.

PCC-(M) Highways

10th Dec 2021

The application site is accessed via a private road which joins the C1219 County Highway, approximately 2km from its junction with the B4518. The C1219 which is of a single-track nature serves a number of existing residential properties and farmsteads.

The applicant has submitted a Transport Statement which relates not only to this proposed development but also to an additional planning application (21/1904/FUL) for the proposed development of 4 log cabins, a bath house and associated works at the same location. The Highway Authority will assess each application individually on its own merits.

The Transport Statement includes a plan showing the perceived existing and proposed additional passing places along the C1219. A recent site inspection by the Highway Authority concluded that a large number of these locations were in fact within third party areas and as

such could not be relied upon as formal passing places.

Additionally, a number of the locations were simply grassed gateways which are also not acceptable. The applicant has proposed 2 additional bays to be created towards the end of the C1219 however neither of these locations would accommodate a passing bay to adoptable standard, nor has any detail been submitted showing the construction of these bays. Furthermore, passing place 1 would partially be within third party land and it is noted that notice has not been served on the landowner.

The C1219 has poor horizontal and vertical alignment along its length resulting in vehicles being forced to reverse significant distances along a highway with restricted visibility and passing opportunities in order to pass oncoming traffic.

The C1219 can also be accessed via the U1256 which also leads to the B4518 approximately 600m from the C1219/U1256 junction. Whilst it is noted by the Highway Authority that this route is signposted as being unsuitable for wide vehicles, it is contended that a motor car would not be considered as a wide vehicle and as such visitors to Rhydoldog House may attempt to use this route when travelling from the south-westerly direction. This route has not been suitably assessed by the applicant within the Transport Statement.

Page 7 of the Transport Statement refers to the proposed vehicle movements generated by the development. The Highway Authority notes the submission of TRICs data within the Transport Statement and whilst its limitations with regards to available data is acknowledged, it would argue that the locations chosen are not adequately comparable to this application site. It is argued that the actual vehicle movements generated by this proposal (21/2085/FUL) would be significantly higher than the 22 per day quoted within the Transport Statement.

Based on the above, the Highway Authority does not support this application, on the basis that the development as proposed, will create an unacceptable risk to highway safety, contrary to Policies T1 and DM13 of the LDP.

PCC-(M) Highways

12th Jan 2022

With reference to the two applications at the above location I have reviewed my earlier response and realised that regrettably I failed to include my concerns regarding the visibility at the junction of the C1219 with the B4518. The measurements taken during my site visit were 35m in the Elan Valley direction and 125m in the direction of Rhayader. Due to the increase in vehicle movements at the junction as a result of the proposed development, the achievable visibility in the Elan Valley direction adds to the safety concerns of the Highway Authority. The minimum acceptable distance as per MFS would be 93m in each direction

measured from a 2.4m set back. This could be achieved by relocating the hedge and potentially regrading the bank, however this would be within third party land and would require notice to be served on the landowner.

Please could you forward this to the agent of the applications for their consideration, I didn't think it fair to wait until my next formal response for it to be flagged up.

PCC-(M) Highways

3rd Mar 2022

Thank you for re-consulting the Highway Authority (HA) on this matter. The content of the Technical Note submitted by Acstro, which aims to address the concerns previously raised by the HA, is duly noted. In response, the HA comments as follows.

#### Overview

Rhydoldog House is a substantial dwelling which offers extensive accommodation, including a self-contained annex which is suitable for permanent multigenerational family use, or extended family use. The property is also well suited to providing B&B facilities, a use which would not strictly require the benefit of planning permission. It is therefore acknowledged that the existing property is clearly capable of generating levels of traffic, significantly above those expected from a more traditionally sized residential dwelling.

#### Proposal

This application (accompanying application 21/1904/FUL will be considered separately) seeks to remodel the house to provide 7 guest bedrooms for use in connection with a well-being business enterprise, whilst retaining the existing self-contained annex accommodation, which is designated for the use of a housekeeper. The application also includes a proposal to convert the adjoining barn to create a further 3 units of accommodation (8 beds), together with additional event space/facilities, all of which are to be used in connection with the proposed business.

#### Traffic Generation Forecast for Development Proposals

The applicant has sought to estimate the likely traffic generation arising from the proposed development, using traffic survey detail contained within the industry recognised TRICS database. Based on a "holiday accommodation" setting, a modelling exercise has been undertaken by the applicant, which originally concluded that each individual unit of accommodation would likely generate, circa 2 daily traffic movements. (See original Transport Statement - TS)

Whilst the principle behind such an analysis is generally considered to be sound, the HA

raised concerns within its original response, with regards to the robustness of the findings. It questioned the site selection process, as a significant number of the selected sites were not considered to be comparable to the site under consideration, mainly due to its remote location, with extremely limited access to walkable nearby facilities and public transport. Clearly remote sites such as this, place a greater reliance on private vehicular for shorter trips, compared to those sites with better alternative means of access to facilities, either by foot, cycling or public transport.

Indeed, the TRICS Good Practice Guide 2016, warns users at paragraph 4:3, that "Care should also be taken to ensure that data fields used in site selection filtering are relevant to each individual case" and at paragraph 4.5: "The most important data fields in terms of site selection compatibility are the main category and sub-category location types. Sites in a town centre with good local public transport accessibility will naturally, as a rule, achieve a different type of modal split to a site in the countryside without any public transport. Mixing sites which are clearly incompatible in a set for trip rate calculation could lead to the production of misleading trip rates"

In order to address the concerns raised, the applicant has undertaken further analysis of the TRICS database, placing a greater emphasis on the site selection criteria. The revised findings, which are detailed within the recently submitted Technical Note (TN), conclude that projected trip rates are still in line with those originally presented (2 daily vehicular movements per unit of accommodation).

Unfortunately, the HA are still not satisfied that the revised detail presents a robust analysis at this location. Whilst the actual trip generation figures presented are not disputed, the TRICS data focuses solely on vehicular movements, and does not include detail on alternative modes of travel which would have likely been generated by the more sustainable selected sites. It contends that many of the likely multi modal trips that would have been generated at those more sustainable sites (e.g. walking, cycling & public transport), would likely translate to vehicular movements at this location. Whilst this point has been acknowledged by the applicant, reaching a consensus on a more robust traffic generation figure is clearly challenging.

In the absence of multi modal data for the selected sites, the HA would contend that a more realistic trip generation figure could be derived by aggregating trip generation figures from a typical residential dwelling (circa 6 daily movements), against those submitted for holiday accommodation (2 daily movements). Such an exercise should, however, recognise the nature of this application, which places an emphasis on providing residential courses and amenities on the site. Such facilities would, likely keep an aggregated figure to the lower end of the scale. As such the HA concludes that a daily trip rate of 3 vehicular movements per unit, represents a more robust figure in this instance. This figure has been summarily agreed



by the applicant.

Effects of Development Traffic on the existing highway network.

The provision of 7 guest suites within the dwelling, together with a housekeeper annex, and 3 additional accommodation suites within the barn (8 beds), would, based on the agreed trip rate detailed above, likely give rise to circa 39 daily traffic movements. This projection is based on guests sharing a vehicle for each available guest suite, 1 vehicle sharing 2 single beds, and 6 daily movements being undertaken by the housekeeper. The figure is, however, likely to be greater when travel associated with the 8 stated members of staff are factored in.

Clearly the above trips cannot all be considered as new trips to and from the site, as consideration must be given to the historical trips associated with the property, and consideration must also be given to the level of traffic that could realistically be generated by a dwelling of this scale, without the need to necessarily obtain planning permission. As stated elsewhere within the report, it is reasonable to assume that such a dwelling, could comfortably, accommodate extended family groups, and also provide circa 3 B&B guest suites, which, using the same trip generation formula used above, could realistically generate circa 21 daily trips. Servicing arrangements under both scenarios would likely be similar.

#### Suggested Mitigation

There has been some debate around the level and number of passing opportunities currently available along the C1219 county highway, which provides the most legible and logical route to the site. Whilst the content of the TN is noted, the HA maintains that certain passing bays identified within the original TS (Appendix 1), do rely upon areas of land that are considered to be private. The reliance upon these areas for the provision of passing opportunities cannot therefore be relied upon.

Nonetheless, the HA has undertaken further surveys of the route and conclude that there is sufficient scope along the route to provide areas of localised widening on both sides of the highway, which would provide improved passing opportunities for cars and importantly, pedestrians, cyclists and horses, which would clearly provide a modest level of mitigation.

#### Conclusion

Policy T1 within the adopted LDP states:

"Travel, Traffic and Transport Infrastructure, traffic management improvements and development proposals should incorporate the following principal requirements:

1. Safe and efficient flow of traffic for all transport users, including more vulnerable users, and especially those making 'Active Travel' journeys by walking or cycling;

2. Manage any impacts to the network and the local environment to acceptable levels and mitigate any adverse impacts; and,
3. Minimise demand for travel by private transport and encourage, promote and improve sustainable forms of travel including Active Travel opportunities in all areas."

This application does not include proposals that would encourage the use of alternative modes of travel to and from the site, however it is accepted that the remote nature of the site clearly limits such opportunities. Whilst the projected traffic generation numbers likely under both scenarios are generally low, it is nonetheless evident, that this proposal would clearly generate a significant increase in traffic (circa 85%) from the site itself. That traffic would ultimately have to pass through the constrained junction with the B4518/C1219, and along, what is, a constrained 1.8km length of the C1219 county highway. The increase in vehicle numbers, with the increased risk of opposing vehicles being forced to reverse, will inevitably, lead to increased conflict along the route, adversely affecting and inconveniencing the existing neighbouring properties and businesses.

Notwithstanding the above, it is recognised that this particular element of the wider development proposals, does not seek to build or introduce new buildings on the site; the proposal instead, seeks to repurpose existing buildings which have historically, and could legitimately, generate quite significant levels of traffic. Consideration must also be given to the fact that a number of modest highway improvements along the existing highway network, can and will be secured as part of the development. Such improvements would not only help to mitigate the effects of the development traffic, but they would also provide benefit to existing highway users. Additionally, the HA understands that a specific planning condition is to be imposed, which would restrict the use of the on-site facilities, to those persons staying the accommodation only. As such, further non-residential visitors to the site would be limited.

In consideration of the above, the HA therefore concludes, that on balance, the submission includes (marginally) sufficient mitigation, to offset the detrimental effects of the increased development traffic. As such, it contends that an objection on highway grounds could not be sustained in this instance. Accordingly, should the LPA be minded to approve the proposal, then the HA respectfully requests that the following highway conditions be attached to any consent granted.

- o Prior to any works being commenced on the development site the applicant shall complete the offsite highway works detailed on drawing 1490-004-A of the Technical Note dated 14th January 2022 to the written satisfaction of the Local Planning Authority. Such works shall include the replacement of a junction warning road sign and the installation of ARAF/SLOW painted signage on the B4518 county highway. The design of the traffic sign shall conform to BS EN 12899-1:2007
- o Prior to any works being commenced on the development site the applicant shall

construct 1 passing bay to an adoptable standard in the location shown on the approved Technical Note 'Proposed Passing Place' drawing 1490-03-A to the written satisfaction of the Local Planning Authority.

o Prior to any works being commenced on the development site the applicant shall complete the offsite highway works detailed on drawing 1490-002-B of the Technical Note dated 14th January 2022 to the written satisfaction of the Local Planning Authority. Such works shall include the carriageway widening at locations 5 & 10, and the removal of overgrowth at locations 1-3, 9 & 11 (Drawing 001 B), together with any subsequent reinstatement works that may be required thereafter.

#### Advisory Notes

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Environmental Protection

4th Jan 2022

May I seek clarification regarding the intended use.

Is it the intention of the applicant to open the centre to non-resident guests on a day basis and could the applicant clarify the Ceremony and ritual activity, again will this be residential use only or open to non residents and if so, what numbers are envisaged.

Environmental Protection

18th Mar 2022

Environmental Protection has given the application due consideration.

Subject to the NRW being satisfied that all required permits regarding drainage are in order we have no further comments.

PCC-Ecologist

8th Apr 2022

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

DM14 - Air Quality Management

- 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 1km:

- o Elan Valley Woodlands - Special Areas of Conservation (SAC)
- o Elenydd Mallaen - Special Protection Areas (SPA)
- o Elenydd Site of Special Scientific Interest (SSSI)
- o Coed Y Cefn Site of Special Scientific Interest (SSSI)
- o Cwm Gwynllyn Site of Special Scientific Interest (SSSI)

Given the proximity of the proposed development to the Elan Valley Woodland SAC and Elenydd Mallaen SPA, potential impact to these sites and the nature of the proposed development it is considered that there may be a potential for the proposed development to impact these sites. In that, pollution from construction activities from the whole development could result in a Likely Significant Effect.

A HRA screening will be completed of the proposed development which will identify if a likely significant effect cannot be ruled out (please note in light of the recent ruling of the CJEU it is no longer acceptable to consider mitigation measures during the screening stage of the HRA). As such, an appropriate assessment of the proposed development may need to be undertaken to determine whether the proposed development would result in an adverse effect on the statutory sites recorded within 1km of the proposed development.

Non-statutory sites within 500m:

- o Ancient Woodland (Ancient Semi Natural Woodland and Restored Ancient Woodland sites) sites are located adjacent to the north west of the proposed developments, and within 160m to the South of the proposed developments.

Records of protected and/or priority species identified within 500m? Yes - 229 records

Comments:

Supporting Ecology Information

The application is informed by the following information:

- o Preliminary Ecological Assessment produced by Ecological Services Ltd dated 9.11.21
- o Bat Survey Report produced by Ecological Services Ltd dated August 2021

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

Other Document submitted in relation to ecological information:

- o Arboriculture Report produced by Arboricultural Technician Services Ltd dated Sept 21
- o Design & Access Statement (Segment 002)
- o Drainage Strategy Revision 3 - 14.02.212
- o Planning Statement Document produced by Asbri dated November 2021
- o External Lighting Letter dated 14 Feb 22 ref: BD/21.160
- o Email from Ecological Services Ltd dated 8 March 2022

#### Preliminary Ecological Survey

The site was subject to a visual inspection on the 8 October 2021. Whilst the survey was undertaken outside of the optimal survey season, the broad habitats present was possible to be identified in order to inform the planning process. With regards to the change of use proposed for the main house of Rhydoldog, it is considered that the use and works of the main house is unlikely to result in the loss of any features of ecological importance and no works are proposed for the roof structure of the house. Therefore, it is considered that no further ecological surveys is necessary to be undertaken in relation to the 'main' house at Rhydoldog.

#### Bat Survey Report

The 'Barn' was subject to a visual inspection on the 30 May 2021. Due to the potential bat roosting features noted during the inspections, it is considered that the building has 'high' potential to support roosting bats. Therefore, further bat activity surveys were carried out in May and August 2021, where a maximum of 15 bats were recorded roosting within the 'barn' structure.

Therefore the requirement for an EPS derogation license from NRW prior to works commencing will be required. However, this has been concluded prior to the amendments to the proposed plans regarding the 'barn' structure'

Section 10 and of the Bat Survey Report recommends avoidance, mitigation and compensation measures regarding bat species to be implemented as part of the proposed development.

The mitigation measure have been illustrated and described in the following documents;

- o Drawing No. PL112 16.07.21 Barn Section (Sheet 1)

- o Drawing No. PL113 16.07.21 Barn Section (Sheet 2)
- o Drawing No. PL111 16.07.21 Proposed Elevations
- o Drawing No. PL110 16.07.21 Proposed Elevations
- o Drawing No. PL102 19.07.21 First Floor Plans
- o External Lighting Letter dated 14 Feb 22 ref: BD/21.160

However these plans have now been amended and the following plans regarding the barn are relevant to the proposed plans;

- o Drawing No. 1028 PL000 Rev B (Location)
- o Drawing No. 1028 PL011 Rev F (proposed)
- o Drawing No 1028 PL100 Rev B (art studio floor plan)
- o Drawing No. PL110 Rev A (art studio elevation)

The bat avoidance, mitigation and compensation measures detailed in section 10 of the Bat Survey Report and was illustrated on previous proposed plans (which have now been withdrawn) was appropriate in relation to the previously proposed works. However, the proposed works have now been amended and the detailed avoidance, mitigation and compensation measure detailed in section 10 of the Bat Survey Report may not be considered appropriate to proposed works.

Therefore, it is recommended that the proposed mitigation in section 10 of the ecological report is reviewed by the ecologist in order to reflect current proposed plans to ensure that there will be an unlikely negative impact to the favourable conservation status of this species.

All proposed mitigation and compensation details regarding bats need to be clearly illustrated on the architectural plans in order to demonstrate all proposed mitigation and compensation measures are appropriate and achievable. The plans must provide sufficient detail to enable them to be subject to a planning condition/s106 agreement.

#### External Lighting

Relevant Document:

- o Letter Ref;BD/21.160 dated 14th February 2022

Careful consideration will need to be given to any external lighting design provided through the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

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://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/>

Any external lighting proposed must avoid conflict with bat mitigation/enhancement measures and wildlife corridors.

I note that further information has been requested by NRW (consultation response 05/04/2022) with regards to external lighting.

### Biodiversity Enhancements

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 Welsh Government letter to Chief Planning Officers dated 23rd October 2019 has also clarified the necessity for developments to include biodiversity enhancement measures prior to determination of applications.

The Preliminary Ecological Assessment identified that the immediate surrounding habitats of the house is semi-improved grassland and hardstanding. The grassland being frequently mown and/or grazed which is considered to be of low ecological value. The proposed landscape planting as illustrated in proposed plans would be beneficial to wildlife, as well as the addition of the pond, tree and hedgerow planting and provision of bat and bird boxes onsite.

These features are welcomed. However the details of tree and hedgerow planting, location and type of the bird and bat boxes have not been confirmed. In order to ensure that the positioning of the enhancement features are appropriate. I recommended that the proposed biodiversity enhancement feature (location of the new hedgerow and tree planting, type, number and location of the bird and bat boxes should be described in a statement or illustrated on proposed plans.

### River Special Areas of Conservation and phosphates

Natural Resources Wales has recently set new phosphate targets for the river SACs in Wales (21st January 2021). Evidence gathered by NRW has identified that a number of river SAC catchments in Wales including the River Wye are currently failing these targets. In light of this proposed development within a phosphate sensitive SAC catchments that might increase the amount of phosphate within the catchment could therefore lead to additional damaging effects to the SAC features and/or associated features and therefore such proposals must be Subject to a HRA in accordance with the requirements of Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) in order for a HRA to determine



whether they are likely to have a significant effect on the SAC.

This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (also issued on 21st January 2021). The screening concluded that the proposed development does not meet the criteria to demonstrate that there would be no likely significant effect as the potential for an increase in phosphorous contribution to the River Wye SAC cannot be ruled out (in the absence of mitigation) criteria and as such an Appropriate Assessment will be required to be undertaken to determine whether the proposed development would result in an adverse effect to the integrity of the SAC.

Having reviewed the information submitted to date it is considered that currently insufficient information has been submitted to enable the LPA to undertake an Appropriate Assessment and that information is required in order to demonstrate that the proposed development would not result in an adverse effect on the integrity of the River Wye SAC and/or it's associated features in light of the sites conservation objectives. Sufficient information is required to be submitted by the applicant including any mitigation measures proposed in order to inform the HRA Appropriate Assessment, in this instance the following information is required:

#### Phosphate calculation

- o Details and evidence to demonstrate that the calculator being used is appropriate with regards to the application including input values and coefficients used and other variables.
- o A clear indication of the proposed volume of daily water discharge of the development
- o Demonstrate all values input represents ALL sources of waste for final maximum site usage. This may include catering, non residential usage, staff usage, self-catering facilities and catered facilities, usage of the bath house facility, urine from cabins etc. I recommend reference is made using Code of Practice British Water Flows and Loads 4 for private sewage treatment systems.
- o The maximum occupancy of the site for 52 weeks of the year, unless justification is provided why the site will not be used all year around - P amount must be based on maximum combined use of the site, which include non-residential visitors.

#### Chemical Dosing

- o In agreeance with NRW consultation response dated 5/4/22 - further information required

#### Reedbed System

Further information is required with regards to the design of the reedbed system that is

proposed. It is intended that residual phosphates remaining after the PTP is being further mitigated through the installation of the reedbed system. In order to consider the proposed reedbed in relation to the phosphates loads, further information include;

- o Technical details in relation to the reedbed system;
  - details of methods of installation including timings of when the reedbed is expected to work efficiently
  - What is the capacity of water(?) that can be taken from the PTP into the reedbed
  - Does efficiency of P uptake remain constant over time,
    - How will environmental Factors (i.e seasonally efficiency from weather or growing periods) effect the phosphate removal efficiency of the reedbed,
  - Maintenance details of the reedbed, and who will be responsible
  - Demonstrate that the amount of P taken up by the chosen reed-bed system equals or exceeds the amount of P discharged from the PTP
  - Constructed wetlands are self-contained systems, the final effluent will discharge to ground or watercourse beyond the wetland, not seep straight down to the subsoil beneath (as referred to in the Drainage Strategy Document 21/2/22). Therefore, clarification will be required to confirm the final designation of the 'effluent'
  - Clarification is required to confirm if the reedbed is intended to be hydrologically connected to the proposed pond
  - It is suggested that at this time that a 96% reduction in phosphates is achieved via the chemical dosing within the PTP, further technical information and evidence is therefore required to demonstrate what uptake of phosphates can be achieved through the reedbed system before reaching final destination.
  - In accordance with Natural Resources Wales new phosphate standards for the river SACs in Wales (21st January 2021) Where discharges to ground are proposed, developers should provide the results of infiltration testing with calculations to demonstrate that the drainage field size and design is appropriate for the volume of discharge proposed and follows the relevant British Standard, therefore, confirmation will be required to demonstrate that the including topography and layout of the reedbed is suitable, percolation test maybe required in order to demonstrate this.
  - PTP systems discharging to ground must be located more than 40m from any surface water

feature such as a river, stream, ditch or drain. It is considered based on current proposals that the reedbed and pond are in connection with the PTP system, therefore the location of these features are currently within 40m of the watercourse located to the east.

Further information required prior to determination: YES

Prior to determination;

- o Further information in relation to phosphate flows and loads calculations, chemical dosing of the PTP and further technical detail in relation to the reedbed.
- o A reviewed Bat Mitigation Strategy to reflect current proposed plans in relation to the Barn building
- o Specific location and type of product of bird nesting boxes and bat boxes to be installed (biodiversity enhancement scheme)
- o Details of external lighting as stated in NRW consultation response 5/4/22

Information that could be conditioned, however submission of this information at this stage could avoid the requirement of a pre-commencement condition being needed.

- o Tree and Hedgerow Planting Scheme including planting methods, specific quantity and aftercare schedules
- o Landscape Planting Scheme including species, quantities, planting methods and aftercare

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? N/A

Conditions: N/A

PCC-Ecologist

9th Aug 2022

Holding objection - further information is required

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
  - DM14 - Air Quality Management
- 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

Comments:

Previous comments provided 07/04/2022.

Further information regarding potential impact to bats from the revised plans has yet to be provided. It is unclear whether internal works to provide useful storage areas and the artist studio will impact existing access points or roost features, including use of internal loft hatches into the roof space. An updated bat mitigation, compensation and enhancement statement is required prior to determination of the application.

Additional information regarding external lighting as advised by NRW has not yet been submitted and it is advised that the ecological consultant confirms the required details of the lighting scheme to accompany the updated bat mitigation, compensation and enhancement statement.

I have reviewed the updated Drainage Strategy (version 4, dated 14/06/2022). The site is outside of the mains sewer area. The existing dwelling is currently served by a septic tank with a discharge to ground. The existing drainage field has failed so a replacement discharge location will be required. The existing septic tank will be replaced by a package sewage treatment plant which will serve the proposed development, as well as take liquid waste from four cabins and a bath house from the adjacent development (21/1904/FUL) if approved. The amended Proposed Site Plan, Drawing no. PL011, Rev. F, identifies foul drainage discharge to a pond and reed-bed, which differs from the indicative foul drainage plan in the Drainage Strategy v.4 and on the revised landscaping scheme (Concept Plan, Drawing no CP/CC/21 Rev.2.). A revised plan will be required to confirm the foul drainage

details.

NRW guidance for Local Planning Authorities has recently been updated (July 2022) and includes consideration of chemical dosing (phosphorus removal) in small private sewage treatment systems such as that proposed by the applicant. NRW advise that chemical dosing systems may not necessarily be a sufficiently reliable long-term measure for reducing phosphorus in effluent discharges. The advice states

If phosphorus reduction technologies are proposed for a private system, developers applying for planning consent should provide sufficient information with their application for Planning Authorities to have certainty that the proposed system can be installed and operated effectively in accordance with manufacturers specifications for the lifetime of the development. Supporting information should include:

- o test performance certification issued by a recognised body demonstrating the effluent phosphorus standards that can be achieved by the proposed treatment system
- o a method statement detailing how the sewage treatment plant and phosphorus reduction technology will be operated and maintained

Note this information is in addition to the provision of manufacturers specifications, design information and drainage plans etc that should accompany any application.

Phosphorus reduction in private systems does not remove all of the nutrient from effluent. Therefore, developers and Planning Authorities will need to consider the effect of residual phosphorus in effluent on a river SAC, as a pathway for impacts remains where discharges are to watercourses or discharges are to ground not meeting the criteria set out in this advice.

A test performance certificate has been provided by an appropriate recognised body demonstrating phosphorus reduction to 0.3 mg/L can be achieved for the chosen sewage treatment system. A sufficiently detailed method statement (that can be subject to a planning condition/obligation) will be required to demonstrate how the system will be maintained for the lifetime of the development. The system is likely to require more frequent de-sludging and the dosing system will require regular monitoring, topping up and servicing. Appropriate storage of chemicals should also be considered.

The Strategy notes that all owners of private sewage treatment systems are legally required to maintain their systems and that no planning condition/obligation to that effect should be required. However, evidence from multiple sources demonstrates that many systems are not maintained appropriately, contributing to pollution of waterbodies. (The system at Rhydoldog has not also been properly maintained despite legal responsibility by previous owners.) Many systems in the River Wye SAC catchment also do not have the legally

required environmental permit or registered exemption so reliance on existing external controls in this case is not considered sufficient to satisfy Habitat Regulations requirements.

If you are satisfied that effective management of the proposed dosing system can be monitored and enforced by the LPA through planning controls for as long as a significant adverse effect on the River Wye SAC is considered likely, the proposed chemical dosing may be considered an acceptable mitigation measure. Unfortunately, effective mitigation has not yet been developed or implemented to reduce in-river phosphorus to target levels within the River Wye SAC catchment. Therefore, evidence of appropriate maintenance and monitoring will almost certainly be needed for longer than the 5 year minimum recommended by NRW as standard practice.

Data for predicted phosphorus loads for the development has also been provided. Loads are based on 12.2mg/L of phosphorus being discharged from a typical septic tank. If chemical dosing is to be implemented for the lifetime of the development a reduction in the amount of phosphorus discharged to the environment will result compared to the current situation, i.e. betterment will be achieved.

A precautionary approach to calculation of phosphorus concentrations and loadings is advised given the extremely variable output of phosphorus measured between individual systems and between sampling times for the same system, as noted in Natural England's research reports. It is considered prudent to use the cited 'worst scenario' figure in calculations. Where constructed reed-beds will be relied upon for phosphorus removal the cited 40mg/L figure should be used to calculate phosphorus concentrations and loading in the absence of more accurate data.

Details for a constructed reed-bed have been included to provide additional treatment removing more phosphorus prior to discharge to a soakaway. Constructed reed-beds are known to remove nitrogen-based nutrients effectively but less is known regarding their long-term efficacy in phosphorus removal. The strategy states that 'up to 60% of the phosphates' can be removed, although no source for the figure has been provided. The majority of phosphorus is typically removed through accumulation in the sediment or is taken up by actively growing plants (although this varies across the seasons and with the age of the plants). The type of sand, gravel, etc., used and retention time of effluent within the bed is a key determinant of how effective phosphorus removal is and for how long it will be effective for. It is not clear how the size of reedbed and type of substrate/growing media has been chosen in relation to the predicted phosphorus loading and so it is unclear whether the proposed design is appropriate. Revised phosphorus loading calculations should be provided with additional details to demonstrate how the specific design of the reedbed will remove phosphate, how much is expected to be removed and for how long. Details for maintenance of the reeds and replacement of the substrate should be informed by these calculations. Disposal of removed phosphorus-rich substrate should also be

considered.

Soil percolation test results identify that the ground is free-draining with an average Vp (percolation rate) of less than 15, which is the minimum required by BS6297:2007+A1:2008 for effective drainage fields. If there is a 'de minimus' amount of phosphorus being discharged to a soakaway following secondary and tertiary treatment, it is considered unlikely that this will result in a likely significant effect on the SAC. However, ground conditions appear unsuited to a direct discharge to ground (via a drainage field) using a package sewage treatment system without additional measures.

Biodiversity enhancement:

The revised Landscaping Scheme Concept Plan is welcome and the proposed diversity of planting would provide biodiversity benefit. It is proposed to replant a native species hedgerow along the northern boundary (no hedgerow currently present) and a wildflower area. To ensure that the species are appropriate to the local area and site, it is recommended that submission of further details is secured through an appropriately worded planning condition. Clarification is required regarding creation of a pond and reedbed (in addition to the foul drainage system). The Landscape Plan does not include these features but they are identified on the amended Proposed Site Plan.

Further information required prior to determination:

- i. An updated bat mitigation/compensation/enhancement statement with revised external lighting details addressing NRW comments
- ii. Revised Proposed Site Plan/Foul Drainage Plan identifying the location of the package sewage treatment plant, reed-bed and soakaway, and confirming the location of the pond and reed-bed if retained
- iii. Detailed method statement for short, medium and long-term monitoring and maintenance of the package sewage treatment system including additional treatment measures
- iv. Sufficient details of the proposed reed-bed design to demonstrate the effective removal of phosphorus and that the design is appropriate for the predicted phosphorus loading. Loading calculations should be based on precautionary figures unless sufficiently robust data is available.
- v. Detailed method statement for short, medium and long-term monitoring and maintenance of the constructed reed-bed system

Objection - for reasons below

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

Comments:

Previous comments provided 07/04/2022 and 09/08/2022.

A Nutrient Neutrality Report, by Marian Cameron Consultants Ltd, dated September 2022, has also been provided to inform the application. Application 21/1904/FUL which proposed to discharge effluent to the private sewage treatment system for the present application has been withdrawn. Revised nutrient calculations have been provided to demonstrate that the development will not result in discharge of additional phosphorus (P) to the River Wye SAC. Nutrient neutrality will be achieved as previously proposed through use of a chemical dosing system in the package sewage treatment plant, which will reduce P levels in discharged effluent by 95.5%. An appropriate test certificate has been provided to demonstrate that the predicted P reduction can be achieved. Discharged effluent will flow through a reedbed prior to discharge to soakaway but the reedbed will not be relied upon



to provide measurable phosphorus reduction.

Detailed nutrient budget calculations are provided, which is welcome. There are a number of errors and inconsistencies with the references provided and with the data used to inform the calculations of P loading for the existing and proposed use of the site. The way data are presented to make the case of a reduction could also be much clearer.

Use of water efficiency measures are proposed, which is welcome. Sufficiently detailed data evidencing the reduced water consumption are not provided but reduction in water use does not appear to be necessary to achieve a nutrient reduction. How the reduced water flow and resulting higher phosphorus concentration in the influent will affect frequency of chemical dosing and sludge removal may need consideration.

Nutrient neutrality remains reliant upon use of a PTP with a chemical dosing system. Manufacturer's specifications and technical details have been provided for the PTP and dosing system. It is proposed that long-term monitoring and maintenance of the PTP and chemical dosing system will be achieved via an agreement between the property owner and Klargester. The report states monthly water quality testing will be undertaken and 'an emergency buffer allowance' will be built in to the PTP. It is assumed that this relates to the chemical dosing system but is not entirely clear. A back-up generator will be provided to ensure the PTP remains operational. Should a longer-term fault develop an alternative strategy for foul water disposal will be agreed with the LPA and NRW. It is not clear what this would be but may rely on additional emptying of the system at a licensed WwTW. Details of contingency measures should be identified prior to the appropriate assessment to ensure that they can be delivered if and when necessary.

Sludge removal will take place annually and will be disposed of at a licensed WwTW outside of a River Wye SAC catchment. Disposal destination for sludge is usually determined by the sewerage undertaker. It is not clear whether this would be sufficiently within the long-term control of third-party waste management contractors. It will be necessary to ensure all sludge disposal takes place at a WwTW outside of any phosphorus sensitive SAC catchment in Wales (and potentially nutrient sensitive SACs in England) or provide evidence to demonstrate that a significant effect to that SAC will not result.

The LPA will also need to be satisfied that evidence to demonstrate regular monitoring and maintenance of the entire system, including monthly water quality testing, sludge removal frequency and destination, chemical dosing records, and annual monitoring and servicing can be recorded and provided to the LPA (including in the event of landowner change) and that this can be enforced through appropriate planning condition/obligation. To ensure mitigation measures deliver nutrient neutrality the measures must be capable of being

secured for the lifetime of the development, i.e. several decades in this instance.  
Information previously requested relating to bats remains outstanding.

PCC Ecologist

11<sup>th</sup> Nov 2022

Recommendation:

Holding objection – further information is required

Policy background:

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

DM2 – The Natural Environment

DM4 – Landscape

DM7 – Dark Skies and External Lighting

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

Legislative background:

- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Environment (Wales) Act 2016

Comments:

Previous comments provided 07/04/2022, 09/08/202, 13/10/2022 and 02/11/2022.

Further information has been provided:

- Letter from Marian Cameron, Environmental Consultant, dated 27/10/2022
- Letter Annex 1 - Rhydoldog - Total Phosphorus Budget Calculations, undated
- Letter Annex 2 - Memorandum of Understanding on Water Quality Testing Between

Charlotte Church and Apem – October 2022

- Watkins, R. (October 2022) Bat Survey: Rhydoldog House Barns, Rhayader, Powys, LD6

5HB,

### V3.0. Ecological Services Ltd

The letter from Marian Cameron is welcome and addresses questions/concerns raised. The capacity of the PTP has been confirmed as sufficient to ensure that increased sludge accumulation resulting from chemical dosing can be accommodated, particularly if there is a delay in emptying of the system. Similarly, the capacity proposed (50 person) also allows for water volumes greater than those proposed.

Following review of the information provided, NRW appear satisfied that use of a chemical dosing system for the development is acceptable subject to appropriate planning controls. NRW have made clear that they consider the use of a drainage field is reasonable to retain any residual phosphorus following discharge of treated effluent.

Use of reed-beds and other planting has yet to be recognised as effective on-site treatment to ensure nutrient neutrality for an individual development. The Nutrient Neutrality Report states 'After the treated foul water flows through the reedbed it will infiltrate into the ground through a soakaway within a drainage field.....Within the drainage field an orchard will be planted. Species will include (but not exclusively): Braeburn, Cox, Fuji, Royal Gala and Golden Delicious. These species all have average phosphorus adsorption rates of between 0.06 and 0.08 kg/yr and will adsorb any excess Total Phosphorus within the soils and groundwater within the drainage field.'

It is not clear from this that a drainage field constructed to BS 6297:2007+A1:2008 will be installed. A soakaway is used for surface water discharges not effluent and Building Regulations 2010 – Approved Document H requires effluent to be discharged to a properly constructed drainage field.

Whilst there is no objection to installation of a reed-bed prior to discharge to an appropriate drainage field, tree planting on a drainage field area is considered likely to damage drainage pipes and may significantly affect retention of phosphorus within the infiltration and adsorption zones through disturbance of substrate material. BS 6297:2007+A1:2008 advises that drainage field areas should be free from disturbance, compaction, etc. It is therefore advised that a drainage field is constructed in accordance with Building Regulations requirements as a minimum. (Additional planting could be considered where mature root zones would not impact the drainage field, for example downslope of the existing waterlogged drainage field area, where phosphorus absorption may be more beneficial and welcome.)

The development will result in daily discharge rate of at least 2.5m<sup>3</sup> and the applicant is aware that an environmental permit will be required for the development.

PCC Development Management have confirmed that it will be possible to secure appropriate

management and maintenance of the foul drainage system as proposed for the lifetime of the development through appropriate planning conditions. The revised Location Plan, drawing no PL000 Rev C. (uploaded to PCC Planning 28/10/2022) confirms that the pond and reed-bed area are no longer part of the proposal. A revised Site Plan has not been submitted and currently the only plan with any foul drainage details is the landscaping Concept Plan. A revised site plan is required reflecting the current proposal to ensure that adherence to foul drainage details can be appropriately secured via an approved plan. The revised site plan should state clearly that the package sewage treatment plant will discharge via a reed-bed to a drainage field as required by Building Regulations and NRW advice not a soakaway.

The revised ecology report by Ecological Services Ltd confirms the details of the bat mitigation and compensation measures following revision of initial proposals for the adjacent barns. A dedicated bat loft will be created above a storage area in the southern aspect of the barns with access points and roost areas created for multiple species, providing enhancement as well as mitigation and compensation for existing roosts impacted by the proposal.

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

Previous comments (07/04/2022) are reiterated - all proposed mitigation and compensation details regarding bats need to be clearly illustrated on the architectural plans prior to commencement of development in order to demonstrate all proposed mitigation and compensation measures are appropriate and achievable. I note that the current red-line boundary on the recent Location Plan does not extend to cover the southern part of the barn where mitigation will be secured.

The ecology report recommends that a detailed external lighting plan will be required to minimise disturbance to bats using the buildings and surrounding habitat. The amended elevation plans for the artist's studio identify the location of two external lights and that these will be controlled by PIR sensors. In light of previously submitted information and NRW advice it is therefore recommended

that adherence to wildlife sensitive external lighting measures is secured through an appropriately worded planning condition.

Further information required prior to determination:

- i. A revised Site Plan with amended foul drainage details as described above to inform the Habitat Regulations Appropriate Assessment
- ii. Revised architectural plans detailing bat mitigation/compensation/enhancement measures

as detailed in the revised ecology report.

PCC Ecologist

21<sup>st</sup> Nov 2022

**Recommendation:**

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

**Policy background:**

- Planning Policy Wales, Edition 11, 2021
- Technical Advice Note (TAN) 5
- Powys Local Development Plan 2011 – 2026:
  - DM2 – The Natural Environment
  - DM4 – Landscape
  - DM7 – Dark Skies and External Lighting
- Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

**Legislative background:**

- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Environment (Wales) Act 2016

**Comments:**

Previous comments provided 07/04/2022, 09/08/202, 13/10/2022, 02/11/2022 and 11/11/2022.

Revised architectural plans have not been provided to demonstrate that the proposed bat mitigation, compensation and enhancement measures can be appropriately accommodated within the proposed development but are expected prior to the committee meeting.

Following provision of an appropriate plan detailing appropriate foul drainage details, a Habitats Regulations Assessment (HRA) Test of Likely Significance has been undertaken to establish whether the proposed development could result in a likely significant impact to the River Wye SAC and/or its associated features. The HRA screening concluded that a likely significant effect to the River Wye SAC and/or its associated features could not be ruled out. (This conclusion was reached by assessing the proposed development in the absence of mitigation as required by recent CJEU ruling.) An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate conditions and adherence to approved plans the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objectives. I have attached a copy of the Habitat Regulations Appropriate Assessment report.

In accordance with the requirements of the Regulations, NRW as the Statutory Nature Conservation Body will need to be consulted to confirm that they are in agreement with the

conclusion of the Appropriate Assessment.

The following conditions must be applied to any consent to secure the proposed mitigation measures identified within the Appropriate Assessment (subject to NRW comment):

- 1) *Prior to first occupancy of the hereby approved development, evidence shall be submitted to the Local Planning Authority in writing demonstrating that i) the foul drainage connection from the property Rhydoldog, Cwmdauddwr, Rhayader, Powys, LD6 5HB, has been disconnected from the existing septic tank and connected to the approved package sewage treatment plant, ii) that the existing septic tank has been emptied by an appropriately licensed waste contractor, and iii) has been filled with an inert, non-degradable material such as aggregate or soil to prevent any future reuse.*
  
- 2) *Prior to first occupancy of the hereby approved development, a maintenance and management plan for the approved foul water drainage system shall be submitted to the Local Planning Authority in writing. The plan shall include but not be limited to*
  - i) *a timetable for its implementation*
  - ii) *details of how the foul water drainage system will be maintained throughout the lifetime of the development, to include monitoring of the chemical levels within the dosing system and efficacy of the phosphorus removal system*
  - iii) *contingency measures for foul water disposal in the event that the foul water drainage system, including the chemical dosing equipment, develops a fault*

*The approved plan shall be implemented in full and maintained thereafter. Documentary records demonstrating adherence to the approved measures shall be maintained by the operator of the development hereby permitted and be made available to the LPA upon request.*

**Subject to inclusion of the conditions above and 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 Section 10 of Bat Survey: Rhydoldog House Barns, Rhayader, Powys, LD6 5HB v3.0, by Ecological Services Ltd, dated October 2022. The measures identified shall be adhered to and implemented in full and maintained thereafter.
2. The external lighting identified on Artist Studio – Proposed Elevations, Drawing no. PL110, Rev. A shall be restricted to use of downlighters or cowled or hooded luminaries angled downwards preventing light spill above the horizontal plane and there shall be no direct or indirect illumination of adjacent woodland, trees,

hedgerows or bat mitigation features including roost entrances (including bat boxes) and flightlines. Bulbs emitting light from the warm-white colour spectrum only (<2700°K) with a peak wavelength exceeding 550nm shall be used. Lighting shall be controlled using PIR motion sensors set to a maximum of 1 minute and angled to prevent accidental triggering.

3. All existing external lighting on the approved development shall be replaced with external luminaries mounted at or below 2.5m above ground level where practical, and luminary design and operation shall accord with the condition above.
4. Notwithstanding the details submitted, prior to commencement first occupancy of the approved development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and position. The approved scheme shall be implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, 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

***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>*

PCC- (S) Land Drainage

21st Dec 2021

Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 21/2085/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](mailto:sab@powys.gov.uk)

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

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

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

Furthermore, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

The Authority holds no historical flooding information relating to this brownfield site. However, from the surface water flood mapping in our possession, there is a risk of surface water flooding to the site. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water and small watercourses, where it shows that the site is partially located in Flood Zone 2 and Flood Zone 3. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

The LPA should require the developer to carry out a limited Flood Consequence Assessment (FCA) to be prepared to evaluate and assess the flood risk prior to the granting of any permission.

PCC- (S) Land Drainage

25th Mar 2022

The additional information does not affect out previous comments dated 21st December 2021, which remain unchanged and to be addressed.

PCC-Countryside Services Manager

29th Dec 2021



The applicant is advised that the above public rights of way (PROW) exist within the application area and the proposed development as shown on the application plans provided will directly affect them; as such Countryside Services wishes to submit an objection to this application.

The routes of the PROW as shown on the Location Plan are not an accurate representation of those routes as recorded on the definitive map, the legal record of public rights of way, held by Powys County Council, the Highway Authority. As such the proposed creation of 2 parking areas; one of which is covered and one with significant groundworks will both directly affect the routes of footpaths LC232 and LC285.

In the Local Development Plan, DM13 criterion 9 requires the public right of way to be enhanced and integrated within the layout of the development proposal, and E6 criterion 2 requires adequate provision is made for parking of vehicles and the storage of materials/equipment, while E6 criterion 3 requires the construction of new, or conversion of existing buildings, that form part of the proposal lie within or immediately adjacent to existing farm building complex. As such the applicant must;

- o submit an application for a Public Path diversion Order to divert the above PROWs to alternative alignments in order to accommodate the development as proposed; and this Order must be confirmed prior to development over the legal alignment of the paths (this is a separate legal process from planning permission)

or

- o amend the plans to ensure that the PROW are not affected by the development; ensuring that they remain available for use on their legally recorded route by the public at all times.

It is therefore strongly advised that the applicant checks the definitive line of the public rights of way on their land to ensure that they understand where they are located. You can access a digital interpretation of the Definitive Map using this link: <https://data.gov.uk/data/map-preview?url=https://geo.powys.gov.uk/geoserver/opendata/wms> Please refer to the accompanying user guide, enclosed.

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

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

- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- o Temporary closures - The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- o Legal Diversion - If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

PCC-Countryside Services Manager

22nd Mar 2022

Following the additional amended information, and reduced scope of the planning application (as per the agent's letter of the 15th March to PCC planners); Countryside Services wishes to remove its objection to the application.

That said the routes of the PROW as shown on the revised Location Plan are still not an accurate representation of those routes as recorded on the definitive map, the legal record of public rights of way, held by Powys County Council (PCC), the Highway Authority. As such PCC Countryside Services would still advise that the applicant contact us directly regarding the PROW through their property.

In the Local Development Plan, DM13 criterion 9 requires the public right of way to be enhanced and integrated within the layout of the development proposal, and E6 criterion 2 requires adequate provision is made for parking of vehicles and the storage of materials/equipment. Should the application be granted planning permission, the applicant must ensure that the legally recorded routes of the PROW are not obstructed at any time.

It is therefore strongly advised that the applicant checks the definitive line of the public rights of way on their land to ensure that they understand where they are located. You can access a digital interpretation of the Definitive Map using this link: <https://data.gov.uk/data/map->

preview?url=https://geo.powys.gov.uk/geoserver/opendata/wms

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- o Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- o Temporary closures - The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- o Legal Diversion - If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

CPAT

10th Jan 2022

The proposals impact a late 18th - 19th century stone barn range recorded as PRN 134076 (Rhydolog traditional farm outbuildings) which will be converted to a new dwelling space.

There will inevitably be some changes to the existing fabric, fittings and layout of the structure during the proposed conversion to a new dwelling. We currently have very poor information relating to this building and a survey of the present form, layout and condition of the building therefore needs to be preserved prior to changes take place.

We would recommend that a Level 2 survey is completed in accordance with the Planning Policy Wales (Feb 2021) 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, phased plans of building development and a measured survey using annotated architects' plans. The recording work must be completed by a professional archaeological contractor in accordance with CIFA standards and guidance.

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 resulting report and digital archive should be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy of the report and whole project archive should also be sent to the National Monuments Record, RCAHMW, Aberystwyth

Reason:

To allow an adequate analytical record of the building to be made, before it is 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. Please ensure that this email and all attached documents are forwarded to the applicant/agent so that they are fully informed of the requirements.

We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding protected species should be attached to any planning permission granted

Condition - Protected Species: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- o Details of the siting and type of external lighting to be used
- o and evidence of retained dark corridors and access points for bats.
- o Details of lighting to be used both during construction and/or operation
- o Drawings setting out light spillage in key sensitive areas (river corridor and hedge line running north at the eastern side of the gym) and the documents identified below should be included in the approved plans and documents condition on the decision notice.
- o Ecological Services Ltd, August 2021, Version 1, Bat Survey, section 10
- o Arbor Architects, drawing PL110 dated 16/07/2021, Proposed Elevations barn conversion
- o Arbor Architects, drawing PL111 dated 16/07/2021, Proposed Elevations barn conversion

Without the inclusion of this condition and these documents we would object to this planning application.

## Protected Sites

### River Wye Special Area of Conservation

We note the application site is within the catchment of the River Wye Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC. We have also issued Planning Advice (May 2021) which gives specific advice in respect of foul drainage arrangements for new developments.

We note from the information submitted (section 8.19 of the Design and Access Statement

dated August 2021 and Proposed Site Plan drawing PL011D) that a new package treatment plant is to be installed to provide foul drainage for the house and converted barns. The plan shows foul drainage pipes extending towards the woodland, indicating that foul drainage for the associated holiday cabins proposed under application 21/1904/FUL will also be connected to the same system. The package treatment plant seems to discharge to a pond and reed bed system; however, it is not clear how water dispersal from the pool will take place and how it will affect the nearby watercourse. No detailed Drainage Strategy is available or has not been submitted for our consideration, we therefore consider the proposed development has the potential to increase the amount of phosphorus being discharged from the site. As such, we refer you to our Planning Advice and advise you to seek further information as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

Provided this advice is followed and you are able to conclude that the development is not likely to have a significant effect on the SAC, we would have no objection to the proposal. However, should you conclude that the proposed development is likely to have a significant effect on the SAC, please consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended). The Applicant should be made aware that if the total volume of discharge is above 2 cubic metres a day the discharge would require an Environmental Permit from our permitting team.

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 should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

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

Elenydd Site of Special Scientific Interest & Elenydd-Mallaen Special Protection Area Based on the information submitted, we consider that the proposed development is not likely to damage the features for which the nearby Elenydd Site of Special Scientific Interest is of special interest and it will have no detrimental impact on the features of the Elenydd-Mallaen

Special Protection Area.

Protected Species

We note that the bat report submitted in support of the above application (Bat Survey dated August 2021 by Ecological Services) has identified that multiple species of bats are present at the application site. Small numbers of brown long-eared bats, common pipistrelle and Natterer's bats were detected exiting the barn during the activity surveys.

In this case, the bat report concludes that the proposal is likely to harm or disturb the bats or their breeding sites and resting places at this site and will, therefore, require a licence.

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 our licensing team, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

i. the development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

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

We note section 9.9 of the bat report states that 'A detailed external lighting plan will be required to minimise any external light disturbance to the bats using the buildings and surrounding area.'. The lighting plan has not been submitted in support of this application or it has not been uploaded on your website.

Provided all the recommendations made in section 10 of the bat report are implemented and the submission and implementation of a detailed external lighting scheme is secured via planning condition, 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 recommend you include the bat report within the condition identifying approved plans and documents on the decision notice.

In line with the letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: 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 Natural Resources Wales / When you need to apply for a protected species licence

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 (as amended), authorising the specified activity/development to go ahead.

#### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2019), 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.

Natural Resources Wales (Mid Wales)

14th Jan 2022

DPAS

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites. If this information is not provided, we would object to this planning application.

Further details are provided below.

We also advise that based on the information submitted to date, a condition regarding protected species should be attached to any planning permission granted



Condition - Protected Species: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- o Details of the siting and type of external lighting to be used
- o and evidence of retained dark corridors and access points for bats.
- o Details of lighting to be used both during construction and/or operation
- o Drawings setting out light spillage in key sensitive areas (river corridor and hedge line running north at the eastern side of the gym and the documents identified below should be included in the approved plans and documents condition on the decision notice.
- o Ecological Services Ltd, August 2021, Version 1, Bat Survey, section 10
- o Arbor Architects, drawing PL110 dated 16/07/2021, Proposed Elevations barn conversion
- o Arbor Architects, drawing PL111 dated 16/07/2021, Proposed Elevations barn conversion

Without the inclusion of this condition and these documents we would object to this planning application.

#### Protected Sites

The December 2021 Drainage Strategy refers to foul water from Rhydoldog house being disposed to a septic tank with discharge to ground (NRW exemption NRW-WQE059241).

The report refers to the septic tank being located between the north of Rhydoldog house and Nant Corwen (within 40m of a watercourse). According to our records the waste-water private system at this location (grid reference SN94210 67989) is a package treatment plant with discharge into Nant Gorwen (Permit EPR/UP3823XP issued on 13/06/2012).

The septic tank and associated exemption referred to above appears to be at a different grid reference (SN94562 67747) which is associated to another property. We would therefore advise that further clarification is required with regards to the extant method of foul water disposal and whether the package treatment plant permitted in 2012 is operational, or if a new system has been installed in 2021.

The location of the proposed new package treatment plant has been included in Figure 2 of the drainage strategy and planning drawing PL011 revision D which has been submitted in support of associated application 21/2085/FUL.

The drainage strategy includes phosphorus loading calculations based on a predicted occupancy of 17 people per day using the overall site. However, the site can host up to 32

people (including the owners) in on-site accommodation (8 in the cabins, 18 in the house and 6 in the barn) plus any other people that may attend events held at the premises if applicable. There is no justification for why only 53% occupation has been accounted for.

Both the exemption and permit mentioned above allow a maximum daily volume of discharge of 2 cubic metres per day. There is no indication of the proposed volume of daily water discharge associated with the development as described in the drainage strategy, but it is likely to be higher. If the total volume of discharge is above 2 cubic metres a day the discharge would require an Environmental Permit.

We advise you seek clarification over the nature of the business to understand the type of events and number of people likely to be using the site. The type of package treatment plant will need to be of an appropriate size to deal with a maximum capacity scenario (phosphate and foul water load) and this needs to be clearly detailed.

We also note that the cabins will be fitted with compost toilets with the intention of separating the liquid from the solids. The liquids will be disposed of within the private wastewater system and the solids will be composted on site for twelve months with the intention to spread the compost within the wider Rhydoldog woodland. The fluids from the compost toilets need to be included in the calculations for sizing the PTP and the receiving discharge to ground/reed bed.

The spreading of composted solid waste on non-agricultural land will need to be undertaken in accordance with a deployment to spread waste under an Environmental Permit. It is unlikely that a deployment would be agreed for the spreading of this treated material in Ancient Semi Natural Woodland. We would also refer you to our Advice to planning authorities considering proposals affecting ancient woodland so as to ensure that any proposals including the use of ancient woodland is properly assessed. If the spreading of the material is at another location on agricultural land it can be spread on land as a fertiliser in accordance with the Sludge Use in Agriculture Regulations, and the Code of Good Agricultural Practice (COGAP).

We continue to refer you to our Planning Advice and advise you to seek any other necessary information as identified in the section titled 'What does this mean for development proposals involving private sewage treatment systems' of that advice.

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

Protected Species

Please refer to our response of 13/12/21 and the condition listed above.

Natural Resources Wales (Mid Wales) DPAS

5th Apr 2022

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and protected species. Further details are provided below.

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice:

- o Ecological Services Ltd, August 2021, Version 1, Bat Survey, section 10
- o Arbor Architects, drawing PL110 dated 16/07/2021, Proposed Elevations barn conversion
- o Arbor Architects, drawing PL111 dated 16/07/2021, Proposed Elevations barn conversion
- o Arbor Architects, drawing PL011, Rev D, Proposed Site Plan

Without the inclusion of these documents we would object to this planning application.

#### Protected Sites

We have reviewed the explanatory email from Asbri Planning dated 16/02/2022 and the Drainage Strategy (revision 3) dated 14/02/2022. The strategy confirms:

- o The existing wastewater private system serving the main house is a septic tank/ package treatment plant discharging into Nant Gorwen (Permit EPR/UP3823XP, issued on 13/06/2012).
- o The permit, as included in appendix 1 of the strategy, confirms the maximum daily permitted discharge volume is 2m<sup>3</sup>.
- o There is a permit exemption, also included in appendix 1 of the strategy, for a property more than 350m from the site of this planning application, which has been referred to as a technical error as the system is registered to Rhydoldog.
- o The existing system is to be made redundant and all foul water will be directed to the proposed package treatment plant (PTP), as illustrated on plan PL011, Rev D.

- o The converted barn and the associated holiday let development within the woodland (application 21/1904/FUL) will also be served by the replacement PTP.
- o A Klargestor Biodisc Commercial Sewage Treatment Plant BF will be installed to serve the redevelopment of the site.
- o The manufacturers technical specification, as is included in appendix 2 of the strategy, confirms that the BF model has a maximum daily flow of 10m<sup>3</sup>.
- o The PTP will be fitted with a chemical dosing unit.
- o A reed bed and pond are to be constructed for the PTP effluent to discharge into.

### Planning and Permitting Synergy

As the permit was issued in 2012 and the copy presented in Appendix 1 of the strategy does not include any variations, we advise that it is not possible for that permit decision to have taken account of our Evidence Report 489 Compliance Assessment of Welsh River SACs against Phosphorus Targets. Our evidence report was published in 2021. The baseline scenario has therefore changed since the permit was issued and as such your Habitat Regulations Assessment (HRA) for this planning application must account for the current baseline. As such we advise that the extant permit cannot be relied upon for the purposes of your Authority's HRA.

The exemption certificate appears to relate to a property approximately 350m southeast of this development. We understand that the Agent is seeking clarification as to the discrepancy of location for this exemption. Until concerns regarding the accuracy of that exemption are completed, we would advise that the exemption certificate should not be relied upon to inform your Authority's HRA.

Regardless of the discrepancies, both the permit and exemption confirm the maximum allowable discharge is 2m<sup>3</sup> per day. The strategy confirms that the specified PTP will discharge up to 10m<sup>3</sup> per day. Therefore, based on the submitted information neither of the extant consents under The Environmental Permitting Regulations (England and Wales) 2010 have been based on the specified PTP for the development in this planning application.

For this reason, it is important to note that a grant of planning permission does not guarantee that a permit will be granted, and the grant of a permit does not guarantee that planning permission should be granted. This is because the chronological processing of the two separate regulatory regimes can be, and in this case appear to have been, progressed at different times.

We can also confirm that we are not in receipt of an application for a variation to the existing

permit or for a new permit.

### Phosphate Calculation

The strategy includes snapshots of a phosphate calculator output. There is no background information on the phosphate calculator that has been used and if it is fit to use in Powys.

We are aware that there are several phosphate calculators available across the UK, but we are unaware if there are any regional variances that need to be accounted for when using one of the calculators in an area for which the calculator was not specifically designed for.

Therefore, we would advise that your Authority needs to have confidence that the input values, coefficients used, and other variables entered in the phosphate calculator explicitly represent this development proposal.

### Chemical Dosing Unit

We have concerns that a chemical dosing unit is reliant on ensuring that it is maintained and operated in perpetuity thereby ensuring the PTP achieves the claimed phosphate content of the effluent. Appendix 2 of the strategy does not include any information about the phosphate content of the effluent discharging from the PTP with or without the additional chemical dosing unit. Therefore, it is unclear as to how the 0.3mg/L stated in the strategy has been reached, why a 96% reduction in phosphate is used, and what the specification and needs of the dosing system are.

### Reed Bed Constructed Wetland and Pond

In principle we welcome the approach to including an end-of-pipe measure but advise that in the absence of any design specification for the reed bed system it is not possible for us to advise your Authority on the efficacy of this tertiary treatment measure.

### Land spreading

We acknowledge that composted solid waste is now proposed for spreading on agricultural land in accordance with the Sludge Use in Agriculture Regulations, and the Code of Good Agricultural Practice (COGAP). We would advise your Authority to consider whether it is relevant to consider whether the application of the solid waste will remain in the catchment and as such be an additional source of phosphate that needs considering

in the Total Phosphorus calculation for the development.

In summary, due to the absence of information submitted in support of the planning application we cannot advise you that the integrity of the River Wye SAC will be avoided or adequately mitigated for. We would also remind your Authority that the core management plan for the SAC in addition to maintaining the features, includes an objective to restore the

features. This includes water quality.

### Protected Species

We have reviewed the lighting strategy letter from Asbri Planning dated 14/02/2022. We note reference has been made to lights being mounted at low level (<2.5m), downward angled and fitted with baffles or shields to avoid lateral light spill. All existing and new devices are to be fitted with LED bulbs of approximately 3000K. No exterior lighting will be fitted in proximity of bat roosting area/ access points.

We would refer the applicant to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018 and advise that luminaire with a warm white spectrum (ideally <2700Kelvin) with peak wavelengths higher than 550nm, should be adopted to avoid the component of light most disturbing to bats.

We also advise you seek further clarification to establish whether the external security lighting will be operated manually or using an automated schedule. If an automatic process and schedule is to be implemented, we would advise that the details are to be submitted to inform the lighting strategy. An example of this would be whether there is to be central control for the whole site or whether each luminaire will be programmed individually.

### Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2019), 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.

Natural Resources Wales (Mid Wales)  
DPAS

22nd Aug 2022

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding protected sites and protected species. If this information is not provided, we would object to this planning application. Further details are provided below.

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice:

- o Ecological Services Ltd, August 2021, Version 1, Bat Survey, section 10
- o Arbor Architects, drawing PL110 dated 16/07/2021, Proposed Elevations barn conversion
- o Arbor Architects, drawing PL111 dated 16/07/2021, Proposed Elevations barn conversion
- o Arbor Architects, drawing PL011, Rev D, Proposed Site Plan

Without the inclusion of these documents we would object to this planning application

#### Protected Sites - River Wye SAC

We have reviewed the amended Drainage Strategy report, revision 4, dated 14 June 2022 (prepared by I&G Ecological Consulting, Asbri Planning Ltd and Barratt Associates Ltd).

Firstly, we note the new information that has been provided in respect of the existing foul drainage system on site. On pages 3-4, the Strategy states: 'The Rhydoldog Estate is currently served by a septic tank located to the north of the existing house a short distance from the Nant Corwen watercourse which runs along the northern edge of the estate. The septic tank currently accepts all foul drainage from the existing house, which includes 6no. bedroom suites and a 1- bedroom apartment.' It further states: 'The outfall from the septic tank appears to run in a 4inch clay pipe into the field below the house and effluent would appear to then discharge straight into an open trench as illustrated in the images at Figure 1 overleaf. The vegetation surrounding the trench shows classic enrichment from the nutrients present in the waste which would indicate that the waste is not being treated effectively'.

We concur that the photograph in Figure 1 indicates the waste is not being treated effectively, as the image shows 'breakout' on the surface and that is cause for concern, as a potential source of ground / surface water pollution. However, we question the location of the septic tank because Figure 1 appears to show the discharge from the system to be south of the property and not to the north. As you are aware, there is an extant Permit and an exemption associated with the property. However, the exemption (WQE059241), applies to a discharge point at grid reference SN94562 67747, and therefore appears to be unrelated to the application site. The Permit (UP3823XP), for a discharge at grid reference SN94210 67989, also appears to be irrelevant because it applies to a package treatment plant (not a septic tank) to the north of the property (not the south) discharging directly to the Nant Gorwen (not to ground). As such, on the basis of the information now submitted, it appears that the discharge shown in Figure 1 of the Drainage Strategy is currently unregulated. We suggest you bring this to the attention of the Applicant and urge them to

contact NRW's permitting team to discuss this further.

In terms of the proposed development, we note the previous proposal (to discharge to surface water) has been amended. The Drainage Strategy now proposes foul water from the house and the part conversion of the barn will discharge to a new package treatment plant (discharging to ground).

We note the proposal to provide a package treatment plant '...fitted with a chemical dosing unit to treat the phosphates contained within the foul water.' The Drainage Strategy suggests that this will remove 96% of the phosphorus, with the remaining phosphorus to be removed via a natural reed bed system, before discharging to ground. The Strategy concludes that the '...water entering the soakaway will therefore be clean and clear of phosphate...achieving phosphate neutrality and betterment.' However, we note that the concept of the system being able to achieve neutrality is not carried forward into the calculations in the Strategy or the conclusion. The calculations are based upon a 96% reduction in phosphorus (as a result of the chemical dosing) and the conclusion simply states: '..the residual phosphate will be further treated through the proposed reedbed system...' i.e. there is no attempt to quantify the efficacy of the reedbed treatment. We note that new information has been provided in respect of the existing and proposed wastewater flows from the site and that the Strategy concludes that despite a significant increase in phosphorus generated by the development (a fourfold increase), there will be a reduction in phosphorus discharged from the site post development (i.e. betterment). This is attributed to the effectiveness of the phosphorus stripping within the package treatment plant.

We refer you to our Planning Advice, with regards to the use of chemical dosing in private sewage treatment systems. We would emphasise that there are risks associated with the use of chemical dosing systems in small, private treatment systems in terms of their ability to deliver phosphorus reductions in the long term.

Furthermore, with regards to the installation of a reed bed system, we would advise caution when considering their efficacy for phosphorus removal. We note brief mention of maintenance within the amended Drainage Strategy. Maintenance is an important consideration to ensure efficacy and give assurance that appropriate provision would be made for the disposal of any sludge / harvested reeds. As you may be aware, we are undertaking some work to develop an agreed position on the role and design of constructed wetlands / reed bed systems as mitigation solutions. However, until that work is completed, we are unable to provide further advice on their suitability for such purposes.

Therefore, in our opinion, there is uncertainty around whether the proposed system would be capable of achieving phosphorus neutrality / betterment. We therefore advise consideration should be given to the potential implications of the system failing to achieve



the stated levels of phosphorus removal and whether this would lead to adverse effects on the integrity of the SAC.

For the discharge to ground, we note the result of the percolation tests, which give a Vp of 13.85. To be acceptable, normally the Vp would need to be in the range of 15-100.

Therefore, this would need further consideration in the final design of the drainage field, to ensure effective dissipation could be achieved.

Ultimately, for the proposals to be acceptable, your Authority will need to satisfy itself that the proposed system can be installed and operated effectively for the lifetime of the development, such that it will not lead to adverse effects on the SAC. Our role is to provide advice to assist you with your decision making.

To this end, in summary of the above, we advise that you carefully consider the suggestion (as stated in the amended Drainage Strategy) that the new package treatment system would be able to achieve phosphorus neutrality / betterment. There are risks involved with the option of chemical dosing and uncertainties regarding the efficacy of the reedbed treatment.

We would also remind you that as per our previous correspondence, we have consistently advised that a Permit would be required to operate a new Package Treatment Plant. However, to the best of our knowledge, an application has still not been submitted. We would caution that on the basis of the information submitted to date, there is no guarantee a permit would be granted.

As part of any Permit application, there would be detailed consideration of the design of the system, any risks posed and the efficacy of treatment. For a discharge to ground, the Applicant would be required to provide a Groundwater Risk Assessment, in order to inform the Habitats Regulations Assessment (HRA) that would be done by NRW's Permitting Team.

As a result of the current uncertainties regarding the long term efficacy of the chemical dosing and the wetland, it may be that alternative methods of treatment / discharge need to be considered. Indeed, it is possible that an appropriately designed discharge to ground may make chemical dosing an unnecessary / undesirable addition to a system, if it can be demonstrated that there would be no effective pathway for phosphorus to enter the river environment and therefore no effect on the SAC. A permit would only be granted if adverse effects on the integrity of the SAC could be ruled out with (reasonable) certainty. We would therefore advise the Applicant to hold pre-application discussions with our North Powys Environment Team ([environmentteam.northpowys@cyfoethnaturiolcymru.gov.uk](mailto:environmentteam.northpowys@cyfoethnaturiolcymru.gov.uk)), at the earliest opportunity.

In consideration of the above, should you decide more information is required to inform your determination, you may wish to wait for the outcome of a Permit application before you proceed. If so, you should encourage the Applicant to submit a Permit application without further delay.

#### Protected Species

Please refer to our comments made in the response letter of 05/04/2022.

Natural Resources Wales (Mid Wales)  
DPAS

24th Oct 2022

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- o Ecological Services Ltd, August 2021, Version 1, Bat Survey, section 10
- o Arbor Architects, drawing PL110 dated 16/07/2021, Proposed Elevations barn conversion
- o Arbor Architects, drawing PL111 dated 16/07/2021, Proposed Elevations barn conversion
- o Arbor Architects, drawing PL011, Rev D, Proposed Site Plan
- o Nutrient Neutrality Report by Marian Cameron Consultants Ltd dated September 2022
- o Report to Inform the Habitats Regulation Assessment by Marian Cameron Consultants Ltd dated September 2022

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

#### Protected Sites - River Wye Special Area of Conservation (SAC)

We have reviewed the Nutrient Neutrality Report dated September 2022 and the Report to Inform the Habitats Regulation Assessment dated September 2022 by Marian Cameron Consultants Ltd and offer the following comments.

As per our previous response, we note from the drainage strategy that the Rhydoldog Estate is 'currently served by a septic tank located to the north of the existing house a short distance from the Nant Corwen watercourse which runs along the northern edge of the estate. The septic tank currently accepts all foul drainage from the existing house, which includes 6no. bedroom suites and a 1- bedroom apartment.' It further states: 'The outfall from the septic tank appears to run in a 4inch clay pipe into the field below the house and

effluent would appear to then discharge straight into an open trench as illustrated in the images at Figure 1 overleaf. The vegetation surrounding the trench shows classic enrichment from the nutrients present in the waste which would indicate that the waste is not being treated effectively.'

The proposed development is to provide a package treatment plant '...fitted with a chemical dosing unit to treat the phosphates contained within the foul water.' The Drainage Strategy suggests that this will remove 96% of the phosphorus, with the remaining phosphorus to be removed via a natural reed bed system, before discharging to ground.

Since our previous response, we note the following amendments have been made to the proposals:

- o Application 21/1904/FUL, for the proposed log cabins and bathhouse, is no longer part of the development proposals. As such, the accompanying Nutrient Neutrality report and the Report to Inform the Habitats Regulation Assessment focus purely on application 21/2085/FUL;

- o It is no longer proposed to hold weddings on site once a month; and

- o It is proposed that all fixtures and fittings that use water on site will be replaced, facilitating permanent water saving techniques. The details submitted suggest that a planning condition is imposed to secure implementation.

Further information has also been submitted in respect of the proposed package treatment plant. The Nutrient Neutrality report states that water quality testing will be carried out once a month after the new foul system has been installed, in order to confirm its efficacy. The report suggests that maintenance of the treatment plant and the water quality testing would be controlled by the use of suitably worded planning conditions to be attached to any grant of consent. The report discusses emergency contingency options if the system were to fail, for example, tankering the effluent away to a wastewater treatment works outside of the River Wye catchment. The report also recommends that all design measures are fully implemented prior to the occupation of the development and remain for the lifetime of the development. This would need to be secured by an appropriately worded condition.

We have reviewed the calculations provided in the report and confirm that they appear to use reasonable values from valid sources. The current calculation assumes there would be a direct pathway for treated effluent to enter the watercourse. The approach taken does not take account of the potential for a drainage field to retain phosphorus where suitable ground conditions exist and can disrupt the flow pathway for phosphorus between the treatment system and the adjacent watercourse. It is our opinion that it is reasonable to assume phosphorus would be retained in the drainage field with the flow pathway disrupted

given the percolation values provided for the site.

In consideration of the above, we are satisfied that when comparing the existing and proposed systems, the phosphorus in the proposed system's effluent would represent neutrality/betterment when compared to the existing drainage arrangements on site.

However, we would remind you that ultimately, it is for your Authority and NRW's Permitting Team both to be satisfied that the information provided with regards to the proposed system and how it would be managed and maintained in the long term, is adequate for the level of certainty required.

As per our previous correspondence, we have consistently advised that a Permit would be required to operate a new Package Treatment Plant. However, we note from Neutrality Report that it has been confirmed that the Applicant will not be applying for a Permit until after planning permission has been granted.

Again, we would caution that on the basis of the information submitted to date, there is no guarantee a permit would be granted. As part of any Permit application, there would be detailed consideration of the design of the system, any risks posed and the efficacy of treatment. For a discharge to ground, the Applicant would be required to provide a Groundwater Risk Assessment, in order to inform the Habitats Regulations Assessment (HRA) that would be done by NRW's Permitting Team. As a result of the current uncertainties regarding the long term efficacy of the chemical dosing, it may be that alternative methods of treatment / discharge need to be considered. Indeed, it is possible that an appropriately designed discharge to ground may make chemical dosing an unnecessary / undesirable addition to a system, if it can be demonstrated that there would be no effective pathway for phosphorus to enter the river environment and therefore no effect on the SAC. A permit would only be granted if adverse effects on the integrity of the SAC could be ruled out with (reasonable) certainty. We would therefore advise the Applicant to hold pre-application discussions with our North Powys Environment Team ([environmentteam.northpowys@cyfoethnaturiolcymru.gov.uk](mailto:environmentteam.northpowys@cyfoethnaturiolcymru.gov.uk)), at the earliest opportunity.

In consideration of the above, and as we have previously advised, should you decide more information is required to inform your determination, you may wish to wait for the outcome of a Permit application before you proceed. If so, you should encourage the Applicant to submit a Permit application without further delay.

Ultimately it is a matter of judgment for you, as Competent Authority, to satisfy yourselves that the proposed development will not result in a significant effect on the SAC.

Protected Species

Please refer to our comments made in the response letter of 05/04/2022.

## 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

Welsh Water

9th Dec 2021

Dwr Cymru Welsh Water are not the sewerage operator for this area and it appears the applicant does not propose to connect to the public sewer, we therefore have no further comments regarding sewerage.

Contaminated Land Officer

22nd Dec 2021

The application proposal involves the conversion of an agricultural building to form a residential unit. 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." 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.

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

Hafren Dyfrdwy

16th Dec 2021

The above site is out of Hafren Dyfrdwy's waste water area, and therefore we have no comment to make.

Powys Ramblers

24<sup>th</sup> Jan 2022

Powys ramblers wish to comment on this application please.

We wish to support the comments made by Countryside Services and add the other comments we made in relation to application 21/1904 which relates to the same site:

In the first instance we wish to support the comments made by Countryside Services. However we would like to add some further points:

1. For many years the footpaths going through the grounds of the development have been a joy for local residents and visitors to the area. They are well signed and have

gates rather than stiles in appropriate places. Previous owners of the house have put in steps in some steep places along one of the footpaths and have kept them in good order. The views from the footpath running across the grounds at the rear of the house offer stunning views. The two waterfalls at either end are also spectacular. In short the footpaths here are an integral part of the local rights of way network. Previous owners provided an excellent example of how to properly welcome right of way users across land they own and we are sure that the new owners will wish to continue with this practice.

2. Countryside Services have said that the paths marked on the plan don't conform with the definitive map. If the applicants wished to seek a diversion order along the current route on the ground that could be a separate legal process. Powys Ramblers would be unlikely to object to such an order.

3. We were very pleased to see the exciting plans from the existing owners and hope they can overcome some of the issues raised by other consultees and turn them into reality.

4. Care will need to be taken with the positioning of the proposed cabins and bath house to avoid, as far as possible, users of them feeling that their privacy is being compromised by walkers passing close by.

5. We would be happy to comment further upon receipt of any further information from the applicant about this.

## **Representations**

Following the display of a site notice on 1<sup>st</sup> December 2021 and advertisement in the local press on 17<sup>th</sup> December 2021, 14 public representations have been received, 9 in objection, 3 in support and 2 as neutral comments. The representations are summarised below:

- Traffic or highways – increase in traffic in general along no through single track highway, increased traffic using unsuitable alternative road to the site, inadequate access, too much traffic using unsuitable narrow and twisty highway (including icy conditions in Winter and other existing users e.g. walkers, horses and livestock, agricultural traffic already using highway), no official passing bays, query traffic movements data, concerns over junction onto Elan Valley Road, passing bays would solve the problems
- Inadequate public transport provisions
- Close to adjoining properties
- Affect local ecology – Swallows, House Martins and bats use the house and barn
- Conflict with local plan, environmentally sensitive area for rare fauna, birds, fungi and wildlife, project would enhance local environment and biodiversity
- General dislike of proposal
- Increase of pollution – into brooks/streams in the locality and overflowing of reed

bed

- Drainage – groundwork involved to make car park and may involve run off onto neighbouring land
- Loss of privacy – including from conversion of barn
- Noise nuisance – conversations travel along the valley
- Light pollution – dark sky area
- Out of keeping with character of area – design of barn conversion inappropriate, solar panels not in keeping and visible from highway, polytunnels out of character
- Proposal complements the character and appearance of the area
- Over development – formerly an unspoilt, tranquil valley and would outnumber the current residents in the area
- Strain on existing community facilities
- Development too high
- Negative impact upon existing holiday accommodation and horse trekking business which use same highway
- Visitors may have pets that would roam and worry livestock.
- Increased carbon footprint.
- Potentially contaminated land
- Assist in keeping area economically vibrant, supporting the local area and services and enhance tourism economy

### Planning History

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
AGRI/2010/0013	Ag/Notification: Erection of shed to store farm equipment	Consent	8th Mar 2010
RAD/1996/0277	Erection of implement shed (SN 96 NW)	Consent	17th Sep 1996
P/2011/1021	Householder: Remodel the north west wing to accommodate a 'granny flat', erection of an orangery style extension to the north east side of the property, erection of a outdoor kitchen and garden house and other internal and external alterations	Consent	19th Dec 2011
P/2014/0305	Full: Installation of domestic grid connected hydro electricity plant	Consent	27th May 2014
21/1904/FUL	Proposed development of 4 log cabins, a bath house and	Application withdrawn	12 <sup>th</sup> Sep 2022



associated works

**Principal Planning Constraints**

Ancient Woodland	Plantation on Ancient Woodland	
Ancient Woodland	Restored Ancient Woodland Site	
Phosphorous Welsh River SACs		
Right of Way	144/287/1	
Right of Way	144/285/1	
Right of Way	144/232/2	
Site of Special Scientific Interest	Elenydd	Special
Protection Area	Elenydd Mallaen	

**Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
NATPLA	Future Wales - The National Plan 2040		National Policy
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Communities		National Policy
TAN8	Renewable Energy		National Policy
TAN23	Economic Development		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN18	Transport		National Policy
TAN13	Tourism		National Policy
TAN16	Sport, Recreation and Open Space		National Policy

TAN24	The Historic Environment	National Policy
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
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
RE1	Renewable Energy	Local Development Plan 2011-2026

SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGRE	Renewable Energy SPG	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Section 38 (6) of the Planning and Compulsory Purchase Act 2004

This application has been considered in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

#### Site location and description

Rhydoldog is located approximately 2.9km to the west of the centre of Rhayader. The application seeks consent for the change of use of dwelling (C3) to a D1 (well-being and healing retreat), conversion of part of barn to artist's studio and store, creation of a pond, installation of solar arrays and all associated works. Access is via a private road off the C1219 highway.

According to the submission, the dwelling was partially renovated in 2011, with the addition of a 'granny flat' to the main house and the Arts and Crafts elevations being replaced with modern render and sandstone details. Extensive remodelling to the internal layout of the house granted under planning permission P/2011/1021 has also more recently been carried out. The dwelling would be used as a well-being and healing retreat including 7 guest bedrooms for use in connection with the well-being and healing retreat and retention of the existing self-contained annex accommodation, which is designated for the use of a housekeeper.

The barn is a former agricultural building located to the south-west of the dwelling but grouped with the dwelling. The barn is to be converted with the northerly part of the barn into an artist's studio and stores and part of the southern end into a store to be used in connection with the wellbeing and healing retreat.

The 39kw solar pv array would be located to the south-east of the dwelling and would broadly follow the curve of the access road. The array would comprise 14 south-facing rows of 7 panels, each row measuring approximately 7m by 2m and being separated by approximately 2.7m. The panels would be placed onto aluminium ground mounts with the highest part of the panels being approximately 1.3m in height.

#### Principle of Development

The site is located approximately 2.9km from the centre of Rhayader and is considered to be 'open countryside', outside of any town or village or retail and commercial centre as defined within the Powys LDP.

Future Wales (2040) highlights that Mid Wales has a wealth of outstanding natural assets which contribute to an outstanding tourism offer. Given that the development would provide tourist facilities, would be located close to or within a well-known tourist asset, the Elan Valley and that it re-uses an existing rural building, the development is considered to comply with LDP Policy TD1.

In respect of the conversion of part of the detached barn to an artist's studio and store, the barn was originally an agricultural building and as such it's conversion for a business re-use in connection with the well-being and healing retreat is supported under TAN6 and TAN23. The building is capable of conversion without major reconstruction. Given that the conversion would be used for purposes ancillary to the use of the main property, it is not considered that the conversion leads to dispersal of activity on such a scale as to prejudice the town and village vitality. It is however recommended that a condition is attached to ensure that the use remains ancillary.

In terms of the principle of siting a solar array, national and local policies support proposals for small-scale solar PV arrays and renewable energy.

Overall, the principle of development is considered acceptable and the other material planning considerations will be discussed below.

## Design, visual and landscape impact

The application site is located within the RDNRVS139 Visual and Sensory aspect area of the LANDMAP system and is evaluated as high. The aspect area is described as follows:

*'Single area formed by several small shallow valleys with prominent central wooded, isolated hill forming focal point of area... Gentle slopes, backed by steeper slopes up to Cambrian Mountain plateau, with a mixture of semi-natural rough grassland, wetland, improved & traditional pastures, scattered scrub, woodland & trees... Generally quiet, attractive area with good views to adjacent hillsides...'*

The other aspect areas are evaluated as follows:

Historic landscape – high

Landscape habitats – high

Geological landscape – spans moderate and high

The site is located within a valley with the dwelling and barn in an elevated prominent position looking down the valley in a south-easterly direction. The solar pv array would be sited on lower ground to the front (south-east) of the dwelling and alongside the private road which leads up to the dwelling and barn from the classified highway. The site has a backdrop of woodland to the north-west, west and south-west directions. There are open views of the application site, particularly when travelling along the classified highway, at a distance of approximately 180m from the solar pv array site and 300m from the dwelling and barn. The views are however interspersed with roadside hedgerows and trees.

There are also public rights of way in the locality, with public rights of way 144/285/1, 144/287/1 and 144/232/2 travelling through the application site to the west (rear) of the barn and dwelling. Public right of way 144/283/3 is located at its closest point approximately 183m from the solar array site. The closest residential properties are located approximately 180m distant from the solar pv array site in a south-easterly direction. Other visual receptors of the development include other public rights of way in the area, public highways and individual residential properties, some of which may be used as holiday accommodation.

Whilst the appearance of the dwelling has changed, the works are understood to have been carried out following the grant of planning permission or under permitted development rights. Otherwise, the proposed change of use itself is not considered to cause any visual or landscape change.

The proposed design for the partial conversion of the barn is considered to respect the structure, form and character of the building with minimal changes and as such this element of the development is not considered to cause an unacceptable visual or

landscape change.

The solar pv array would be a new feature in the landscape which would cover an area of approximately 500 square metres. The solar array has been sited on the lower part of the site and whilst the array would be visible from public vantage points, its scale is such that the array is not considered to be unacceptable in visual and landscape terms. In addition, there are no known similar developments with which the solar array would have a cumulative effect.

### Public Rights of Way

Whilst Countryside Services have removed their initial objection to the development, they advise that the applicant contact them directly regarding the Public Right of Way (PROW) through their property and have advised that an informative should be attached to any grant of consent. Subject to an informative it is therefore considered that the proposed development could be managed to an acceptable level to ensure no adverse impact to the users of those PROW.

### Residential Amenity

Public representations have raised concerns over the impact of the development upon amenity particularly in respect of privacy, noise, light and general change to the area. The Council's Environmental Protection service has not raised concerns or objected to the development.

A 'right to a view' is not a material planning consideration. Whilst however, the nearest neighbouring properties are located approximately 180m distance from the solar pv array, visual impacts from the solar pv array in particular are not considered to detrimentally impact upon the character of that area given the scale and distances to nearby residential properties including intervening topography.

In terms of noise, there is physical separation and intervening features as described above which would mitigate any impacts and generally, D1 and tourist accommodation uses are not incompatible with the use of surrounding residential properties. Although it is appreciated that the development would generate some additional noise in terms of additional persons on site and additional traffic, the Council's Environmental Protection service has offered no objection to the development in respect of noise as noise from traffic would not be materially different from that already using the local highway network.

Increased lighting is possible and the proposed plans for the barn identify the location of two external lights which would be controlled by PIR sensors. Conditions are recommended to control the lighting and given that the proposed external lights on the barn are considered appropriate as wildlife sensitive lighting, it is considered that the development would not cause an unacceptable impact upon residential amenity.

It is therefore considered that the distance between the site and neighbouring dwellings

is sufficient to avoid any unacceptable overlooking or loss of amenity to nearby dwellings.

### Highway access and safety

Rhayader Town Council, the Local Member and public responses have raised concerns over the impact of the development upon highway safety.

Access to the site is predominantly via the C1219 highway from the B4518 highway. The submission indicates 18 parking spaces (including disabled and electric charging spaces). It is noted that public representations refer to an alternative route along the U1257 highway which may cause problems for users of the highway due to its physical characteristics. It is considered that visitors to the development could be advised through advertising and booking literature not to use this route and as such, the effect on highway safety for users of the C1219 and B4518 highways has been considered, rather than the less likely U1257 route.

The submission and the Highway Authority consider that the development would clearly generate an increase in traffic (circa 85%) using the highway. The traffic would have to pass through what the Highway Authority has described as a constrained junction with the B4518/C1219, and along a constrained 1.8km length of the C1219 county highway. The Highway Authority has advised that the increase in vehicle numbers, with the increased risk of opposing vehicles being forced to reverse leads to increased conflict along the route, adversely affecting and inconveniencing the existing neighbouring properties and businesses.

Notwithstanding the above, the Highway Authority recognises that the development does not seek to build or introduce new buildings on the site; instead it seeks to reuse existing buildings which have historically, and could legitimately, generate quite significant levels of traffic. Consideration must also be given to the proposed modest highway improvements along the existing highway network which can be secured as part of the development (construction of a passing bay, carriageway widening and removal of overgrowth and replacement of junction warning sign and painted signage on the highway). The Highway Authority have advised that such improvements would not only help to mitigate the effects of the development traffic, but they would also provide benefit to existing highway users. In addition, it is considered that a condition could be attached to restrict the use of the facilities to those persons staying at the accommodation only. As such, further non-residential visitors to the site would be limited.

The Highway Authority has concluded, that on balance, the submission includes sufficient mitigation, to offset the detrimental effects of the increased development traffic and that an objection on highway grounds cannot not be sustained in this instance. Therefore, based on the advice received from the Highway Authority and subject to the use of the conditions recommended by the Highway Authority, it is considered that the effect on highway safety is acceptable. It is also recommended that a condition is attached to require 10% of the parking spaces to have electric vehicle charging points

as required by Policy 12 of Future Wales.

### Natural environment

Public responses refer to the impact upon local ecology. The Preliminary Ecological Assessment included with the submission identifies that the immediate surrounding habitats of the dwelling are semi-improved grassland and hardstanding. The grassland being frequently mown and/or grazed which is of low ecological value.

#### - River SAC Catchment

The application site is within the catchment of the River Wye Special Area of Conservation (SAC). The existing defective septic tank system will be replaced with a larger capacity 50-person (PE) package sewage treatment plant (PTP) with a discharge to ground. The Nutrient Neutrality Report submitted in support of the application states that due to the underlying geology groundwater it is unlikely for any discharge to reach the River Wye SAC or its tributaries. NRW have accepted that the ground conditions are suitable for a discharge to drainage field and that any residual phosphorus is expected to be retained within the drainage field.

Following provision of an appropriate plan detailing appropriate foul drainage details, a Habitats Regulations Assessment (HRA) Test of Likely Significance has been undertaken to establish whether the proposed development could result in a likely significant impact to the River Wye SAC and/or its associated features. The HRA screening concluded that a likely significant effect to the River Wye SAC and/or its associated features could not be ruled out. An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network.

The report concludes that subject to inclusion of appropriate conditions and adherence to approved plans the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objectives.

#### - SSSI/ SPA

The Elenydd SSSI and Elenydd-Mallaen SPA are located adjacent to the barn and dwelling. Natural Resources Wales have advised that the development is not likely to damage the features for which the nearby Elenydd Site of Special Scientific Interest is of special interest and it will have no detrimental impact on the features of the Elenydd-Mallaen Special Protection Area due to the nature of the development proposed and the re-use of the existing buildings on site.

#### - Ancient Woodland Site

The dwelling and barn part of the application site is located adjacent to a woodland area



designated as a Restored Ancient Woodland Site on the 2011 Ancient Woodland Inventory. Given that the physical works are limited to the barn, the development is not considered to unacceptably affect the designated ancient woodland site.

- Protected species

A Bat Survey accompanies the submission which identifies small numbers of brown long-eared bats, common pipistrelle and Natterer's bats were detected exiting the barn during the activity surveys. A dedicated bat loft will be created above a storage area in the southern aspect of the barns with access points and roost areas created for multiple species, providing enhancement as well as mitigation and compensation for existing roosts impacted by the proposal.

Provided all the recommendations made in the bat report are implemented and that external lighting is controlled via planning condition, Natural Resources Wales advise that they 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. An EPS license will be required from NRW prior to the commencement of any works.

Furthermore, Development Management considers that all three conditions for the eventual grant of a licence are likely to be satisfied. Revised architectural drawings for the barn conversion are expected prior to the committee meeting and as such an update report will be provided to include the relevant amended drawings within the recommended conditions.

Therefore, the impact upon protected species is considered acceptable subject to the conditions recommended by Natural Resources Wales and the Council's Ecologist, including external lighting.

- Biodiversity Enhancement

It is proposed to replant a native species hedgerow along the northern boundary (no hedgerow currently present) and a wildflower area. Subject to requiring the specific species details and implementation via condition it is considered that the application proposes appropriate biodiversity enhancement for the development.

### Dark Skies

Public representations have raised concerns over the impact of the development on the dark skies in the locality.

The Elan Valley Estate achieved International Dark Sky Park status in 2015. The application site is located outside of this but is understood to be within approximately 200m of the Elan Valley Estate boundary.

The amended elevation plans for the barn identify the location of two external lights and that these will be controlled by PIR sensors. A condition is also recommended to control external lighting. Otherwise, no other external freestanding lights are indicated. Given that the proposed external lights on the barn are considered appropriate as wildlife sensitive lighting, it is considered that the development would not cause unacceptable levels of light pollution and an unacceptable adverse effect on the visibility of the night sky.

### Contaminated Land

Given that the development includes the conversion of part of a former agricultural building, which could contain potential sources of contamination, the Council's Contaminated Land Officer has recommended the use of a condition to address contamination if it is encountered when carrying out the development. The condition is considered appropriate.

### Land Drainage

Public responses have raised concerns that groundwork involved to make the car parking area may involve run off onto neighbouring land.

The Council's Land Drainage Team have advised that SAB approval will be required, if the development area is over 100m<sup>2</sup>. In addition, the Land Drainage department as the Lead Local Flood Authority (LLFA) have advised that the Authority holds no historical flooding information relating to this brownfield site. However, from the surface water flood mapping, there is a risk of surface water flooding to the site with the site being partially located in Flood Zone 2 and Flood Zone 3 and the Land Drainage department requested the submission of a Flood Consequences Assessment.

The mapping indicates that the risk of flooding occurs either side of the existing dwelling through the land to the front of the dwelling and across part of the site for the solar pv array and foul drainage system. The parking area indicated on the site to the front of the barn is not located within the flood zone and is understood to be an existing gravelled/stoned area. Given that the application seeks for change of use only for the dwelling this element is not considered to increase surface water flood risk. Given the design of the solar pv array, in terms of limited attachment to the ground and raised panels off the ground, it is considered that this element would also not increase surface water flood risk. As such the submission of a Flood Consequences Assessment is not considered necessary in this instance.

### Historic assets

Clwyd Powys Archaeological Trust have advised that the development impacts a late 18th - 19th century stone barn range recorded as PRN 134076 (Rhydoldog traditional farm outbuildings). As such, CPAT have requested a condition to require a survey of the building to allow an adequate analytical record of the building to be made to ensure that

the buildings origins, use and development are understood, and the main features, character and state of preservation are recorded. Given the minimal works required for the conversion of the building and the recommended condition to record the existing building as it is, it is considered that the development would fundamentally comply with relevant policy.

#### Loss of agricultural land

Part of the application site (predominantly the solar pv array) would be sited on land currently in agricultural use. According to the Predictive Agricultural Land Classification Map, the land is grade 3b land which is not the best and most versatile land. As such the development does not conflict with planning policy (Planning Policy Wales) in this respect.

#### Carbon footprint

Public responses have stated that the development would lead to an increased carbon footprint. It may be that additional traffic generated by the development would increase greenhouse gas emissions for example, however the development would include electric vehicle charging points and a solar pv array which would contribute to renewable energy. As it currently stands there are no specific planning policy requirements that dictate that a certain amount of greenhouse gas generation from a development would be unacceptable and neither does it state that tourism developments should not be supported for this reason. Rather, by making determinations in line with the development plan, it can be reconciled that the development is acceptable in planning terms.

### **RECOMMENDATION**

Whilst the concerns raised from the Town Council, Local Member and Public Representations have carefully considered it is considered that through the use of planning conditions and the mitigation/enhancements proposed through the submission the impacts from the development can be managed to an acceptable level.

It should be noted that a statutory consultation response is awaited from Natural Resources Wales (NRW), the Statutory Nature Conservation Body, on the Appropriate Assessment undertaken by the Local Planning Authority. Therefore should Members be minded to approve the application, it is recommended that the final decision is delegated to the Professional Lead - Planning in consultation with the Chair and Vice Chair of the Committee subject to confirmation from NRW of agreement with the Appropriate Assessment.

#### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.

2. The development shall be carried out in accordance with the following approved plans and documents: 2101 Rev. A, 2103 Rev. A, 1028/PL000 Rev C, 1028/PL100 Rev. B, 1028/PL011 Rev. H, 1028/PL110 Rev. A, Ecological Services Ltd, Bat Survey: Rhydoldog House Barns, Rhayader, Powys, LD6 5HB October 2022 V3.0, Ecological Services Ltd, August 2021, Version 1, Bat Survey, section 10, Nutrient Neutrality Report by Marian Cameron Consultants Ltd dated September 2022, Report to Inform the Habitats Regulation Assessment by Marian Cameron Consultants Ltd dated September 2022, Drawing no. 1490-002-B of acstro Technical Note dated 14th January 2022, Drawing no. 1490-004-A of acstro Technical Note dated 14th January 2022, Drawing no. 1490-03-A of acstro Technical Note dated 14th January 2022, Ground Mounts HPV-Ground Mounts-RevC-291121-ARC Rev. C.
3. No development shall take place until a programme of building recording and analysis, equivalent to an Historic England Level 2 building survey on the barn, 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 resulting report and digital archive should be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy of the report and whole project archive should also be sent to the National Monuments Record, RCAHMW, Aberystwyth.
4. Prior to any works being commenced on the development site the applicant shall complete the offsite highway works detailed on drawing 1490-004-A of the Technical Note dated 14th January 2022 to the written satisfaction of the Local Planning Authority. Such works shall include the replacement of a junction warning road sign and the installation of ARAF/SLOW painted signage on the B4518 county highway. The design of the traffic sign shall conform to BS EN 12899-1:2007.
5. Prior to any works being commenced on the development site the applicant shall construct 1 no. passing bay to an adoptable standard in the location shown on the approved Technical Note 'Proposed Passing Place' drawing 1490-03-A to the written satisfaction of the Local Planning Authority.

6. Prior to any works being commenced on the development site the applicant shall complete the offsite highway works detailed on drawing 1490-002-B of the Technical Note dated 14th January 2022 to the written satisfaction of the Local Planning Authority. Such works shall include the carriageway widening at locations 5 & 10, and the removal of overgrowth at locations 1-3, 9 & 11 (Drawing 001 B), together with any subsequent reinstatement works that may be required thereafter.
7. Prior to the first use of the development hereby approved, a minimum of 10% of the approved car parking spaces shall have electric vehicle charging points as indicated on drawing number 1028/PL011 Rev. H. The electric charging points shall comply with the size restrictions set out in Classes D and E of The Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2019 unless otherwise agreed in writing with the Local Planning Authority. This provision shall be maintained thereafter for as long as the approved development remains in existence.
8. Prior to first occupancy of the hereby approved development, evidence shall be submitted to and approved in writing by the Local Planning Authority demonstrating that:
  - i) the foul drainage connection from the property Rhydoldog, Cwmdauddwr, Rhayader, Powys, LD6 5HB, has been disconnected from the existing septic tank and connected to the approved package sewage treatment plant,
  - ii) that the existing septic tank has been emptied by an appropriately licensed waste contractor, and
  - iii) has been filled with an inert, non-degradable material such as aggregate or soil to prevent any future reuse.
9. Prior to first occupancy of the hereby approved development, a maintenance and management plan for the approved foul water drainage system shall be submitted to and approved in writing by the Local Planning Authority. The plan shall include but not be limited to:
  - a. a timetable for its implementation
  - b. details of how the foul water drainage system will be maintained throughout the lifetime of the development, to include monitoring of the chemical levels within the dosing system and efficacy of the phosphorus removal system
  - c. contingency measures for foul water disposal in the event that the foul water drainage system, including the chemical dosing equipment, develops a fault

The approved plan shall be implemented in full and maintained thereafter. Documentary records demonstrating adherence to the approved measures shall be maintained by the operator of the development hereby permitted and be made available to the Local Planning Authority upon request.

10. The development shall be undertaken in strict accordance with Section 10 of Bat Survey: Rhydoldog House Barns, Rhayader, Powys, LD6 5HB v3.0, by Ecological Services Ltd, dated October 2022. The measures identified shall be adhered to and implemented in full and maintained thereafter.
11. The external lighting identified on Artist Studio – Proposed Elevations, Drawing no. PL110, Rev. A shall be restricted to use of downlighters or cowled or hooded luminaries angled downwards preventing light spill above the horizontal plane and there shall be no direct or indirect illumination of adjacent woodland, trees, hedgerows or bat mitigation features including roost entrances (including bat boxes) and flightlines. Bulbs emitting light from the warm-white colour spectrum only (<2700°K) with a peak wavelength exceeding 550nm shall be used. Lighting shall be controlled using PIR motion sensors set to a maximum of 1 minute and angled to prevent accidental triggering.
12. All existing external lighting on the approved development shall be replaced with external luminaries mounted at or below 2.5m above ground level where practical, and luminary design and operation shall accord with condition 11 above.
13. Notwithstanding the details submitted, prior to the first occupancy of the approved development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and position.
14. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
15. The proposed Artist Studio and Store as indicated on drawing 1028/PL011 Rev. H shall not be used at any time other than for purposes ancillary to the well-being and healing retreat use of the premises known as Rhydoldog.
16. The premises known as Rhydoldog and the land the subject of the application shall be used for a well-being and healing retreat for persons resident at the retreat only and not for day visitors and for no other purpose (including any other purpose in class D1 of the schedule to the Town and Country Planning (Use

Classes) Order 1987 (or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that order with or without modification).

17. 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.

## **Reasons**

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To allow an adequate analytical record of the building to be made, before it is 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 Technical Advice Note (TAN) 24: The Historic Environment (2017).
4. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
5. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
6. In the interests of highway safety in accordance with Policy T1 and DM13 of the Powys Local Development Plan (2011-2026).
7. In the interests of sustainability in accordance with Planning Policy Wales (Edition 11, 2021, part 4.1.41) and Future Wales: The National Plan 2040.
8. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.

9. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Policy DM2 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
11. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
12. To comply with Policies DM2 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
13. To comply with Policies DM2, DM4 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
14. To comply with Policies DM2, DM4 and DM7 of the Powys Local Development Plan (2011-2026) and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), Technical Advice Note (TAN) 5: Nature Conservation and Planning (2009) and Part1 Section 6 of the Environment (Wales) Act 2016.
15. To ensure the use of the barn remains ancillary to the main property in accordance with Policies DM13 and T1 of the Powys Local Development Plan (2011-2026) and Technical Advice Note (TAN) 6: Planning for sustainable rural communities (2010) and Technical Advice Note (TAN) 23: Economic development (2014).
16. In the interests of highway safety in accordance with Policies T1 and DM13 of the Powys Local Development Plan (2011-2026).



17. 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 (2011-2026).

## **Informatives**

Powys County Council Countryside Services:

It is strongly advised that the applicant checks the definitive line of the public rights of way on their land to ensure that they understand where they are located. You can access a digital interpretation of the Definitive Map using this link:

<https://data.gov.uk/data/map-preview?url=https://geo.powys.gov.uk/geoserver/openda/wms>

In addition to the above, Powys County Council has a duty to 'assert and protect' public rights of way under the Highways Act 1980. The applicant should note:

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against any applicant who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- 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.
- Temporary closures – The applicant can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during the works. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- Legal Diversion – If development directly affects a public right of way, the applicant will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

For advice, please contact Countryside Services with details of the development at: [rightsofway@powys.gov.uk](mailto:rightsofway@powys.gov.uk) or 01597 827500

Highway Authority:

**Advisory Notes**

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

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.
  - a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.
  - b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.
2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.
4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

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](mailto:street.works@powys.gov.uk)

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

Contaminated Land:

Further advice on compliance with the contaminated land condition may be obtained by

contacting the Council's Environmental Health Service on 01597 827645.

#### SAB Approval:

The SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore the development will require SAB approval prior to any construction works commencing onsite. Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk) For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB> If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly. The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

#### Ecology:

#### **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.

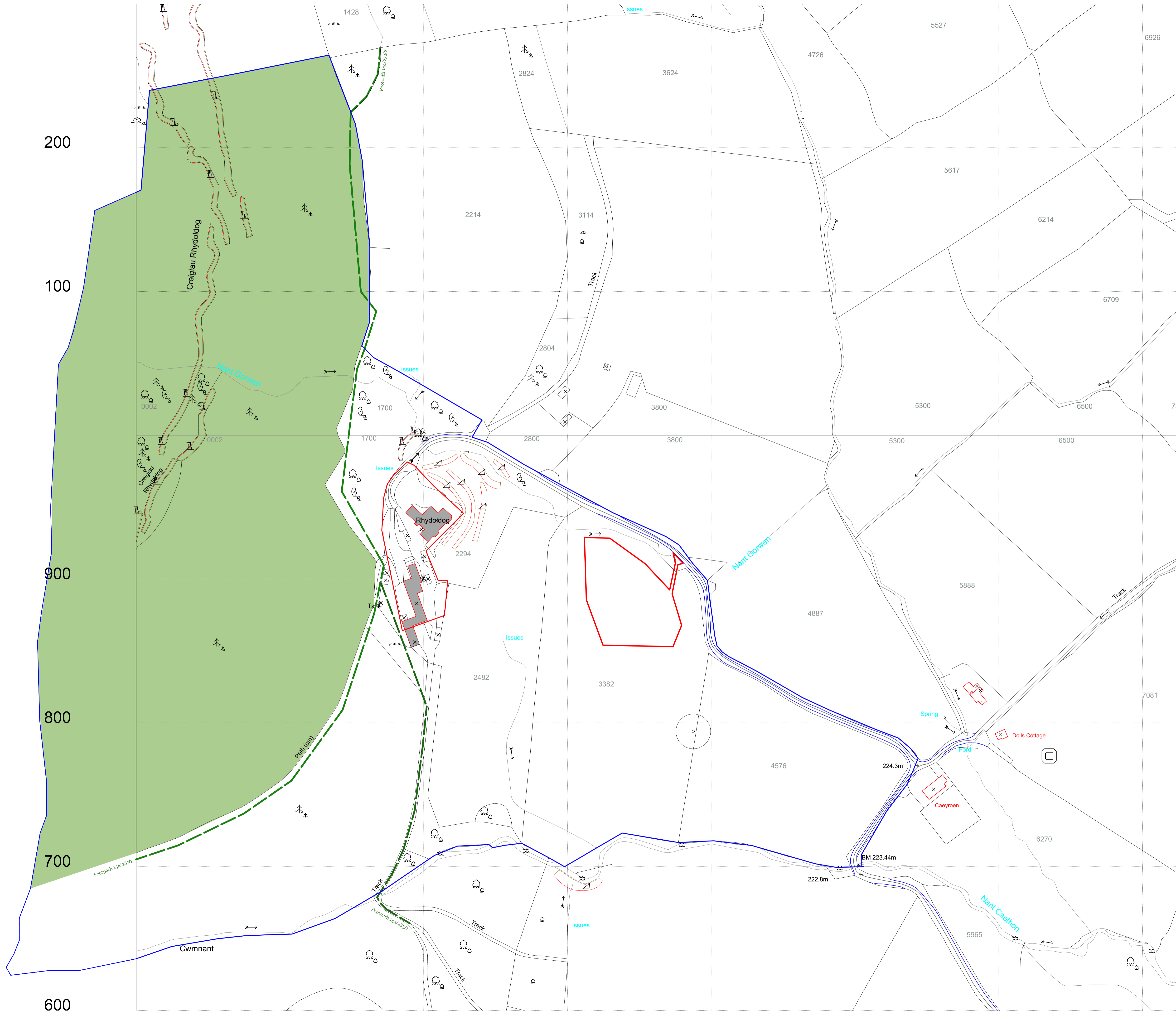
To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at [Natural Resources Wales /When you need to apply for a protected species licence](#)

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 (as amended), authorising the specified activity/development to go ahead.

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Case Officer: Kate Bowen, Senior Planning Officer  
Tel: 01938 551268 E-mail: [kate.bowen@powys.gov.uk](mailto:kate.bowen@powys.gov.uk)

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**NOTES**  
Check this drawing is the latest revision.  
Do not use the information on this drawing without checking all dimensions on site.  
Do not use any areas indicated for either valuation, purchase, sale or any other form of legally binding contract.  
Do not reproduce any part of this drawing without prior written consent.

**DESIGNERS HAZARD IDENTIFICATION:**

- Special Protection Area  
- Site of Special Scientific Interest (SSSI)
- Development Boundary  
0.77 hectares
- Ownership Boundary
- Public Footpath

Revisions	Drawn	Checked
B	23/03/21	MG EDS

**PLANNING**

Client: Charlotte Church  
Project: Rhydoldog House - Barn Conversion  
Drawing Title:

**Location Plan**

Scale	Date	Drawn	Checked
1:1250@A1	26/07/21	EDS	MH
Project No:	Drawing No:	Revision:	
<b>1028</b>	<b>PL000</b>	B	

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## Delegated List

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Abbey Cwm-Hir Community	Consent	22/11/2021	21/2121/REM	Removal or Variation of Condition	17/10/2022	Section 73 application to vary condition 17 of permissions P/2010/0111 & NMA/2018/0046 to allow for amended plans (resubmission of 21/0993/REM)	Hawks Rise Bwlch-Y-SarnauRhayaderLD1 6PW
Aberafesp Community	Approve	09/09/2022	22/1527/HH	Householder	03/11/2022	Erection of a car port and covered walk way	Isfryn Barn Bwlch-Y-FfriddNewtownPowysSY 16 3HX
	Approve	24/10/2022	22/1751/DIS	Discharge of Condition	17/11/2022	Application to discharge conditions 3,4,5 and 15 attached to planning permission 22/0825/FUL	Land South Of Bwlch Y Ffridd Bwlch-y-ffriddNewtownPowys
	Consent	04/07/2022	22/1097/DIS	Discharge of Condition	10/11/2022	Application to discharge conditions 3, 5, 16, 18, 20 and 21 of planning approval 20/0157/REM	Bwlchcaehaidd Bwlch-Y-FfriddNewtownPowysSY 16 3JB

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## Delegated List

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## Delegated List

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Abermule And Llandyssil Community	Approve	14/07/2022	22/1130/FUL	Full Application	18/10/2022	Erection of detached dwelling & detached garage	Land Adjacent To Little Phipps LlandyssilMontgomerySY 15 6LQ
	Approve	03/08/2022	22/1251/HH	Householder	20/10/2022	Proposed extension and alterations to detached house including installation of ground source heating pipes	CwmdaleAbermule MontgomeryPowysSY15 6LE
	Approve	14/10/2022	22/1728/HH	Householder	14/11/2022	Erection of garden room	Cwm Bach LlandyssilMontgomerySY 15 6LQ
Bausby With Criggion Community	Approve	30/08/2022	22/1455/DIS	Discharge of Condition	21/11/2022	Discharge of condition 4 of 20/1648/RES in relation to verification plan and report by GroundFirst Ltd	Land Adj Severn Oaks Holiday ParkCrew GreenShrewsburyPowys SY5 9AS
	Approve	11/11/2022	22/1907/NMA	Non-Material Amendment	22/11/2022	Non material amendment to planning permission 22/0359/FUL in respect of revised elevation plan	Pentre Farm Crew GreenShrewsburySY5 9AW

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Bausley With Criggion Community	NMA Approve	15/09/2022	22/1555/NMA	Non-Material Amendment	21/11/2022	Non material amendment for the removal of conditions 3 and 4 of planning consent 20/0695/REM (conditions 6 and 7 of outline consent P/2017/0731), relating to the provision of a footpath across the frontage of the site and substitution with alternative condition(s) relating to the full planning consent for a footway in this location (reference 22/1052).	New Plot Adj Hand And Diamond InnCoedwayCrew GreenPowysSY5 9AR
Beguildy Community	Approve	07/06/2022	22/0881/HH	Householder	07/11/2022	Reconfiguration to the internal layout. Addition of a single-storey side extension to replace the existing carport, and a single-storey front extension.	Redwood LloyneyKnightonLD7 1RB
Berriew Community	Approve	21/09/2022	22/1563/FUL	Full Application	25/10/2022	Proposed Agricultural Building Extension	Pen Y Ffridd Castle CaereinionWelshpoolSY 21 9AU

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Berriew Community	Consent	18/08/2021	21/1533/FUL	Full Application	13/10/2022	Erection of a dwelling and associated works	Land At FronFronMontgomery PowysSY15 6RZ
Builth Wells Community	Approve	27/09/2022	22/1647/TRE	Works to trees in Conservation Area	24/10/2022	Works to trees in a conservation area	Maesllyn19 North RoadLlanfair-ym-mualltPowysLD2 3BU
Cadfarch Community	Approve	12/09/2022	22/1575/DIS	Discharge of Condition	31/10/2022	Discharge of conditions 5 and 6 of planning approval 22/0563/FUL in relation to passing bay/place standard detail	Cleiriau IsafAberhosan MachynllethPowysSY20 8RG
Caersws Community	Approve	21/09/2022	22/1470/TPO	Works to Trees subject to a TPO	24/10/2022	Removal of elm tree and silver birch tree, crown reduction of oak tree and works to trees on driveway	Maesmawr Hall Hotel CaerswsSY17 5SF
	Approve	28/09/2022	22/1687/DIS	Discharge of Condition	14/10/2022	Application to discharge condition 3 attached to planning permission 22/0357/FUL in relation to Construction Traffic Management Plan (CTMP)	Caersws Recreation GroundCaerswsPowys SY17 5SA

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Caersws Community	Approve	21/10/2022	22/1785/DIS	Discharge of Condition	31/10/2022	Application to discharge condition 4 attached planning permission 22/1069/HH in relation to detailed drawings of the proposed timber framed windows	Maesmawr, Beudy Clyd CaerswsSY17 5SB
	Refused	17/12/2020	20/2087/FUL	Full Application	25/10/2022	Construction of an all-new crematorium, including the erection of a crematorium building, change of use of land to provide a green burial site, creation of landscaped grounds to include a garden of remembrance, improved and new access arrangements, car parking area, sewage treatment plant and drainage and all associated works	Land At Ael Y BrynAberhafespNewtown Powys

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Carreghofa Community	NMA Approved	14/10/2022	22/1697/NMA	Non-Material Amendment	14/11/2022	Non-material amendment to planning application 22/0436/HH in relation to change of design	The HolliesCae CelynLlanymynechPowys SY22 6EN
Castle Caereinion Community	Approve	23/09/2022	22/1572/NMA	Non-Material Amendment	03/11/2022	Non-material amendment to 20/0446/RES (outline planning consent P/2016/0892) in relation to amendment to house design of plots 3 and 5 and amended external materials details	Land Opposite Tynllan Farm Castle CaereinionWelshpool Powys
Churchstoke Community	Approve	23/08/2022	22/1394/HH	Householder	08/11/2022	Alterations and extension of existing double garage to annexe accommodation to the main residence.	The Bryn ChurchstokeMontgomery SY15 6DX
	Approve	20/09/2022	22/1617/TRE	Works to trees in Conservation Area	13/10/2022	Works to trees in a conservation area	Public Footpath 210/39/1 That Runs Along A NarrowWooded Corridor Between A489 And C2054, Churchstoke.

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Churchstoke Community	Approve	23/09/2022	22/1604/DECC	DECC overhead line	28/10/2022	Application under section 37 of the Electricity Act 1989 to upgrade existing 11kv overhead line to 3 phase	Banks Head Shepherds Whimbishops Castle SY9 5JW
	Approve	26/10/2022	22/1820/NMA	Non-Material Amendment	11/11/2022	Non-material amendment to planning permission 21/0980/RES (19/0993/OUT) in respect of changes to the approved plans	Land Adjacent To HollydeneHall BankChurchstoke MontgomeryPowys
	Permitted Development	30/09/2022	22/1627/AGR	Agricultural Notification	18/10/2022	Agricultural notification for formation of a 5m by 5m pond	Land Known As Cwm Linton Field North Of The Dairy HouseCwm LintonChurchstokeSY15 6TN
Clyro Community	Approve	18/05/2022	22/0711/HH	Householder	18/10/2022	Construction of an enclosed swimming pool within the domestic garden and a new rooflight to the dwelling (part retrospective)	Cwmhir Court Barns ClyroHerefordHR3 5LE

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Clyro Community	Consent	19/08/2022	22/1420/HH	Householder	17/11/2022	Erection of an extension and associated works	Chapel CottageBronyddClyro HerefordPowysHR3 5RX
	Consent	19/08/2022	22/1421/LBC	Listed Building Consent	24/10/2022	Erection of an extension and associated works	Chapel CottageBronyddClyro HerefordPowysHR3 5RX
Felin-Fach Community	Permitted Development	03/11/2022	22/1752/AGR	Agricultural Notification	11/11/2022	Proposed steel framed purpose built shed for storing straw.	Trebarried Farm LlandefalleBreconLD3 0NB
Glanwymyn Community	Approve	01/08/2022	22/1277/HH	Householder	19/10/2022	Replacement roof to provide improved loft bedroom to replace the existing	Rosterick Cottage CeinwsMachynllethSY20 9HA
	Approve	03/10/2022	22/1642/TRE	Works to trees in Conservation Area	09/11/2022	Works to a tree in a conservation area	Land Adj To A470CaemaesPowys
Glasbury Community	Approve	23/09/2022	22/1606/LBC	Listed Building Consent	11/11/2022	Replacement of 3 external doors and a window, replacement of lean to and walkway roofs and internal alterations	Forge Cottage BoughroodBreconLD3 0YG

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Glascwm Community	Approve	22/09/2022	22/1582/FUL	Full Application	04/11/2022	Installtion of Biomass Boiler and Erection of Auger and Woodchip Stores. Retrospective	Fforest Fields Caravan Park Hundred HouseLlandrindod WellsLD1 5RT
	Consent	07/07/2022	22/1111/FUL	Full Application	07/11/2022	Erection of Rural Workers Dwelling, Installation of electric security gates and installation of a treatment plant	Fforest Farm Hundred HouseLlandrindod WellsLD1 5RT
Guilsfield Community	Approve	06/07/2022	22/1103/DIS	Discharge of Condition	24/10/2022	Application to discharge conditions 16, 18, 19, 20, 21, 22 and 23 of planning approval P/2017/0542	Twin Oaks GuilsfieldWelshpoolSY21 9PX
	Refused	05/09/2022	22/1436/FUL	Full Application	01/11/2022	Existing agricultural outbuilding to be converted into detached 3 bed dwelling	White House MoelygarthWelshpoolSY 21 9DA
Gwernyfed Community	Approve	31/10/2022	22/1592/DIS	Discharge of Condition	04/11/2022	Discharge of conditions 1, 2, 3 and 4 from planning approval 22/0073/FUL	Lower PorthamelTalgarthBrecon PowysLD3 0DL

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Gwernyfed Community	Consent	28/05/2021	21/0753/LBC	Listed Building Consent	11/11/2022	Install 1.8m high safeguarding fencing, access gates and 1.2m bow top fencing to various areas of the school.	Gwernyfed High School Three CocksBreconLD3 0SG
	Consent	28/05/2021	21/0861/FUL	Full Application	11/11/2022	Install 1.8m high safeguarding fencing, access gates and 1.2m bow top fencing to various areas of the school.	Gwernyfed High School Three CocksBreconLD3 0SG
Hondu Isaf Community	Approve	23/09/2022	22/1502/FUL	Full Application	10/11/2022	Erection of new steel workshop/storage shed in paddock	Cefncoedmawr FarmhiuseSarnauBrecon PowysLD3 9PT
	Approve	27/09/2022	22/1544/AGR	Agricultural Notification	20/10/2022	Erection of agricultural portal span covering & muck store	Glandwr FarmGarthbrenyBrecon PowysLD3 9TP
	Approve	03/10/2022	22/1624/DIS	Discharge of Condition	18/11/2022	Discharge of conditions 4, 5 and 7 of planning approval 22/0021/LBC in relation to stonework and slate.	Bethel CottageLlandefaelog FachBreconPowysLD3 9RB

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Kerry Community	Approve	05/09/2022	22/1505/FUL	Full Application	24/10/2022	Siting of 1 Polytunnel over an existing nursery plant bed and associated works	White Hopton Farm Wern LaneSarnNewtownSY16 4EN
	Approve	23/09/2022	22/1597/FUL	Full Application	14/11/2022	Conversion and extension of agricultural building to create a dwelling, to include improvements to existing access, installation of sewage treatment plant and associated works	Barn At Labour In Vain DolforNewtownSY16 4AA
	Approve	28/10/2022	22/1828/NMA	Non-Material Amendment	11/11/2022	Application for a non-material amendment against planning permission with regards to 21/0551/FUL alterations to size / layout of pods & lodge	Upper Cefnperfa KerryNewtownSY16 4DW
	Approve	28/10/2022	22/1830/DIS	Discharge of Condition	07/11/2022	Application to discharge condition 24 from planning permission 21/0551/FUL	Upper Cefnperfa KerryNewtownSY16 4DW

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Kerry Community	Split Decision	09/06/2022	22/0983/DIS	Discharge of Condition	13/10/2022	Application to discharge conditions 4,7,12,19 and 21 for planning permission 20/1338/RES	Land Adjacent To Shop LaneSarnNewtownPowys
Knighton Community	Approve	10/02/2022	22/0223/FUL	Full Application	17/10/2022	Change of use of existing storage and workshop building to a 2 bedroom dwelling	Store & Workshop Building Adjoining3 BrooksideKnightonPowys LD7 1DW
Page 109	Approve	27/06/2022	22/0860/FUL	Full Application	09/11/2022	Earth banked nutrient store to comply with Environmental Permitting Regulations and SSAFO Regulations, and proposed Welsh Agricultural Pollution Regulations, Hill House Farm, Knighton, Powys LD7 1NA	Hill House FarmKnightonLD7 1NA
	Approve	22/07/2022	22/1178/LBC	Listed Building Consent	19/10/2022	Repair of windows, removal of cement render, repair to lime pointing as necessary and application of permeable lime wash	2 Bowling Green LaneKnightonPowysLD7 1DR

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Knighton Community	Approve	26/07/2022	22/1043/FUL	Full Application	15/11/2022	Conversion of existing warehouse into three residential apartments	5 Warehouse Adjacent To Church Street Knighton LD7 1AG
	Approve	11/08/2022	22/1422/DIS	Discharge of Condition	21/11/2022	Discharge of conditions 8, 9 and 26 of planning permission 19/0743/FUL (landscaping, landscape phasing and amphibian plan)	Llanshay Farm Llanshay Lane Knighton Powys LD7 1LW
	Approve	23/08/2022	22/1387/FUL	Full Application	13/10/2022	Change of use of residential flat (C3) into office accommodation (A2)	2 The Flat West Street Knighton LD7 1EN
Llanfawr Community	Permitted Development	02/11/2022	22/1645/AGR	Agricultural Notification	17/11/2022	Erection of agricultural building to cover existing sheep handling pens	Craigol Newbridge-On-Wye Llandrindod Wells LD1 6ND
Llanddew Community	Approve	14/09/2022	22/1500/HH	Householder	04/11/2022	The insertion of new dormer rooflights to balance the North East Elevation and to provide light and air to the existing bedrooms.	Pytindu House Llanddew Brecon LD3 9SU

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Llandinam Community	Refused	21/06/2022	22/0852/HH	Householder	26/10/2022	Extension and alterations to dwelling	Waen Gelli Felin TylwchLlanidloesSY18 6JS
Llandrindod Wells Community	Approve	16/02/2022	22/0232/NMA	Non-Material Amendment	31/10/2022	Application for Non-Material Amendments to application 19/1949/NMA (19/0021/FUL) to allow for amended plans	Land East Of Ithon RoadIthon RoadLlandrindodPowys LD1 6AS
	Approve	25/08/2022	22/1451/DIS	Discharge of Condition	17/10/2022	Discharge of conditions 4 and 5 of permission 20/2018/CAC (2214 GA.100 Existing Retaining Wall on Spa Road - 012214 GA.101 Existing Retaining Wall on Arlais Road - 01,2214 GA.102 Proposed Retaining Wall on Spa Road - 012214 GA.103 Proposed Retaining Wall On Arlais Road - 01,2214 PL.50 Construction phasing plan - 01)	Land At Cecil LodgeSpa RoadLlandrindod WellsPowysLD1 5EY

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Llandrindod Wells Community	Approve	30/08/2022	22/1467/HH	Householder	20/10/2022	Erection of First Floor Extensions, Porch and Detached Garage	The Shaws Hillside LaneLlandrindod WellsLD1 5LE
	Consent	24/10/2022	22/1782/HH	Householder	22/11/2022	Extension and internal alterations to create utility, WC and shower room, and erection of a double garage.	Dunelm Dyffryn RoadLlandrindod WellsLD1 6AN
Llandrinio And Arddleen Community	Approve	18/08/2022	22/1296/HH	Householder	13/10/2022	Installation of fencing on top of existing boundary wall	2 Meadow ViewLlandrinio LlanymynechPowysSY22 6SS
	Approve	15/09/2022	22/1564/DECC	DECC overhead line	28/10/2022	Application under Section 37 of the Electricity Act 1989 to rebuild the existing 11kv single circuit overhead line together with associated works - Phase 1	Llandrinio - Sarnau328284 317448 To 320002 316625
	Consent	24/08/2022	22/1346/FUL	Full Application	10/11/2022	Change of use of part of office building back to single dwelling (C3 use).	Burgedin Lock CottageArddleen LlanymynechPowysSY22 6RU

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Llandysilio Community	Approve	28/03/2022	22/0417/FUL	Full Application	10/11/2022	Change of use of land to be used for providing camping facilities for 2 bell tents, addition of portable shower and toilet facilities and installation of septic tank (part retrospective)	Bridge House Domgay RoadFour CrossesLlanymynechSY 22 6SW
	Approve	28/06/2022	22/0985/LBC	Listed Building Consent	20/10/2022	Internal alterations to bathrooms, boot room, laundry, larder, kitchen and hall, to include plumbing and electrical changes	Fir Tree Farm BrynmawrLlanymynech PowysSY22 6PQ
	Approve	07/09/2022	22/1398/HH	Householder	14/11/2022	Erection of first floor and link extensions (the link extension to allow annex to be integrated into main dwelling)	Greystones Four CrossesLlanymynechSY 22 6PN
	Consent	09/08/2021	21/1468/OUT	Outline planning	07/11/2022	Proposed residential development of up to 12 dwellings, associated access and infrastructure, to include some demolition (some matters reserved)	Land At Wychwood Four CrossesLlanymynech PowysSY22 6RF

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Llanerfyl Community	Approve	02/08/2022	22/1276/FUL	Full Application	27/10/2022	Installation of a 30m lattice tower supporting 3 no. antennas, 2 no. transmission dishes, 2 no. equipment cabinets, 1 no. meter cabinet, and ancillary development thereto including a 1.8m high mesh fence, a generator and associated fuel tank, GPS module, hard standing area for the Shared Rural Network project on behalf of Cornerstone	Land To The North East Of Ffridd-Rhyd-DduCarno, CaerwsPowysSY21 0AW
Llanfair Caereinion Community	Approve	20/07/2022	22/1160/FUL	Full Application	20/10/2022	Erection of an agricultural building	Cross Farm Llanfair CaereinionWelshpoolSY 21 0DP
	Approve	17/10/2022	22/1745/NMA	Non-Material Amendment	03/11/2022	Non-Material Amendment to planning approval 18/1086/FUL to amend two plots (17 and 22) from single to twin unit holiday mobile homes	Banwy Mill Caravan ParkMelin-y-ddolLlanfair CaereinionPowys

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Llanfair Caereinion Community	Consent	08/02/2022	21/2354/FUL	Full Application	17/11/2022	Conversion of barn to recording studio and holiday accommodation	Barn At Yew Tree Cottage Llanfair Caereinion Welshpool Powys SY21 0DD
Llanfechain Community	Approve	26/08/2022	22/1319/LBC	Listed Building Consent	08/11/2022	Alteration to the central ground floor room in order to reopen the original brick fireplace and install a log burning stove, installation of a wet radiator central heating system to be run of an LPG system boiler and the removal of modern masonry paint and cement renders from the brick extensions to the north and east, and the west facing elevation and the addition of external insulation and lime renders	Talwrn Bach Llanfyllin SY22 5LQ

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Llanfechain Community	Consent	07/09/2022	22/1299/AGR	Full Application	07/11/2022	Erection of an agricultural building to be used for storage of machinery and fodder and all associated works	Llys Farm LlanfechainSY22 6XD
Llanfihangel Community	Approve	26/09/2022	22/1472/HH	Householder	14/11/2022	Installation of new sewage treatment plant	Melin Cottage DolanogWelshpoolSY21 0LG
	Consent	17/06/2022	22/1013/OUT	Outline planning	20/10/2022	Outline application for erection of a rural enterprise dwelling, detached garage, new access, installation of septic tank and all associated works (some matters reserved)	Caenant Llanfihangel-yng-ngwynfaLlanfyllinSY22 5JB
	Consent	31/08/2022	22/1475/FUL	Full Application	17/11/2022	Erection of an affordable dwelling, formation of access, installation of sewage treatment plant and all other associated works (part-retrospective)	Land Adjacent To The CemeteryLlanfihangel-yng-ngwynfaLlanfyllinPowys

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanfihangel Rhydithon Community	Approve	22/08/2022	22/1357/HH	Householder	19/10/2022	Erection of a garden shed along hedged boundary.	Old Toll House DolauLlandrindod WellsLD1 5TL
Llanfyllin Community	Approve	15/06/2022	22/1009/LBC	Listed Building Consent	21/10/2022	Listed building consent for internal and external works and alterations to The Old Coach House to include installation of 2 bathrooms, replacement windows and doors, rebuilding of existing porch and conversion of garage/store into habitable space	The Old Coach HouseLlanfyllinPowysSY22 5HS
	Approve	10/10/2022	22/1648/DIS	Discharge of Condition	03/11/2022	Discharge of condition 6 from planning permission 22/0505/FUL in relation to parking	Tanyffordd PenygarneddOswestrySY10 0AR
	Consent	19/01/2022	21/2332/FUL	Full Application	22/11/2022	Installation of an outdoor equestrian riding arena	Land South Of Bodfach HallLlanfyllinPowysSY22 5HS

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llanfyllin Community	Permitted Development	27/10/2022	22/1810/AGR	Agricultural Notification	04/11/2022	The proposed erection of a steel-framed farm building	MaesyddLlanfyllinPowys SY22 5LE
Llanfyllin Community	Planning Permission Required	30/09/2022	22/1586/AGR	Agricultural Notification	27/10/2022	Erection of slurry store and all associated works	Land Near Tybrith PenygarneddOswestrySY 10 0AR
Llangammarch Community	Approve	22/03/2022	22/0266/DIS	Discharge of Condition	03/11/2022	Application to discharge conditions 6, 11 and 13 attached to permission 20/1276/FUL	Maesyron FarmCefn GorwyddLlangammarch WellsPowysLD4 4DW
Llangammarch Community	Approve	17/10/2022	22/1656/NMA	Non-Material Amendment	24/10/2022	Application for non-material amendment to permission 21/0832/HH in relation to amended plans	Gwarceiros Cottage Llangammarch WellsLD4 4EN

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Llangedwyn Community	Approve	27/06/2022	22/1062/LBC	Listed Building Consent	21/10/2022	Listed building consent for the installation of 3 log burners to replace existing fireplaces, secondary double glazing, 1st floor W/C and re-opening of existing blocked up spiral staircase	Golfa Isaf FarmLlangedwyn OswestryPowysSY10 9JY
	Approve	23/09/2022	22/1569/DIS	Discharge of Condition	19/10/2022	Application to discharge Conditions 5, 7, 8, 9 and 16 from permission 22/0455/FUL in relation to soft landscaping, hedgerow translocation, materials, hard landscaping and passing bay	Maestanyglwyddan Penybont Llanerch EmrysOswestrySY10 9JG
Llangors Community Council	Consent	17/03/2021	21/0402/OUT	Outline planning	31/10/2022	Erection of replacement dwelling and associated works	Cymru Deg Adjoining Llanwern Market GardenLlanwernBrecon LD3 0TN

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Llangunllo Community	Permitted Development	11/10/2022	22/1696/AGR	Agricultural Notification	07/11/2022	Application for prior notification of agricultural / forestry development - proposed building for use as deer larder	Deer Larder Forest Lodge CwmygerwynBleddfa KnightonPowys
Llangyniew Community	Approve	25/10/2022	22/1809/DIS	Discharge of Condition	03/11/2022	Application to discharge Conditions 3 and 5 from planning permission 22/1020/FUL	Dolobran Hall PontrobertMeifodSY22 6HX
Llangynog Community	Prior Approval Required	21/10/2022	22/1343/AGR	Full Application	21/10/2022	The alteration and improvement of current access road.	Land At Buarth-y-Rae Forming Part Of Mathrafal FarmMeifod PowysMeifodSY22 6HT
Llangynog Community	Consent Section 106	25/04/2022	22/0616/FUL	Full Application	04/11/2022	Conversion of a Traditional Farm Building to a detached residential dwelling, installation of septic tank and all associated works	Ty MawrLlangynogOswestry PowysSY10 0HN
Llanidloes Community	Approve	15/02/2022	22/0221/FUL	Full Application	14/11/2022	Proposed erection of dwelling with detached garage	Plot 1 DyfnantLlanidloesPowys

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Llanidloes Community	Approve	18/07/2022	22/1180/FUL	Full Application	26/10/2022	Installation of solar PV array on frame	Dol Llys HallLlanidloesPowysSY18 6JB
	Refused	21/09/2022	22/1620/DIS	Discharge of Condition	28/10/2022	Application to discharge condition 3 attached to permission 22/0613/HH in relation to construction details	76 CaegwynLlanidloes PowysSY18 6DS
Llanrhaeadr-Ym-Mochnant Community	Approve	13/05/2022	22/0708/FUL	Full Application	18/11/2022	Erection of a replacement dwelling, to include the demolition of a barn, installation of a treatment plant and all associated works	Buarth Y RaeMaengwynedd Llanrhaeadr-ym-mochnantPowysSY10 0DE
Llansantffraid Community	Refused	15/06/2022	22/0959/NMA	Non-Material Amendment	02/11/2022	Non-material amendment to reserved matters application 21/0046/RES (outline planning P/2017/0363) in relation to alterations to house design for Plots 1,6 and 9 and change of house type of Plot 7	Development At Land Adjoining CranfordLlansantffraid-ym-mechainPowys

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Llansantffraid Community	Refused	08/09/2022	22/1401/DIS	Discharge of Condition	21/10/2022	Application to discharge Conditions 5,21,22,23,24,25 for planning permission P/2017/0363	Land Adjoining 'Cranford' Llansantffraid-Ym-MechainPowys SY22 6AX
	Refused	13/09/2022	22/1418/OUT	Outline planning	02/11/2022	Outline application (with all matters reserved) for erection of rural enterprise dwelling, detached garage, formation of vehicular access, installation of a sewage treatment plant and all associated works	Plas Onn Winllan LaneLlansantffraid-ym-mechainSY22 6TP
	Refused	26/09/2022	22/1530/NMA	Non-Material Amendment	04/11/2022	Non material amendment for the redevelopment of redundant farm buildings and changes to internal layout following planning permission P/2017/0375	Ty IssaWinllan LaneLlansantffraid-ym-mechainPowysSY22 6TN

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Llansilin Community	Approve	22/06/2022	22/0817/HH	Householder	13/10/2022	Extension of existing wood shed to form a store. Also construction of a double garage.	Pentre Barn LlansilinOswestrySY10 7QH
	Permitted Development	28/10/2022	22/1827/AGR	Agricultural Notification	03/11/2022	Erection of agricultural livestock building and all associated works	Pentre-Gwyn LlansilinOswestrySY10 9BS
Llanwrtyd Wells Community	Approve	04/01/2022	21/2251/FUL	Full Application	14/10/2022	Erection of a dwelling to replace large ancillary domestic sheds and installation of package treatment plant	Land At The Rear Of Northampton HouseDolecoed RoadLlanwrtyd WellsPowysLD5 4RA
	Approve	28/01/2022	21/2207/FUL	Full Application	14/10/2022	Conversion and alterations to an existing attached barn into family accommodation associated with the use of the main house.	LofftwenLlanwrtyd WellsPowysLD5 4SN
	Approve	18/08/2022	22/1360/HH	Householder	17/10/2022	Alterations to the existing dwelling to provide additional accommodation in an adjoining outbuilding.	Lledgwial Llanwrtyd WellsLD5 4AD

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Llanwrtyd Wells Community	Approve	12/09/2022	22/1519/DIS	Discharge of Condition	16/11/2022	Application to discharge condition 4 attached to permission 22/0564/FUL in relation to signage	1 Spar Stores, Hot Foot Takeaway Irfon Terrace Llanwrtyd Wells Powys LD5 4RB
Llanyre Community	Approve	03/10/2022	22/1664/AGR	Agricultural Notification	20/10/2022	Roof over existing manure store	Froncoed Llanyre Llandrindod Wells LD1 6DY
	Consent	06/10/2022	22/1608/FUL	Full Application	11/11/2022	Demolition of dwelling and erection of a replacement dwelling, to include all associated works	Foxgloves Llanyre Llandrindod Wells Powys LD1 6EA
Machynlleth Community	Approve	02/09/2022	22/1497/DIS	Discharge of Condition	26/10/2022	Discharge of conditions 3, 4, 5, 7, 8, 9, 10, partial 12 of planning application 21/1737/FUL (Drainage, Biosecurity, External Surfacing, Traffic Management, Site Investigation and Remediation Strategy).	Station Garage Heol Y Doli Machynlleth SY20 8BH

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Machynlleth Community	Approve	07/10/2022	22/1705/TRE	Works to trees in Conservation Area	18/11/2022	Works to various trees within Machynlleth Conservation Area. Removal of 19 trees, 5 of which are proposed to be relocated and 8 which have already been removed. Management works to 11 retained trees. 31 new trees are proposed to be planted	Heol Maengwyn, Heol Pentrerhedyn And Heol Penrallt StreetsMachynllethPowys
	Permitted Development	02/09/2022	22/1453/TEL	Telecommunications notification	28/10/2022	Telecommunications equipment and cabinets	Footway Of Treowain Treowain Industrial EstateMachynlleth SY20 8EG
	Refused	18/05/2022	22/0779/HH	Householder	28/10/2022	Minor extension and modifications to the single storey extension to the rear of the house	63 Maengwyn StreetMachynllethSY20 8EE
	Refused	18/05/2022	22/0780/LBC	Listed Building Consent	28/10/2022	Listed building consent for minor extension and modifications to the single storey extension to the rear of the house	63 Maengwyn StreetMachynllethSY20 8EE

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Maescar Community	Approve	01/08/2022	22/1305/FUL	Full Application	17/10/2022	Change of use of children's nursery to holiday accommodation unit	Cefn-Y-Felin PentrefelinBreconLD3 8TT
	Permitted Development	14/10/2022	22/1739/AGR	Agricultural Notification	11/11/2022	Agricultural building for accommodating sheep and farm implements	Land To The North Of Pentrefelin SennybridgeLD3 8TT
Manafon Community	Approve	13/09/2022	22/1545/DIS	Discharge of Condition	18/10/2022	Discharge of conditions 11 and 13 of planning permission 20/1713/FUL (Landscaping detail as outlined originally on Drawing DFP035-GA-02 The attached Drawing number DFP035-DD-02 -B now details the hedgerow planting specification. NB: Condition 13 N/A as there is no Translocation of hedgerow around the site)	Telecommunication Mast Dfp035Manafon WelshpoolPowysSY21 8BP

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Meifod Community	Approve	12/09/2022	22/1517/FUL	Full Application	08/11/2022	Erection of a covered feeding yard and all associated works	Ty Cerrig MeifodSY22 6YG
Mochdre Community	Approve	08/10/2020	20/1389/LBC	Listed Building Consent	02/11/2022	Removal of garage, field gate and fence, timber casement windows, iron frame casement window, corrugated metal sheet gabled porch and blockwork garden wall. Installation of new field gate and fence, new timber casement windows, construction of new porch, new garden wall, install new roof lights & rebuilding of chimneys (Part-Retrospective)	The Rock MochdreNewtownPowys SY16 4JW

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Mochdre Community	Approve	08/10/2020	20/1470/HH	Householder	02/11/2022	Removal of garage, field gate and fence, timber casement windows, iron frame casement window, corrugated metal sheet gabled porch and blockwork garden wall. Installation of new field gate and fence, new timber casement windows, construction of new porch, new garden wall, install new roof lights & rebuilding of chimneys (Part-Retrospective)	The Rock Mochdre Newtown Powys SY16 4JW
	Approve	15/07/2022	22/1216/DIS	Discharge of Condition	08/11/2022	Discharge of conditions 6 and 17 from planning permission P/2016/0796 in relation to affordable housing and pollution prevention plan	Land To The South Of A489 West Of Mochdre Brook Newtown Powys SY16 4HZ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Montgomery Community	Approve	16/08/2022	22/1370/RES	Reserved Matters	11/11/2022	Reserved matters application in respect of outline planning consent 21/1190/OUT for the erection of an agricultural worker's dwelling and garage, formation of vehicular access and insertion of septic tank and all associated works (scale, appearance, landscaping, layout)	Land At Cockshutt Montgomery Powys SY15 6HZ
	Approve	24/08/2022	22/1484/FUL	Full Application	20/10/2022	Conversion of redundant agricultural building to form 2x dwellings. sewage treatment plant and associated works	1/2 Pany - Y - Maen Montgomery SY15 6HP
	Approve	16/09/2022	22/1483/DIS	Discharge of Condition	11/11/2022	Discharge of condition 21 of planning approval 20/2118/FUL in relation to affordable housing.	Land Off Forden Road Montgomery Powys SY15 6EU

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Newtown And Llanllwchaiarn Community	Approve	17/01/2022	22/0051/RES	Reserved Matters	28/10/2022	Reserved matters application following outline approval 20/0061/OUT for the erection of 14 affordable dwellings	Land Off Garth OwenGlandwrNewtown PowysSY16 1JP
Page 151	Approve	01/08/2022	22/1081/FUL	Full Application	14/10/2022	Change of use from non-residential institution (D1) to a dwelling (C3)	360 Violet CloseMaesyrrhandir NewtownSY16 1LD
	Approve	03/08/2022	22/1151/FUL	Full Application	25/10/2022	Change of use of residential property (C3) to Funeral Parlour (A1) and associated uses, including alteration to the house and provision of a new building	Mount Severn Pool RoadNewtownSY16 1DW
	Approve	11/08/2022	22/1380/LBC	Listed Building Consent	18/10/2022	Listed building consent for replacement of unauthorised UPVC windows with timber double glazed	27 Llanllwchaiarn RoadNewtownPowysSY 16 2JN

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Newtown And Llanllwchaiarn Community	Approve	12/08/2022	22/1379/HH	Householder	18/10/2022	Replacement of unauthorised UPVC windows with timber double glazed	27 Llanllwchaiarn RoadNewtownPowysSY16 2JN
Page 153	Approve	19/08/2022	22/1414/FUL	Full Application	04/11/2022	Erection of glazed single storey lobby, rear single-storey extension and alteration to the loading bay and car park, along with associated engineering and landscaping works	Lidl Supermarket Llanidloes RoadNewtownSY16 1ET
	Approve	12/09/2022	22/1225/FUL	Full Application	08/11/2022	Erection of 1x dormer bungalow and single detached garage	Development At Llys IforSchool LaneNewtownPowys
	Approve	15/09/2022	22/1372/HH	Householder	09/11/2022	Single storey rear extension to existing dwelling	Westfields Llanidloes RoadLlanllwchaiarn NewtownSY16 1ES
	Approve	20/09/2022	22/1437/FUL	Full Application	15/11/2022	Erection of a two-bed bungalow and the creation of parking area	Garden In Grounds Of Barford HouseBarfordLlanidloes RoadLlanllwchaiarn NewtownPowys

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Old Radnor Community	Approve	23/08/2022	22/1400/DIS	Discharge of Condition	20/10/2022	Discharge of condition 31 of planning permission P/2016/0455 (Stones Farm Historic Building Recording Report: Cotswold Archaeology Report Ref CR0827_1)	Strinds And Dolyhir Quarry Old RadnorPresteigneLD8 2RW
Penybont Community	Permitted Development	29/09/2022	22/1344/AGR	Agricultural Notification	26/10/2022	Erection of a silage store	Little Trewern LlandegleyLlandrindod WellsPowysLD1 5UF
Presteigne Community	Approve	30/09/2022	22/1347/FUL	Full Application	18/11/2022	Change of use of part of ground floor from business to residential use	9 Harper's LanePresteignePowys LD8 2AN
	Permitted Development	18/10/2022	22/1775/DEM	Demolition Notification	15/11/2022	Demolition Notification for 1) Swimming Pool Building, Plant room & tiled swimming pool2) Mobile Teaching Unit: Pre-fabricated mobile unit with flat roof.	Presteigne C P School Slough RoadPresteigneLD8 2NH

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Rhayader Community	Approve	05/08/2022	22/1058/FUL	Full Application	10/11/2022	Installation of 4kw ground mounted solar PV array together with erection of a fence	Elan Valley Lodge Elan Valley Rhayader LD6 5HP
Page 157	Approve	18/08/2022	22/1439/DIS	Discharge of Condition	13/10/2022	Discharge of condition 5 of Listed building consent 22/0724/LBC (Biosecurity Risk Assessment)	Craig Goch Dam Elan Valley Rhayader Powys
	Approve	21/09/2022	22/1578/DIS	Discharge of Condition	27/10/2022	Application to discharge conditions 3 and 4 for planning approval 21/1486/FUL in relation to landscaping and biodiversity enhancement scheme and external lighting design scheme	Rhayader C In W School Bryntirion Lane Rhayader LD6 5LT
	Consent	14/09/2022	22/1549/HH	Householder	11/11/2022	Erection of rear and side extensions, porch and widening of existing driveway	Kinver Hazelmere Estate Rhayader LD6 5LS

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St. Harmon Community	Approve	08/02/2022	21/2355/FUL	Full Application	07/11/2022	Siting of 3 no. holiday cabins including formation of new vehicular access, associated parking, installation of sewage treatment plant and all associated works	Land Near St HarmonSt HarmonRhayaderPowys
Tawe-Uchaf Community	Permitted Development	13/10/2022	22/1594/AGR	Agricultural Notification	18/10/2022	Erection of shed	Hirfron Pant-Y-DwrRhayaderLD6 5LR
	Consent	12/09/2022	22/1312/FUL	Full Application	11/11/2022	Change of use from residential care home C2 to C1 Hotels and Guest houses	Angorfa Station RoadCoelbrenNeathSA10 9PN
	Consent	03/10/2022	22/1612/HH	Householder	11/11/2022	Single Storey Rear Extension and decking area	39 BrynawelonCoelbren NeathSA10 9PP
Trefeglwys Community	Approve	25/08/2022	22/1118/DIS	Discharge of Condition	21/10/2022	Discharge of condition 9 of planning permission P/2017/0233 in relation to passing place locations	Rhyddyfeity StaylittleLlanbrynmairSY19 7BY

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Treflys Community	Approve	22/09/2022	22/1581/HH	Householder	11/11/2022	Proposed internal alterations and rear extension	Cae BedwGarthLlangamarch PowysLD4 4AT
Tregynon Community	Approve	06/09/2022	22/1254/FUL	Full Application	14/11/2022	Extension of existing caravan park to provide 20 no. additional static caravan plots, access tracks and installation of sewage treatment plant	Land At Finger Post Caravan ParkTregynonNewtown SY16 3PA
	Approve	12/09/2022	22/1371/REM	Removal or Variation of Condition	07/11/2022	Section 73 application in respect of variation of condition 2 of 19/0814/RES in relation to design of Plot 5	Land Adjacent To Tyn Y DdolTregynonNewtown PowysSY16 3LP
Trewern Community	Split Decision	04/08/2022	22/1306/DIS	Discharge of Condition	26/10/2022	Discharge of conditions 3, 4, 6, 7 & 8 of reserved matters approval 20/1962/RES (external materials, balcony specification, landscaping and aftercare details, external lighting plan and biodiversity enhancement details)	Priors Cottage MiddletownWelshpoolSY 21 8DF

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Unknown	Refused	08/09/2022	22/1391/DIS	Discharge of Condition	31/10/2022	Application to discharge condition 30 planning permission from planning permission P/2017/0134 in relation to lighting details	Land Directly East Of Abermule House AbermuleNewtownSY15 6NH
Welshpool Community	Approve	07/09/2022	22/1464/OUT	Outline planning	28/10/2022	Outline application for erection of detached dwelling, including access works (all other matters reserved)	Land Adj 12 Cefn HawysWelshpoolSY21 7RH
	Approve	28/09/2022	22/1515/FUL	Full Application	10/11/2022	Change of use from residential flat to B1 office and storage use - ancillary use within a historic house visitor attraction	Powis Castle And Parklands, Administrators Flat Red LanePowis CastleWelshpoolSY21 8RF
	Approve	12/10/2022	22/1724/TRE	Works to trees in Conservation Area	07/11/2022	Works to a holly tree in a conservation area	St Mary's ChurchChurch BankWelshpoolPowys
	Approve	13/10/2022	22/1783/TRE	Works to trees in Conservation Area	08/11/2022	Application to reduce the overhanging branches of silver birch tree in car park at rear of property within a conservation area	Stonehouse17 High StreetWelshpoolPowys SY21 7JP

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Welshpool Community	Planning Permission Required	09/11/2022	22/1677/AGR	Agricultural Notification	21/11/2022	Erection of an agricultural building (relocation of existing building)	Park Farm Red Lane Powis Castle Welshpool SY21 8RN
	Planning Permission Required	14/11/2022	22/1914/AGR	Agricultural Notification	21/11/2022	Agricultural notification for erection of an agricultural building to be used for machinery and straw storage	Coedydinas Farm Belan Welshpool SY21 8RP
Whitton Community	Approve	10/08/2022	22/1373/FUL	Full Application	15/11/2022	Erection of a Holiday Cabin	Cwmblewyn Farm Whitton Knighton LD7 1NP
Yscir Community	Approve	29/09/2022	22/1640/NMA	Non-Material Amendment	17/10/2022	Non-material amendment to permission P/2014/0936 (21/0071/REM) in relation to new window openings	Llwynmerched Farm Aberyscir Brecon LD3 9LS
Ystradgynlais Community	Approve	10/05/2021	21/0658/FUL	Full Application	20/10/2022	Proposed development of 4 no. supported living bungalows, 1 no. staff pod and associated works	Land At Yr Ysgol Ystradgynlais SA9 1LQ

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Ystradgynlais Community	Approve	14/09/2022	22/1551/TPO	Works to Trees subject to a TPO	13/10/2022	Application for works to trees with a TPO	Petrol Filling Station Wind RoadYstradgynlaisSA9 1AD
	Consent	17/05/2022	22/0849/HH	Householder	17/11/2022	Erection of a rear second storey extension	19 Heol TwrchLower CwmtwrchSwanseaSA9 2TD
	Consent	13/06/2022	22/0905/FUL	Full Application	07/11/2022	Replace existing Tennis Courts with a 3G All-weather Sports Pitch with extended area into adjacent sports field. Lighting and Fencing to be included in the extended area.	Youth And Community Centre Hendreladus YstradgynlaisSA9 1SE
	Consent	11/08/2022	22/0957/FUL	Full Application	07/11/2022	Relocation of an existing business due to new domestic development on current site. Business is to include storage, plant hire, office and transport	Plots 3 And 6 Woodlands Business ParkYstradgynlaisSA9 1JW

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Ystradgynlais Community	Consent	13/09/2022	22/1466/FUL	Full Application	26/10/2022	Removal of pitched roof to rear annex and construction of single storey extension to provide three additional surgery's, consultation room, reception and office	17 Commercial StreetYstradgynlaisSA9 1HD
	Consent	23/09/2022	22/1636/HH	Householder	04/11/2022	Erection of single and two storey extension	16 Glannant TerraceGlanrhyd YstradgynlaisSwanseaSA9 1BD
	Consent	04/10/2022	22/1607/FUL	Full Application	14/11/2022	Change of use of office space (B1) to a take away ice cream parlour (A1)	1 Temperance LaneYstradgynlaisSA9 1JP
	Consent	05/10/2022	22/1626/FUL	Full Application	11/11/2022	Reinstatement of derelict dwelling, including demolition of small barn on north elevation, conversion and extension of one remaining barn and refurbishment	Gwerngylfachau Farm CaehopkinAbercraveSA9 1TP

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Parish Name	Decision	Date Application Valid	Application No.	Application Type	Date Decision Issued	Proposal	Location
Ystradgynlais Community	Consent	02/11/2022	22/1862/NMA	Non-Material Amendment	17/11/2022	Application for non-material amendments to planning permission 20/2102/HH in respect of approved plans.	14 Heol Maes-Y-DreYstradgynlaisSA9 1HA
<b>Application Total</b>		<b>168</b>					



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**Penderfyniad ar yr Apêl**

Ymweliad â safle a wnaed ar 30/08/22

**gan Richard E. Jenkins BA (Hons) MSc MRTPI****Arolygydd a benodir gan Weinidogion Cymru****Dyddiad: 19/10/2022****Appeal Decision**

Site visit made on 30/08/22

**by Richard E. Jenkins BA (Hons) MSc MRTPI****an Inspector appointed by the Welsh Ministers****Date: 19/10/2022****Appeal Ref: CAS-01555-F0R9K6****Site address: Llanerchydol Hall, Welshpool, Powys, SY21 9PQ****The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
- The appeal is made by Mr M. J. Barrett against the decision of Powys County Council.
- The application Ref: 21/1055/CLP, dated 7 June 2021, was refused by Notice dated 14 July 2021.
- The application was made under section 192(1)(b) of the Town and Country Planning Act 1990, as amended.
- The use for which a certificate of lawful use or development is sought is described on the Notice of Decision as: "Application for Certificate of Lawfulness for a proposed use (Section 192) in order to establish that planning approvals M14760 (outline) and M20115 (reserved matters) have been lawfully commenced and remain extant and that the development of 4 dwellings on the plot known as Site A can proceed".

**Decision**

1. The appeal is dismissed.

**Procedural Matter**

2. The description of development outlined on the Application and Appeal Forms differs from that outlined on the Council's Notice of Decision. The parties have however confirmed that there is no prejudice in me dealing with the appeal on the basis of the description set out in the First Schedule of the Council's Notice of Decision. Given that the appeal relates to the Council's decision not to issue a Lawful Development Certificate (LDC), I have no reason to take an alternative view on this matter. I shall consider the appeal accordingly.

## Main Issue

3. This is whether the Local Planning Authority's (LPA) decision not to issue an LDC was well-founded.

## Reasons

4. The appeal proposal relates to Powys County Council's decision to refuse to issue an LDC under Section 192 of the Act to certify that the planning permissions with Ref: M14760 (outline) and Ref: M20115 (reserved matters) were lawfully commenced, and are thereby extant, and that the development of 4No. dwellings on the land referred as 'Site A' can be developed in accordance with the terms of those approvals.
5. In order to fully understand the proposal, it is necessary to assess the planning history at the site. Firstly, a planning application, with Ref: M14760, was submitted to the LPA in 1986 for, amongst other things, the residential development of 20No. dwellings and new vehicular access. That application was however subsequently amended so that the residential element comprised a scheme of some 16No. dwellings to be phased over three separate sites (Sites A, B and C). A separate outline planning application (Ref: M15946) was subsequently submitted for the 4No. dwellings removed from the original application (referred as 'Site D'). Two separate outline planning permissions were then granted on 4 July 1988, under Ref: M14760 and Ref: M15946, for the erection of 16No. dwellings and 4No. dwellings respectively. A reserved matters application in respect of the 4No. properties proposed at 'Site A' of application Ref: M14760 was subsequently submitted, under reserved matters Ref: M20115, on 14 August 1990, with a Notice of Decision issued on 21 September 1990.
6. It is common ground that the Notices of Decision relevant to the appeal are those relating to the outline application Ref: M14760 and the reserved matters application Ref: M20115. It is also common ground that the works undertaken, that include the creation of passing bays and a spur at the sewer, as well as the provision of BT cabling, comprise 'material works' for the purposes of Section 56(2) of the Act. I have no reason to dispute this agreed position. However, in order to ascertain whether the construction of the 4No. dwellings at 'Site A' would be lawful under the aforementioned permissions, it is necessary to consider whether or not the 'material works' were lawfully commenced, having particular regard to the planning conditions attached to outline planning permission Ref: M14760. Of particular relevance in this case is Condition No.2 which states:

*"2). The sixteen new dwelling houses are hereby approved under the provisions of Article 5(2) of the Town and Country Planning General Development Order 1977, on an outline application and the further approval of the District Planning Authority shall be required with respect to the following matters hereby reserved before any development is commenced:*

- a) The siting, design and external appearance of the proposed buildings or other structures to be erected on the site's, including fences, walls and other means of enclosure;*
- b) details of the access arrangements including car parking and vehicle turning areas;*
- c) details of the landscaping of the site, including the size and species of all proposed planting and any existing species to be retained. The scheme shall include tree and hedge planting along the South and east boundaries of Site A and the North and South boundaries of Site C referred to on plan 14760/A attached to this consent, as well as the new site entrance off the A490 road.*

*In the case of the reserved matters specified above, application for approval, accompanied by all detailed drawings and particulars, must be made to the district planning authority not later than the expiration of three years beginning with the date of this permission.*

*The development to which this condition relates must be begun not later than the expiration of five years from the date of this permission or within the expiration of two years from the final approval of all reserved matters whichever is later.”*

7. As set out above, reserved matters application Ref: 20115 was submitted to the LPA following the grant of outline planning permission. Part 6 of the reserved matters Application Form indicates that reserved matters were sought in respect of siting, design, external appearance, landscaping and access. Of particular relevance to this appeal is the fact that, despite lacking detail in respect of species and size (which was a requirement of Condition 2(c) of the outline planning permission), the application was accompanied by a drawing that outlined a broad scheme of landscaping for ‘Site A’ (Plan Ref: L25). The details of that drawing are said to be consistent with the associated ‘Section 52 Agreement’.
8. Nevertheless, I am not persuaded that such evidence is sufficient to discharge the burden of proof upon the appellant to demonstrate that the reserved matter of landscaping was ever discharged by the Council. Indeed, whilst the associated Notice of Decision (M20115) confirms the discharge of Condition Nos. 2a (siting, design and external appearance) and 2b (access), as well as Condition Nos. 5 and 6, it expressly omits the landscaping matters required by Condition No.2c of the outline planning permission (Ref: M14760). Specifically, the Notice of Decision relating to the reserved matters application Ref: M20115 states the following:
- “...RESERVED MATTERS ARE APPROVED for the following development, namely:*
- Erection of four dwellings Llanerchydol Hall Park, Welshpool*
- In accordance with the application and plans submitted to the Council on 14 August 1990 in compliance with conditions 2a, 2b, 5 and 6 of the Notice of Decision dated the 4<sup>th</sup> day of July 1988 Ref: M14760 subject to the outstanding conditions of the above mentioned decision and to the following conditions...”*
9. The appellant contends that the lack of a reference to Condition 2(c) in the reserved matters Notice of Decision is likely to be erroneous. However, whilst this could potentially be the case, such an assertion is unsupported by any persuasive evidence. In contrast, whilst recognising that it is not enforceable in its own right, it is clearly material to the determination of this appeal to note that the reserved matters Notice of Decision incorporated the following informative note which suggests that the omission of Condition 2(c) from the discharged matters was intentional:
- “There are still outstanding matters to be agreed before this permission can be implemented –*
- A. Landscaping scheme for this area;*
- B. Access onto A490 in accordance with Condition No.10.”*
10. I note the conflict between the fact that access had been discharged under Condition 2b and informative Note B, which required subsequent agreement on “Access onto A490 in accordance with Condition No.10”. I also note the fact that the informative set out on the reserved matters application only referred to Condition No.10 as the other matter that

needed to be agreed before the permission could be implemented, despite a number of other conditions not referred on the Notice of Decision comprising pre-commencement conditions. However, whilst assumptions have been made regarding the reasons for this, nothing has been submitted to lead me to conclude with any confidence that the landscaping matters were discharged by the aforementioned Notice of Decision or any other written correspondence.

11. I have fully considered the assertions that the other sites that formed part of the original proposals ('Site B', 'Site C' and 'Site D') were subject to similar pre-commencement conditions to those for 'Site A' and yet were developed without any evidence of landscaping matters being formally agreed. However, I am not persuaded that such factors assist the appellant in respect of 'Site A', not least because those sites were subject to separate reserved matters permissions. Indeed, any irregularities in respect of those permissions/ developments are stand-alone matters for the LPA. Similarly, whilst I acknowledge the appellant's frustration regarding the ability for the developer to fully discharge the landscaping details for 'Site A' under Ref: M20115, as Condition 2(c) also related to the wider development of 'Site B' and 'Site C', this falls well short of rendering the permission in respect of 'Site A' extant.
12. Therefore, on the basis of the foregoing, I concur with the Council's position that the appellant has failed to demonstrate that, on the balance of probability, the requirements of Condition 2(c) of planning permission Ref: M14760 were properly discharged. Much has been made of whether a not Condition No.2 represents a condition precedent. Nevertheless, it is clear that, amongst other things, Condition No.2 required details of the landscaping of the site, including the size and species of all proposed planting, to be approved by the LPA before any development commenced. The condition was therefore prohibitive in substance and effect and, as a reserved matter, there is little doubt in my mind that, as a matter of fact and degree, the condition goes to the heart of the permission. In coming to this conclusion, I have been mindful of the wide range of legal authorities in respect of such matters, including those referred within the appellant's evidence, and I am satisfied that my findings are consistent with the principles established therein.
13. I therefore find that the development subject of application Ref: M14760 and Ref: M20115 did not lawfully commence within the prescribed timescales. The planning permission is not therefore extant, meaning that the site cannot be lawfully developed under the terms of those applications. For this reason, and having considered all matters raised, I conclude that the Council's decision not to issue an LDC was well-founded. The appeal should therefore be dismissed.

*Richard E. Jenkins*

INSPECTOR





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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 20/09/2022

gan Clive Sproule BSc MSc MSc  
MRTPI MEnvSci CEnv

Arolygydd a benodir gan Weinidogion  
Cymru

Dyddiad: 07/11/2022

## Appeal Decision

Site visit made on 20/09/2022

by Clive Sproule BSc MSc MSc  
MRTPI MEnvSci CEnv

an Inspector appointed by the Welsh  
Ministers

Date: 07/11/2022

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Appeal Ref: CAS-01972-D9C7F3

Site address: Winswood, Lower Gwestydd Lane, Aberbechan, Newtown  
SY16 3AY

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr R Bennett against the decision of Powys County Council.
  - The development proposed is the demolition of a portion of the dwelling and erection of a two storey side extension, exterior of original dwelling to be clad with EWI and a brick skin, and re-roofed with natural slates.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of a portion of the dwelling and erection of a two storey side extension, exterior of original dwelling to be clad with EWI and a brick skin, and re-roofed with natural slates, at Winswood, Lower Gwestydd Lane, Aberbechan, Newtown SY16 3AY, in accordance with the terms of the application, Ref 21/2137/HH, dated 22/11/2021, subject to the following conditions:
  - 1) The development shall begin not later than five years from the date of this decision.  
*Reason: To comply with Section 91 of the Town and Country Planning Act 1990.*
  - 2) The development shall be carried out in accordance with the following approved plans and documents:
    - Drawing no. KI 6124 1 – Existing Plans, Elevations & 3D
    - Drawing no. KI 6124 4 Rev A – Proposed Plans, Elevations & 3D
    - Drawing no. KI 6124 5 Rev A – Proposed Site Plan
    - Drawing no. KI 6124 6 Rev A – Proposed Block and Location Plan

*Reason: To ensure that the development is carried out in accordance with the approved documents, plans and drawings submitted with the application.*

- 3) Prior to the occupation of the extension hereby permitted bat slits shall be installed in the locations shown on drawing no: KI 6124 4 Rev A in accordance with the specifications in the Jon Sloan Ecological Consultants report dated 5 June 2021. The bat slits will be retained for as long as the development hereby permitted remains in existence.

*Reason: In the interests of biodiversity in accordance with LDP Policy DM2, Future Wales and section 6 of the Environment (Wales) Act 2016.*

- 4) All planting, seeding or turfing, as set out in the Tree and Hedgerow Landscaping Scheme, dated February 2022 and as shown on Drawing no. KI 6124 5A – Proposed Site Plan, shall be carried out in the first planting and seeding seasons following the occupation of the extension hereby permitted 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.

*Reason: In the interests of protecting the character and appearance of the locality in accordance with LDP Policy DM13.*

## **Main Issue**

2. This is the effect of the proposed development on the character and appearance of the building and locality.

## **Reasons**

3. Winswood is a bungalow on an elevated site above and set back from the B4568. It is accessed from a lane off Lower Gwestydd Lane. The dwelling has its back turned to the lane so the principal elevation looks over the valley to the east.
4. The Council's Guidance on Householder Development within Part 3 of its Residential Design Supplementary Planning Guidance ("SPG") notes that an extension (or conservatory) should not normally dominate a house, and as a general rule all extensions should be smaller than the original dwelling. The SPG is guidance, and Winswood is a freestanding dwelling in the countryside. Therefore, the SPG should be applied with consideration given to the specific circumstances of Winswood, and within the context of the Powys Local Development Plan 2011 – 2026 ("LDP") Policy DM13. LDP Policy DM13 requires development to be designed to complement and/or enhance the character of the surrounding area.
5. The character of the locality around Winswood is open countryside with fields, hedgerows, woodland, highways, occasional farms, agricultural buildings, dwellings and associated structures. In terms of building appearance, there is considerable architectural variety in the locality both in terms of the built forms and their finishes.
6. The appeal proposal would extend Winswood by demolishing an existing extension and replacing it with a larger structure. The rear wall of the existing extension is flush with the rear wall of the remainder of the dwelling, but the existing extension's deeper form causes it to have an asymmetric roofline that differs from the simple pitch roof it adjoins.
7. The proposed replacement extension would be set forward of the rear elevation of the existing extension. It would have a larger footprint and a gable would project out from the front elevation of the extension. The ridgeline of the main dwelling would be raised and

the roof extended to provide a similar roof profile to the proposed extension. This would provide overhangs to accommodate the proposed exterior wall insulation (“EWI”) and create covered veranda in front of the remaining part of Winswood. This roof would include a small gable fronted storm porch over a new front door into the dwelling. It would be legible design that would provide Winswood with a clear entrance next to the pedestrian and vehicular access into the site.

8. Through the proposed extension, installation of EWI and associated roof reprofiling, the appeal proposal would extensively modify the exterior of Winswood. The proposed extension would appear as the larger element of the modified built form. Even so, the proposed development would create a building of coherent design, that would use resources sustainably and efficiently. While the extension would not be subservient, the design respects the host dwelling and the resultant building would complement the character and appearance of the locality and not be harmful to it.
9. Accordingly, the proposed development would be a good quality design that complies with LDP Policy DM13, the SPG and Planning Policy Wales (Edition 11). By providing additional residential accommodation through the extension of a dwelling, the appeal scheme complies with LDP Policy H7.

### **Other Matters**

10. A preliminary/scoping survey for bats was carried out in May 2021 that found no evidence of bat use / roosts in the bungalow’s roof voids or bat presence / roosts in external areas. The proposed development would include bat slits for roosting, that along with the proposed landscaping scheme, would be expected to maintain and enhance biodiversity. These measures could be provided through conditions suggested by the Council.

### **Conditions**

11. Possible planning conditions have been considered within the context of Welsh Government Circular ref: WGC 016/2014 - *The Use of Planning Conditions for Development Management*. A suggested condition would require the provision of parking spaces within the curtilage of the site for the extended dwelling. Winswood has a large yard area that application drawings show to be for parking and turning. The area available for parking and turning should be more than adequate for the occupiers of the proposed extended dwelling. Consequently, it has not been shown that the suggested condition would meet the test of necessity, and it will not be imposed.

### **Conclusion**

12. All matters raised in this case have been taken into account. For the reasons given above, no matters have been found to outweigh the proposal’s conformity with the development plan, and the appeal should be allowed.
13. 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 one of the Welsh Ministers’ well-being objectives by embedding our response to the climate and nature emergency in everything we do.

*Clive Sproule*

Inspector

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## **Penderfyniad ar yr Apêl**

gan Robert Sparey MPlan

Person a benodir gan Weinidogion  
Cymru

Dyddiad: 11/11/2022

## **Appeal Decision**

by Robert Sparey MPlan

A person appointed by the Welsh  
Ministers

Date: 11/11/2022

**Appeal Ref: CAS-02196-K0Z7X7**

**Site address: Pen-Y-Derw, Forden, Welshpool SY21 8NH**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed person.**

- The appeal is made under section 62ZB of the Town and Country Planning Act 1990.
- The appeal is made by Mr Mark Williams against a notice of invalidity issued by Powys County Council.
- The Council's reference is 22/1463/FUL.
- The notice was issued on 15 September 2022.
- The application seeks planning permission for "Replacement of dilapidated Dutch barn with a new Dutch barn for holiday let."
- The requirements of the notice as issued are:
  1. Within the application form, in section 'All types of floor space: Non-residential floor space' the box 'Yes' should be ticked. The calculation of the floor space is 332sq meters, with your permission please confirm whether you are happy for me to amend the form.
  2. Please insert a green dashed line for the Right of Way onto the location plan, and ensure that the blue boundary line at the top of the plan is joined. It is noted from the application form that a new treatment plant is to be included in this application, please show the treatment plant with a red boundary line, and show soakaway with a red dotted line onto the location plan.
  3. Please provide scaled 1:500/1:200 existing and proposed block plans. Please include the treatment plant with a red boundary line, and show soakaway with a red dotted line.
  4. The application fee is calculated on the erection of non residential buildings where the floor area exceeds 75sq meters. The total floor area measures 332sq meters (includes storage shed, ground floor and first floor of barn). The fee has been calculated as follows;  
£460 per 75sq meters  
Total floor space = 332sq  
332 divided by 75 = 4.426 rounded up to 5  
5 times by £460 = £2,300  
We have received a payment of £460, therefore the remaining balance is £2,300 - £460 = **£1,840**

- 
- The appeal is made on the ground set out in section 62ZB(2)(b) of the Town and Country Planning Act 1990 (as amended) [the 1990 Act].
- 

## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The appellant's grounds of appeal document confirms that requirements 1 to 3 of the notice as issued have been addressed with the Local Planning Authority (LPA) and are therefore not a dispute between the parties. Only requirement 4 relating to the fee is before me in dealing with this appeal.
3. Whilst for this type of appeal it is normally expected that the LPA's representations will consist of the contents of the notice of invalidity, Regulation 5 of the Town and Country Planning (Validation Appeals Procedure) (Wales) Regulations 2016 ['the 2016 Regulations'] allows the appointed person to request further information. In this instance I considered it appropriate to request a statement of reasons from the LPA in relation to their calculation of the fee. The LPA provided this information within the required timescale and the appellant was afforded an opportunity to respond. I have taken the LPA's statement and the appellant's response into account while determining this appeal.

## Reasons

4. The relevant fee is determined by the Town and Country Planning (Fees for Applications, Deemed Applications and Site Visits) (Wales) Regulations 2015 (as amended) ['the Fees Regulations']. Guidance on determining the fee is provided in the Welsh Government's Development Management Manual Section 7 Annex: Calculating the Fee ['Section 7 Annex'] (<https://gov.wales/development-management-manual>).
5. The essence of the matter before me is whether the correct fee would be that for an application for a dwellinghouse. Regulation 2 of the Fees Regulations defines 'dwellinghouse' for the purposes of those regulations as "... a building which is used as a single private dwellinghouse and for no other purpose". This is supplemented by advice in paragraphs 10.1 of Section 7 Annex that clarifies that a dwellinghouse could include "a holiday flat, if self contained and owned by a private owner (**but not if let on a short-term basis to paying guests**)", my emphasis added.
6. The proposed development is described on the application form as a 'holiday let'. It therefore seems clear that this application should not attract the fee associated with an application for a dwellinghouse.
7. I have considered the appellant's point that a condition could be used to allow the property to be let for a period of not more than 28 days per year to a single household. However, this was not something proposed in the application as submitted and would seem to contradict paragraph 4.5 of the Planning Support Statement submitted with the application.
8. The description of development also makes it clear that a new building will be erected. Category 2 of the table in Part 2 of Schedule 1 of the Fees Regulations sets the fee for the erection of buildings that do not fall within:
  - Category 1 – The erection of dwellinghouses,

- Category 3 – The erection, on land used for the purposes of agriculture, of buildings to be used for Agricultural purposes,
  - Category 4 – The erection of glasshouses on land used for the purposes of agriculture,
  - Category 5 – The erection, alteration or replacement of plant or machinery
  - Category 7 - 7(a) the carrying out of operations (including the erection of a building) within the curtilage of an existing dwellinghouse, for purposes ancillary to the enjoyment of the dwellinghouse as such, or the erection or construction of gates, fences, walls or other means of enclosure along a boundary of the curtilage of an existing dwellinghouse; or 7(b) the construction of car parks, service roads and other means of access on land used for the purposes of a single undertaking, where the development is required for a purpose incidental to the existing use of the land).
9. It is evident that the proposed development does not fall into Categories 1, 3, 4, 5 or 7. The application is for full planning permission where the area of the gross floor space to be created by the development exceeds 75 square meters and therefore attracts the fee specified in Category 2(b)(iii). Whilst it is unfortunate that the Notice of Invalidity did not contain the LPA's reasoning as to why this Category applies, the Notice as issued does include calculations of the fee based on the correct Category. The appellant has not disputed the areas used in the fee calculation, only the Category.

### **Conclusion**

10. For the foregoing reasons, I am satisfied that the LPA has correctly calculated the fee in relation to this application. The appeal therefore fails, and the Notice stands.

*Robert Sparey*

Mr Robert Sparey

Appointed Person

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## CYNGOR SIR POWYS COUNTY COUNCIL

PLANNING, TAXI LICENSING AND RIGHTS OF WAY COMMITTEE  
1 December 2022

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

**SUBJECT:** Public Path Orders: Working Practice and Charges

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**REPORT FOR:** Consultation

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**Background:**

The making of public path orders is a discretionary power of the Council. The Council policies, working practices and protocols associated with this work are:

- A charging policy, setting out the fees payable;
- A working practice for prioritisation of the caseload;
- A protocol for public speaking, for rights of way matters presented to Committee.

This report is asking you to assist in supporting a review of the charging policy and working practice to strengthen the administrative process and enable the Council to recover costs incurred. The review will help to address the current backlog of public path order cases and bring us in line with other authorities. As the charges are a policy matter, the views of the Committee will be communicated to the Portfolio Holder for a Greener Powys via a Portfolio Holder decision report.

The charging policy for public path orders was last formally reviewed by the Rights of Way Committee on 23<sup>rd</sup> September 2010 [Appendix A]. The prioritisation of applications made to Powys County Council for public path orders was reviewed at the same meeting [Appendix C]. As stated in the minutes of the meeting [Appendix C], it was agreed that the decision as to the priority of individual cases should continue to be made by the officer who processes them using a working method of priorities. The priorities are published in the Council's Rights of Way Improvement Plan and are based on the likely public benefits in terms of network gain and any health and safety considerations. The highest priority is attributed to applications made under the Town and Country Planning Act 1990, to ensure that legal time limits are adhered to.

Officer prioritisation of the public path order workload continues to be effective, and Members are asked to continue to support this. However, public path order applications are received at a rate faster than they can be currently processed so a significant backlog of applications persists, of which applications related to permitted development take up significant officer time. In addition, there has been a 60% reduction in staff capacity allocated to this work area from the Countryside Access budget as compared to 2010.

**Current Situation:**

There are a total of 200 applications (compared to 144 in 2010) currently on file, which fall into the following groups:

1. Applications for which there are felt to be significant public benefits and for which the administration fee is waived: 111

- Of these, 56 are proposals that would move paths out of existing working farmyards and cattle handling areas;
- The remaining 55 proposals have other significant public benefits, for example those that resolve irretrievable loss of a path due to natural causes, such as riverbank erosion or resolve definitive map anomalies.

2. Applications that are felt to be primarily in the interests of the applicant: 89

- Of these, 30 applications are related to permitted development;
- The remaining 59 applications are other 'landowner-interest' proposals, with the most common reason for application being to move paths away from residential property.

A large proportion of applications are initiated by the area Rights of Way and Access Officers through their work. Some applications are instigated as a pragmatic method of resolving situations where landowners have failed to meet their legal responsibilities, for example by an obstruction of a right of way for which there is no other solution e.g. house built on a path. In other cases, there would be significant public benefits, in terms of the maintenance and accessibility of the rights of way network. These proposals may reduce the Council's maintenance liabilities in the longer term and increase the amenity of the path for the public.

The current working system does maximise the benefits to the public, in terms of the way in which the resources available to process public path order applications are used. Nevertheless, a backlog of applications remains. This causes significant delays as some of the oldest applications were accepted over twenty years ago. This does lead to understandable frustration for applicants. Given the length of time for which many applications have been on file, it is possible that some applicants may no longer be interested in pursuing a public path order.

The delay is made clear to applicants from the outset. They are also reminded of the method of prioritisation and that the making of public path orders is a discretionary power of the Council, rather than a statutory duty.

**Considerations for new approach to public path Order casework:**

As a result of the backlog of applications and limited staff resource, considerable delays are likely to continue to be experienced for non-development related applications.

In recognition of the priority received for applications made under the Town and Country Planning Act 1990, applicants are already required to undertake the pre-order consultation with statutory consultees. This arrangement works successfully and is considered necessary to progress the making of more orders under the Highways Act 1980.

As the making of a path order is discretionary, the Council may recover all or part of the costs but may not recover any costs incurred by a public inquiry procedure. It is not unusual that objections are made to a proposed change; these may be lodged for any reason that the individual sees fit and are not necessarily relevant to the legal tests. As the law currently stands, the Council does not have the option to discount objections that it considers irrelevant or that do not address the legal tests. It must either abandon the Order or refer the case to the Planning Inspectorate. The Council must bear the cost of the preparation of bundles and Statements of Case to the Planning Inspectorate and attending any hearing or public inquiry.

An administration fee is payable for proposals that are felt to be primarily in the applicant's interest. This fee rises with inflation each year but is fixed at the time of application. As such, older applications currently only recover a proportion of the cost of officer time and other expenses incurred; these applications are therefore subsidised from Council resources. The current estimate for processing the 111 applications for which the cost is to be subsidised by the Council is £188,367 in officer time not being recovered through fees and £99,990 in unrecovered advertising costs.

The list of occasions where a charge should not be applied for a public path order has not been amended since 2005 [Appendix B]. It is recognised that some Local Authorities do allow for the discretionary waiving of fees or a reduction in fees in certain circumstances, but it is unusual for no charge to be levied in cases where a landowner has requested for a path to be diverted away from an existing working farmyard. The charging of full fees in these cases would bring the Council in line with neighbouring authorities, including the Brecon Beacons National Park and Ceredigion County Council who no longer offer free farmyard diversions.

### **Changes to dealing with public path order casework:**

The proposed change in policy, as detailed below will enable a more efficient use of council resources.

1) Implement a moratorium on accepting new public path order cases, for a period of five years. This will allow the current caseload to be reviewed and steps to be taken to address the backlog. Otherwise, it will simply continue to increase. After the five-year period, progress can be assessed, and any lessons learnt considered.

There would need to be certain exceptions to this moratorium, as below:

- If planning permission is granted that would result in development over a public right of way, the Council would then need to process a request for the path to be diverted under the Town and Country Planning Act 1990.
- Some proposals are primarily in the interests of and have a demonstrable benefit to the public e.g. moving a path that is subject to landslip or river erosion. Another example would be resolving an anomaly (e.g. dead end) that might otherwise generate an application for a Definitive Map Modification Order, which is much more costly to process than a diversion and the costs cannot be recovered.

2) Introduce a system where all applicants are required to take more responsibility for the Order making process, with much less staff input. This includes:

- Applicants meeting the legal requirement to ensure that all rights of way over land in their ownership are free from obstruction; if that is not possible e.g. due to a building on the path, by making sure a permissive route is in place;
- Applicants undertaking the informal pre-order consultation and negotiating to deal with any objections themselves.
- Should an Order be required to be sent to the Planning Inspectorate, the applicant to be responsible for producing a robust Statement of Case and attending any hearing or public inquiry. It should be noted that the Council may exercise its discretion to not proceed with PPO applications where it believes that it will take a disproportionate amount of resource to process. For example, where there are objections, particularly at the informal consultation stage that cannot easily be resolved by the applicant, or the Council.

New guidance for applicants will be produced and a small number of pilot cases undertaken to establish efficient working methods.

3) Undertake a phased review of all applications held, in chronological order by the date received. The aim is to seek to close files where applicants no longer wish to pursue a diversion and to allow applicants who are willing, to take up the new process so that they can expedite their application.

Officers will write to applicants, setting out the reason for the review, details of the options available and a request for a response within three months, otherwise the case file may be closed. The three options to be offered, are as follows:

- Application remains on file at the fee agreed at the time of original application, but with no time guarantee as to when it will be processed.
- Applicant chooses to undertake pre-Order consultation and subsequent negotiation to deal with objections, so that the case can be progressed. Unless the application is primarily for demonstrable public benefit, as set out above, then full current administration and advertising fees would be payable.
- Public path Order is no longer required, and the file is closed. (This will only be possible for cases where the right of way is free from obstruction.)

4) To ensure full cost recovery through the fees charged for applications by:

- Continuing to increase the public path order administration fee annually, in line with up-to-date staff costs and cost of inflation (see Appendix E for most recent assessment of costs).
- Reserving the right to charge additional fees based on officer hourly rates, if staff input into the application has been greater than anticipated. For example, for making additional site visits or providing further legal advice.
- Introduce a system whereby the administrative fee is estimated at the time of application, then confirmed at the point of commencing pre-Order consultation. This will ensure that full costs are recovered for all applications, irrespective of how long they have been on file.

5) Should the Council be able to accept new public path diversion order applications after the 5-year moratorium period, the general approach will be that there will be a full cost recovery administration fee payable as well as advertising costs.

#### **RECOMMENDATION:**

That the Planning, Taxi Licensing and Rights of Way Committee supports the new method of dealing with public path orders as outlined above, as a basis for a decision report to the Portfolio Holder for a Greener Powys.

#### **Appendices:**

Appendix A	2010 Rights of Way Committee Report – Charging Policy
Appendix B	2005 Rights of Way Committee Report – Charging Policy
Appendix C	2010 Rights of Way Committee Report – Workload & Prioritisation
Appendix D	23/09/2010 Rights of Way Committee Minutes
Appendix E	Powys County Council estimated Public Path Order processing costs, as at July 2022

**CYNGOR SIR POWYS COUNTY COUNCIL**

**RIGHTS OF WAY COMMITTEE**

**23<sup>rd</sup> September 2010**

**REPORT BY: COUNTRYSIDE SERVICES MANAGER**

**SUBJECT: Charging Policy: Public path Orders**

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**REPORT FOR: Consultation**

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**Background:**

The current charging policy for public path Orders was adopted following the presentation of a report to the Council's Rights of Way Committee on 6<sup>th</sup> October 2005. The report and minutes of the meeting are attached (annexes A and B.) It was decided that the policy should be reviewed every three years and this time has now elapsed.

The majority of applications made to Powys County Council for public path Orders are under the provisions of the following legislation:

- Section 119 of the Highways Act 1980: Diversion of footpaths, bridleways or restricted byways, where it would be either in the interest of the public or of the landowner, occupier or lessee of the land crossed by the existing route of a path;
- Section 118 of the Highways Act 1980: Extinguishment of footpaths, bridleways or restricted byways, where the path is not felt to be needed for public use;
- Section 257 of the Town and Country Planning Act 1990: Diversion or extinguishment of footpaths, bridleways or restricted byways, where it is felt to be necessary to allow permitted development to be carried out;
- Section 116 of the Highways Act 1980: These Magistrates Court Orders allow for extinguishment or diversion of any public right of way; the Council may apply for an Order at the request of a member of the public. However, as other provisions are available for footpaths, bridleways and restricted byways, these applications are generally only considered where public motor vehicular rights are involved i.e. for byways open to all traffic (BOATs.)

Attached is a summary of the legislation and guidance that relates to the recovery of costs for these applications (annex C.) Sections 118A and 119A of the Highways Act 1980 make provision for Rail Crossing extinguishment and diversion Orders. The same provisions for the recovery of costs apply as for applications under sections 118 and 119 of the Highways Act 1980. Given this, it is suggested that Powys County Council should apply the same costs to Rail Crossing Orders as Orders under sections 118 and 119 of the Highways Act 1980.

There are other special powers available to make diversion and extinguishment Orders in specific situations; the charges that can be recovered are described in detail in the relevant legislation. Given this and that these circumstances arise infrequently, the costs of applications for such special Orders are not considered in this report.

**Current situation in Powys:**

Applications for public path Orders affecting footpaths, bridleways and restricted byways:

As dictated by the legislation, no charge is payable for applications until such time as a public path Order is actually made by Powys County Council. The same flat rate fee is payable for

public path diversion or extinguishment Orders made under both sections 118 and 119 of the Highways Act 1980 and section 257 of the Town and Country Planning Act 1990; this currently covers both the administration charges and advertising fees. This is £1000 for one path, with an additional £100 being charged for each extra path included in one Order. No VAT is payable on these fees. Given that the advertising costs of an Order in Powys are currently in the region of £300-£500, the portion of the administration fee left to cover the Council's time and other expenses would be in the region of £500-£700.

Charges are not normally made for applications to create a new path, via a creation agreement or Order under sections 25 and 26 of the Highways Act 1980, as these are generally felt to be primarily in the public interest. The exception to this would be the creation of a new path that is to be used as a replacement for an extinguished path, where the creation/extinguishment package is felt to be primarily in the interest of the applicant.

There is often significant pressure to process public path Order applications that are associated with permitted development quickly; this is due to the time and other constraints on permitted development, as an Order must be both made and confirmed before works can commence over the former route of the path. These applications will often take up more officer time than other proposals, as they involve significant amounts of time spent liaising with Planning Officers, developers, other Council departments, local residents and others. To allow such applications to be processed as quickly as possible, without disadvantaging other applicants or incurring extra costs for the Council, developers are now being asked to carry out some of their own pre-Order consultation work. This does offset some of the additional officer time that is taken up, given that the same flat rate fee is payable, irrespective of whether the application is related to permitted development or not.

It is felt that the Powys County Council charges for Orders affecting footpaths, bridleways and restricted byways need to be increased, to reflect the rising costs of processing the applications. Comparison has been made with the charges currently being levied by some other neighbouring local authorities. The attached table (annex D) illustrates the wide variation in the amount charged, with some authorities choosing to levy a single, all-inclusive rate and others seeking to recover the full costs incurred for each application.

Applications affecting Byways Open to all Traffic, requiring a Magistrates Court (s116) Order:

A flat rate fee of £1500 is currently payable for a Magistrates Court application to divert or extinguish a BOAT. Because the majority of these applications involve public vehicular rights, they may raise additional issues in terms of the location and construction of a new route. Given this and that there is a requirement to prepare and present a case to the Magistrates Court, they are generally more time-consuming and costly to process than other public path Orders. The costs may be difficult to predict at the outset. It seems likely that the current £1500 fee would not cover these costs, so it is felt that this flat rate fee should be reviewed.

Cost of works to make the new route of a diverted path ready for use:

For all proposals, the applicants' contribution to the cost of the works to make a new route ready for use depends on the circumstances under which the application is being made. Where a diversion is for the purpose of development for commercial gain, the developer would generally be expected to meet all of the costs of any work that is needed. For other applications, the Council's maintenance liabilities on the existing route of the path will be taken into account in deciding on the portion of the costs to be met by the applicant.

Some applications may attract additional costs associated with the long-term maintenance of features on a newly created route. There may be a need for the Council to draw up and enter into a legal maintenance agreement, for example where a bridge is to be used for both the public right of way and private vehicular access. Where additional maintenance liabilities are felt to have arisen primarily due to the interests of the landowner, Legal Services may recharge the landowner separately for their costs in drawing up the agreement.

Circumstances under which fees are payable:

The power to make charges for public path Orders is discretionary and in certain circumstances, Powys County Council chooses to waive the fees and meet the costs of processing applications itself. The circumstances under which fees are waived are detailed in the current policy, as attached and approved in 2005.

**The main considerations of the working group:**

A working group, consisting of Councillor Davies, Councillor Ashton and two officers, met in September 2009 and March 2010 to review the current charging policy. Consideration was given to:

- The amount that should be charged (per application) as an administration fee, to cover the current costs of officer time and other expenses;
- The way in which the advertising costs should be recovered;
- The costs that should be met by the applicant for any works that are needed on the new route of a diverted path;
- The charges that should be made in respect of applications for Magistrates Court Orders;
- The circumstances under which the fees for an application should be waived and the application processed entirely at the Council's expense.

The working group reviewed the merits of the following approaches to recovery of costs:

	Method of charging	Advantages	Disadvantages
1.	Flat rate fee that includes both administration and advertising costs	-Easy to administer. -The cost to the applicant is known at the outset of the application. -No disadvantage to applicants where unexpected complications arise.	-Advertising fees vary widely depending on the publication, which is largely dictated by the geographical area of the application. Leaves a variable amount of fee to contribute to Council's administration costs.
2.	Flat rate administration fee plus the actual advertising costs	-Relatively easy to administer. -The approximate cost to the applicant can be predicted with reasonable accuracy at the outset. -Recovers a greater proportion of the costs than an all-inclusive flat rate fee. -No disadvantage to applicants where unexpected complications arise.	-Significantly different costs may be incurred for applications of similar complexity, due to the publication that must be used to place the adverts.
3.	Recharge the actual costs incurred, for both administration and advertising	-Ensures recovery of all permissible costs by the Council.	-Requires a detailed record to be kept of the time spent on each application, which may be time-consuming in itself. -Difficult to predict approximate cost to applicant at the outset; time spent may be much greater than initially expected, if unforeseen issues arise.

For applications under sections 118, 118A, 119 and 119A of the Highways Act 1980 and section 257 of the Town and Country Planning Act 1990, it is felt that the charging of a flat

rate administration fee, plus actual advertising costs would be a good compromise for Powys County Council. For the Council, it would allow recovery of a greater proportion of the costs incurred than a flat rate, all-inclusive fee; from the applicant's perspective, a reasonable estimate of the costs could be given at the outset, which would not be altered if complications arose at a later point. The guidance is that a flat rate fee should cover the cost of the minimum amount of time that would be spent on processing an application for an Order, to ensure that it does not exceed the actual costs incurred for any application. A breakdown of the officer time and other costs that are currently being incurred in processing these applications is attached (annex E.)

Where applications are made for a Magistrates Court Order, the Council may require the applicant to meet all reasonable costs. Unlike other public path Orders, costs can be recovered even where no Order is actually made in respect of the application. Given the significant costs that may be incurred in considering and preparing these applications for the Magistrates Court, it is felt that the Council should seek to recover the full costs even where no Order is actually made.

### **The Revised Policy Framework**

The following sets out the working group's recommendations to Committee:

1. The administration fee payable for diversion and extinguishment Orders made under sections 118 and 119 of the Highways Act 1980, under sections 118A and 119A (the Rail Crossing Order provisions) of the Highways Act 1980 and under section 257 of the Town and Country Planning Act 1990 should be set at £1500. This administration fee should increase annually, where positive inflation applies and in line with the RPI. This could be included as part of the charging policy to avoid the need for re-approval.
2. In addition to the administration fee, applicants should be recharged the full advertising costs.
3. No change should be made to the current approach to recovering the cost of works to make a diverted route ready for use. Likewise, the current approach in terms of drawing up and recharging for legal maintenance agreements should continue.
4. The new charges should apply to new applications; where the fees rise whilst an application is waiting to be processed, the fee set at the date of application should be applied. The exception to this would be for applications that were originally eligible for the fees to be waived, but for which the circumstances change to the extent that this is no longer the case. The full current fee, as at the time of processing, should then apply.
5. For creation/extinguishment packages that are felt to be in the interests of the applicant, the administration fee for a single Order should be payable, because the consultation for the creation and extinguishment would be carried out concurrently. In addition to this, applicants for such packages should be recharged the full advertising costs.
6. Guidance notes are provided to applicants before they submit an application; these should include a detailed explanation and breakdown of the costs to be met.
7. For applications for a Magistrates Court diversion or extinguishment Order, the applicant should be required to meet the full costs incurred, irrespective of whether an Order is made by the Magistrates Court. The applicant would need to meet a variable administration fee that would be determined by the actual officer time spent and any other costs, plus the costs of advertising and works.
8. As detailed consideration was given to the circumstances under which fees should be waived in 2005, this aspect of the charging policy should remain unchanged.

**RECOMMENDATION:** That the Rights of Way Committee commends the report and its contents to the Portfolio Holder, for consideration as adopted policy.



**CYNGOR SIR POWYS COUNTY COUNCIL**

**RIGHTS OF WAY COMMITTEE**

**6<sup>th</sup> October 2005**

**REPORT BY: COUNTRYSIDE SERVICES MANAGER**

**SUBJECT: Charging Policy: Public Path Orders**

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**REPORT FOR: DECISION**

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**Background**

Following a request by Committee members to consider a review of the charging policy for public path orders, the Chairman proposed that an initial review be undertaken by a member-officer working group, including the Chair, Vice Chair and a Radnorshire member to balance all three Shires. Officers were to include the Countryside Services Manager and Rights of Way Assistant.

A meeting took place on the 12<sup>th</sup> September, and included the Chairman and Cllr G Lewis, and the two officers. The Vice Chairman was unwell and unable to attend.

At the meeting, the current policy, set in 1995, was considered along with a review paper that was considered by the then Rights of Way Committee in 1997. A letter from The Ramblers Association had also been received on this subject, and was read and considered by all at the outset of the meeting (see attached letter).

In reviewing the policy, it was noted that RUPPs and Byways had not been specifically referenced in previous policy work. Following advice from Legal Services, on likely costs and officer time implications, the following sets out policy and charging implications for dealing with these Rights of Way.

RUPPs and Byways differ in relation to order making, from footpaths and bridleways, in that any changes to their route can only be considered through application to Magistrates Court, and an advert must be placed in the London Gazette. As such, higher costs are likely.

In considering and setting a charging policy in relation to Town and Country Planning Act and Highways Act, the possible actions and timescales of development were considered, and well as the administrative burdens placed upon officers for a single or split charging policy.

The policy review also considered casework that might arise under the Countryside and Rights of Way Act, in relation to proposals to divert or extinguish paths within School property. In this case, the Committee have already provided their view that the costs associated with such applications should be borne by the Education Authority and not by the Rights of Way budget.

In examining what might be a reasonable and fair charge for pursuing a public path order, the working party also examined how charges are applied across Wales. In research carried out by the Rights of Way Assistant in 2004, charges range widely from Powys' current £400 up to £1,500 plus advertising costs, as levied by Gwynedd.

The working group concluded a levy which equates to the middle and near average figures across Wales, as can be seen as set out on the table attached. The proposed charge would be in line with the Brecon Beacons National Park, Pembrokeshire Coast National Park, Vale of Glamorgan and Carmarthenshire.

### **The Main considerations of the Working Group**

The working group carefully considered:

- each current element of policy in detail.
- the practical issues of managing public path orders in light of the charging policy.
- the issues surrounding the actual charging process itself and its administration by officers.

The meeting was concluded by the working group agreeing a set of revised criteria for charging, as well as the charge itself.

### **The Revised Policy Framework**

The following sets out the working group's recommendations to Committee.

For the purposes of this policy, and where a charge is to be applied, the policy will apply to applications for diversion, extinguishment or where a combination of creation and extinguishment orders are used in combination.

#### **1. A charge should be made where:**

- 1.1 A path passes through or near the immediate surroundings of a property, and a diversion is clearly of substantial benefit to the property owner in terms of increasing the value of that property with no obvious gain in convenience to users.
- 1.2 The proposed extinguishment of a path is acceptable to the Committee.
- 1.3 Orders affect paths that currently pass across land used for agriculture or forestry, e.g. diversion of a cross-field path around a field edge or path over-planted by woodland plantation. Exceptions would be in 2.3 and 2.6 below.
- 1.4 An order either allows for some form of development to take place or where a path is to be diverted as a result of development.
- 1.5 When diverting RUPPs or Byways and unless they meet the exemption tests above, a charge of £1,500 should be made.

## **2. A charge should not be made where:**

- 2.1 A path passes through an existing working farmyard or permanent stock handling area, and where the path would be diverted away from it.
- 2.2 The land holder allows a Definitive Map anomaly to be amended for the benefit of both land holder and public.
- 2.3 An Order takes a path out of land that has a naturally difficult surface condition which renders the path unusable for most of the year; or where the path is in danger of being lost to erosion by a river, landslip, etc; or where the new route substantially decreases long term maintenance liability without it being substantially less convenient to the public.
- 2.4 A path is being diverted for reasons of safety, not including any of the cases below.
- 2.5 A new path is being created or dedicated.
- 2.6 A path has been over-planted by forest or woodland and where clearing the Definitive line would not allow the re-instatement of an acceptable surface condition or gradient, or where an alternative route is considered significantly more commodious.
- 2.7 A path order is substantially in the interests of the community at large, except for applications made under the Countryside and Rights of Way Act allowing for diversion or extinguishment of public paths affecting School property.
- 2.8 A path order allows development to take place, where that development would be substantially in the interests of the community at large, e.g. village sports or recreation area.

## **3. The Charge levied**

The charge for making an order under the Highways Act and Town and Country Planning Act should be the same, being set at £1,000, plus £100 for each additional path included in the order. This cost includes the costs of advertising and VAT.

## **4. Policy Review Period**

The Charging Policy should be reviewed in three years time following its commencement.

## **5. Integration with Planning Policy**

As members have noted in Committee previously, and was re-affirmed by members during the Working Group meeting, in order for the Policy and work of the Committee to be effective, the full support and co-operation of the Planning - Division is vital. The previous recommendation of the Committee to see a guide for professionals being developed is an essential part of this ongoing joint working.

## 6. Application Backlog and the Introduction of a new Policy

The final issue considered by the working group centred on the timing of the new policy's introduction and how the back-log of casework should be treated. The working group felt that in formulating a new charging policy, that the full Committee should consider and approve an appropriate method for its application to the existing backlog of path order casework.

In order to avoid undue uncertainty in discussing policy and charging structures with potential applicants, It is recommended that the new Policy and charging structure is introduced in relation to new applicants with immediate effect.

In relation to outstanding applications, the following options are available for consideration:

Policy Option	Policy & Charge
Option 1	Apply old policy and old charge
Option 2	Apply old policy and new charge
Option 3	Apply new policy but old charge
Option 4	Apply new policy and new charge
Option 5	Apply new policy with a transitional charge
Option 6	Apply old policy with a transitional charge

Advice from Legal Services has indicated that the Committee may wish to give greatest weight to Option 1, since applicants' will have already signed up to the existing policy and in the belief that current charging policy would apply once the application had been made.

**RECOMMENDATION:** That the new Policy is introduced with immediate effect, and that members confirm the application of policy and charging in relation to outstanding, undetermined applications.

## **5.8 Charging for Public Path Orders**

Following the publication of Statutory Instrument No. 407, in 1993 the Government gave local authorities the right to make certain charges with respect to making public path orders. This allows the County Council to make charges (up to £400 plus the costs of placing adverts in the local press) to cover part of the costs it incurs in drawing up such orders. The costs of such are currently under review again by Government. As with almost all other local authorities, the County Council now charges for many of the public path orders it makes. In each case, the decision as to whether or not to make a charge rests with the County Council's Rights of Way Committee and would be dealt with subject to the following criteria :

### **A charge should not be made where:**

- a) The path goes directly through a working farmyard and would be diverted away from it.
- b) The order allows definitive map anomalies to be amended for the benefit of both landowner and public.
- c) An order takes a path out of land that has a naturally difficult surface condition which renders the path unsuitable at most times of the year, or where it is in danger of being eroded by a river, landslip, etc.
- d) A path is being diverted or stopped-up for reasons of safety, not including any of the cases below.
- e) A new path is being created or dedicated.
- f) A path has been over-planted by forest or woodland and clearing the 'original' line is not considered feasible or where an alternative route is considered significantly more commodious.

### **Charges are likely to be made when:**

- g) A path passes through or near the immediate surroundings of a property, a diversion of which is clearly of substantial benefit to the property owner in terms of increasing the value of that property with no obvious gain in convenience to users.
- h) The closure of a path is acceptable to the Committee for extinguishment, based upon the rationale set out in 'Extinguishment of public paths' above.
- i) Orders affect paths that currently pass across land used for agriculture or forestry e.g. diversion of a cross-field path around a field edge or path over-planted by woodland plantation. Exceptions would be in cases c) & f) above.
- j) An order either allows for some form of development to take place or where a path is to be diverted or extinguished as a result of development. In addition, where the County Council approve the making of an order under the Town & Country Planning Act, the authority will seek to recover all its costs in making such an order.

**Policy ROW7 : Charges for the making and advertising of Public Path Orders will be made in appropriate cases, as set out in the criteria a)-j).**

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**CYNGOR SIR POWYS COUNTY COUNCIL****RIGHTS OF WAY COMMITTEE****23<sup>rd</sup> September 2010****REPORT BY: COUNTRYSIDE SERVICES MANAGER****SUBJECT: Public path Orders: Workload and Prioritisation**

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**REPORT FOR: Information / Decision**

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**Background:**

The prioritisation of applications made to Powys County Council for Public Path Orders was last formally reviewed by the Rights of Way Committee on 6<sup>th</sup> October 2005. As noted in the minutes of the meeting (see Annex A), it was agreed that the decisions as the priority of individual cases should continue to be made by the Officer who processes them. It was noted that this prioritisation should take into account the need to give higher priority to applications made under the Town and Country Planning Act 1990, to ensure that legal time limits are adhered to.

Officer prioritisation of the public path Orders workload continues to be successful and Members are asked to continue to support this. The detail of the prioritisation of the public path Order workload has been reviewed by Countryside Services over the last year, to update this wider approach in the light of the current and likely future resource issues.

There remains a significant backlog of public path Order applications, of which an increasing proportion is related to permitted development. There are a total of 144 applications currently on file, which fall into the following groups:

1. Applications for which there are felt to be significant public benefits and for which the administration fee is waived: 83
  - Of these, 44 are proposals that would move paths out of existing working farmyards and cattle handling areas;
  - The remaining 39 proposals have other significant public benefits, for example those that resolve irretrievable loss of a path due to natural causes, such as riverbank erosion.
2. Applications that are felt to be primarily in the interests of the applicant: 61
  - Of these, 20 applications are related to permitted development;
  - The remaining 41 applications are other 'landowner-interest' proposals, with the most common reason for application being to move paths away from residential property.

There have been a number of enquiries recently, in terms of the timescale for processing and priority given to individual applications. On the basis that around 15 applications are processed per year, it is estimated that the backlog represents between 5 and 8 years work. However, applications continue to be submitted at a rate of between 15 and 20 per year. This does result in delays of up to 5 or 6 years following receipt of many applications, before they can be progressed further. This does lead to understandable frustration for applicants. The likelihood of there being a delay is made clear to applicants from the outset; they are also reminded that the making of public path Orders is a discretionary power of the Council, rather than a statutory duty.

It is of note that in Powys, a large proportion of applications are initiated by the area Rights of Way and Access Officers, through their work in priority communities. Such applications are initiated because the Area Officer has identified that there would be significant public benefits, in terms of the maintenance and accessibility of the rights of way network. This is significant when making decisions about the use of resources, because these proposals may reduce the Council's maintenance liabilities in the longer term.

There is clearly a need to ensure that there is maximum public benefit from and fairness in the use of the limited resources that are available for public path Order work. In practice, the workload has been broken down into various broad types of application; these are prioritised on the basis of the likely public benefits in terms of network gain and any health and safety considerations. It is felt that an awareness of the way in which this has been carried out would be useful to members of the public, to help them to better understand the working method of prioritisation of applications and the reasons for any delays.

### **The current working method of prioritisation:**

It is recognised that no two applications are identical in terms of the circumstances surrounding them; the overall merits of each proposal must be assessed in the light of all of the factors that affect it. The working method of prioritisation cannot be overly prescriptive, given the enormous variation and complexity of individual circumstances. Likewise, there needs to be flexibility to allow for re-prioritisation of applications where there is a change in the situation. This is necessary to ensure that the processing of public path Order proposals does continue to reflect the priorities for the management of the Rights of Way network.

The merits of individual public path Order applications are considered in the light of the priorities identified in the Rights of Way Improvement Plan and of other community needs and transport initiatives.

Applications are prioritised according to the following broad categories; proposals of equal merit within a category are processed in order of the date of application. The list below is in order of priority, with the highest priority first.

1. Proposals where a public path Order is necessary to allow for permitted development:  
Developers are always encouraged to incorporate any public rights of way into their site design, to avoid the costs and delays that may result from the need to divert or extinguish them. Where this is not possible, there is a need to process applications made under the Town and Country Planning Act 1990 as quickly as possible, in recognition of the financial implications for the developer and the economic considerations for the local community. To allow these applications to be prioritised without unduly affecting other applications, developers must carry out their own pre-Order consultation, to reduce the input needed from Council officers.
2. Proposals removing significant maintenance liabilities or those resolving immediate health and safety risks:  
Where there is an immediate safety risk, the affected path may be temporarily closed in the short term; however, a public path Order may be the only practicable way to re-open the path in the longer term. A public path Order may also allow routes to be opened up that have been physically inaccessible since they were first recorded on the Definitive Map, as a result of factors beyond the landowner's control and that cannot be resolved in any other way. There are a number of paths in Powys that are recorded as running down dangerously steep slopes and quarry faces that pre-date the Definitive Map, for example. Likewise, a public path Order may be the only way to allow access across a stream or river, if it is not economically or physically possible to repair or replace an existing crossing point.



3. Proposals resolving longer-term, potential health and safety risks and those resulting in overall improvement to the rights of way network:

Paths may be affected by health and safety risks that are being adequately managed in the short term, but where it would be of benefit to both path users and landowners to move the path in the longer term. An example of this would be proposals that move paths out of working farmyards and cattle handling areas; it was identified in the consultation for the Rights of Way Improvement Plan that both landowners and the public feel that this should be a priority. Other proposals that fall into this category include those that reduce the Council's long term maintenance responsibilities or improve accessibility e.g. by moving a path onto a route whose surface is less prone to waterlogging. Also included are proposals that resolve Definitive Map anomalies, in a way that improves the links in the rights of way network, e.g. by creating a connection between a path that ends as a cul-de-sac and another public path or road.

4. Proposals that are felt to be primarily in the interests of the applicant (but not related to permitted development):

These are proposals for which there is no identified need to change the route of the path from the perspective of the accessibility or maintenance of the path or surrounding network, but for which a request is made by a landowner or another member of the public. This would include proposals to move paths away from residential property, to increase the privacy of residents.

Given the current backlog and resources, considerable delays are likely to continue to be experienced for lower priority applications. Although an administration fee is payable for the proposals that are felt to be primarily in the applicant's interests, this currently only partially recovers the cost of officer time and other expenses incurred; such applications are therefore subsidised from Council resources. The above working system does maximise the benefits to the public, in terms of the way in which the resources available to process public path Order applications are used.

**RECOMMENDATION:** That the Rights of Way Committee continues to support the Officer prioritisation of the public path Order workload, which uses the working method outlined above.

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**MINUTES OF A MEETING OF THE RIGHTS OF WAY COMMITTEE HELD AT  
COUNTY HALL, LLANDRINDOD WELLS ON THURSDAY 23<sup>RD</sup> SEPTEMBER  
2010**

**PRESENT:** County Councillor J. Holmes (Chairman)  
County Councillors P.J. Ashton, L.R.E. Davies, D.O. Evans, W.J. Evans, M.D. Hodges, M.J. Jones, Mrs. F.H. Jump, W.G. Lewis, E.T. Morgan, Mrs. C.E. Powell, Mrs, J.G. Shearer, J. Steadman and Mrs. B. Vaughan.

In attendance: County Councillor Gwyn Gwillim (Portfolio holder for Leisure and Recreation)

<b>1.</b>	<b>ELECTION OF VICE-CHAIRMAN</b>	<b>RW7 - 2010</b>
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**RESOLVED that County Councillor L.R.E. Davies be elected Vice-Chairman of the Rights of Way Committee for the ensuing year.**

<b>2.</b>	<b>APOLOGIES</b>	<b>RW8 - 2010</b>
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Apologies for absence were received from County Councillor D.E. Davies.

<b>3.</b>	<b>DECLARATIONS OF INTEREST</b>	<b>RW9 – 2010</b>
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County Councillor W.G. Lewis declared an interest in item 9 (Charging Policy: Public Path Orders) as he would be submitting an application for diversion of a footpath).

<b>4.</b>	<b>MINUTES</b>	<b>RW10 - 2010</b>
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The Chairman was authorised to sign the Minutes of the meeting held on the 25<sup>th</sup> March 2010 as a correct record subject to it being recorded that County Councillor L.R.E. Davies gave his apologies.

<b>5.</b>	<b>THE PRODUCTION OF A NEW DIGITAL CONSOLIDATED DEFINITIVE MAP &amp; STATEMENT OF PUBLIC RIGHTS OF WAY FOR MONTGOMERYSHIRE</b>	<b>RW11 - 2010</b>
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The Committee received for information the report of the Countryside Services Manager (copy filed with the signed minutes).

<b>6.</b>	<b>TRAINING NOTE – DEREGISTRATION AND EXCHANGE – REMOVAL OF COMMON LAND FROM THE REGISTERS</b>	<b>RW12 - 2010</b>
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The Committee received for information a training note upon the process of removing common land from the registers.

<b>7.</b>	<b>REMOVAL OF LAND FROM THE REGISTER – PART OF BCL 78</b>	<b>RW13 - 2010</b>
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The Committee considered the report of the Countryside Services Manager upon an application for the removal of part of Mynydd-y-Drum (BCL 78) from the Commons Register. Part of Mynydd-y-Drum Common had been acquired by Brecknockshire

County Council in the 1970s to construct the Abercrave to Onllwyn Link Road and this application was an administrative exercise to update the Register of Common Land to accurately reflect the current legal situation.

**RESOLVED** that the tract of approximately 9.92 Ha of land, being part of register unit number BCL 78, known as Mynydd-y-Drum, in the Communities of Tawe Uchaf & Ystradgynlais, Powys be removed from the Register of Common Land.

<b>8.</b>	<b>PUBLIC PATH ORDERS: WORKLOAD AND PRIORITISATION</b>	<b>RW14 - 2010</b>
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The Committee considered the report of the Countryside Services Manager (copy filed with the signed minutes).

It was noted that there was still significant backlog of public path order applications (144) and that this represented between 5 and 8 years work. Applications were prioritised according to the following broad categories (listed in order of priority):

1. Proposals where a public path order is necessary to allow for permitted development;
2. Proposals removing significant maintenance liabilities or those resolving immediate health and safety risks;
3. Proposals resolving longer-term, potential health and safety risks and those resulting in overall improvement to the rights of way network;
4. Proposals that are felt to be primarily in the interests of the applicant (but not related to permitted development).

**RESOLVED** that the Committee continues to support the officer prioritisation of the public path order workload, which uses the working method outlined in the report.

<b>9.</b>	<b>CHARGING POLICY: PUBLIC PATH ORDERS</b>	<b>RW15 - 2010</b>
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County Councillor W.G. Lewis, having declared an interest in this item, left the room and took no part in the decision.

The Committee considered the report of the Countryside Services Manager (copy filed with the signed minutes). A member/officer working group had met in September 2009 and in March 2010 to review the current charging policy. The group's recommendations for a revised policy framework were set out in the report.

**RESOLVED** that the Rights of Way Committee commends the report and its contents to the Portfolio Holder for consideration as adopted policy.

County Councillor L.R.E. Davies left the meeting at 12 noon. County Councillor W.G. Lewis returned.

10.	<b>RURAL TOURISM – CONSULTATION LETTER FROM WAG</b>	<b>RW16 - 2010</b>
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The Committee considered a letter from the Chairman of the Welsh Assembly Government's Rural Development Sub-Committee which was undertaking an inquiry into Rural Tourism in Wales.

The Portfolio Holder for Leisure and Recreation advised the Committee that tourism lay within the Regeneration portfolio and therefore his own input was minimal.

Several comments were made by Members which were noted.

**RESOLVED that the Countryside Services Manager draft a letter for the Chairman to respond to the consultation and copy the response to the Minister; also that the Countryside Services Manager produce a template and bullet points to assist Committee Members to comment as individuals.**

11.	<b>POWYS RESIDENTS TELEPHONE SURVEY 2009-10</b>	<b>RW17 - 2010</b>
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The Committee received a copy of the final report of the Powys Residents Survey 2009/10. It was noted that 74% of respondents were satisfied with the maintenance service for rights of way, and 10% who were neither satisfied nor dissatisfied.

12.	<b>PINS DIRECTION BACK LANE SUFFOLK &amp; PINS AWARD OF COSTS DECISION DEVON CC</b>	<b>RW18 - 2010</b>
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The Committee received for information copies of decision letters issued by DEFRA and the Planning Inspectorate (copies filed with the signed minutes) :

Wildlife and Countryside Act 1981: Section 53

Application for Direction under paragraph 3(2) of Schedule 14 by Theberton and Eastbridge Parish Council for an Order to modify the Definitive Map and Statement by adding a right of way to Back Lane, Eastbridge, Suffolk.

The Secretary of State has decided not to issue a direction to the Council

Wildlife and Countryside Act 1981, Schedule 15 (as amended) and the Local Government Act 1972, section 250(5)

Application for a full or partial award of costs against Berrynarbor Parish Council and/or Devon County Council.

The Inspector ordered Devon County Council to pay costs to the landowner and objector, due to the failure of the Council to demonstrate why its Rights of Way Committee had taken a decision to make an order contrary to its officers' recommendations and without clear reasons based in fact.

J.C. HOLMES  
Chairman

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Appendix E		2022/23 Proposed Charges		
Stage	Activity	Approximate officer time (hours)	Milage @ 0.45p per mile	Total cost for stage of application (£)
1	Initial site visit	4	£40.50	£252.66
2	Research into status and history of path and assessment of legal implications	1		£53.04
3	Preparation of documents for consultation	3		£159.12
4	Advice to the applicant to resolve queries and issues during consultation	1		£53.04
5	Review of final responses to consultation	2		£106.08
6	Drafting of Order and preparation of final Order Plan, instructions to Legal Services, drafting of public notice, advertising and service of notice on statutory consultees.	5.5		£291.72
7	Site visit to put up site notices of Making	2.5	£40.50	£173.10
8	Liaison with landowners and others to arrange for works on new route of path to be carried out (including provision of specifications for furniture etc)	2		£106.08
9	Site visit to inspect and certify works on diversion or creation route	2.5	£40.50	£173.10
10	Site visit to put up site notices of Confirmation	2.5	£40.50	£173.10
11	Confirmation of order: Drafting of order and public notice, service of notice on statutory consultees and advertising.	4		£212.16
<b>TOTAL COST:</b>				<b>£1,753.20</b>

**This does not include the newspaper advertising costs, which vary depending on the publication that must be used. It has been assumed that:**

- 1) Most site visits will be at least 45 miles each way from office base and where the mileage is less typically resolving issues and queries are more;
- 2) These costs are for an unopposed proposal, for which no report needs to be submitted to Rights of Way Committee under current delegated authority arrangements;
- 3) The officer time rate has been calculated at £53.04 per hour, to include overheads e.g. accommodation as well as wages; this is in line with full cost recovery as recommended by the 2015 Price Waterhouse Coopers report.

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**MINUTES OF A MEETING OF THE TAXI LICENSING SUB-COMMITTEE HELD AT  
BY TEAMS ON WEDNESDAY, 19 OCTOBER 2022**

PRESENT

County Councillor K Lewis (Chair)

County Councillors P James and C Kenyon-Wade

<b>1.</b>	<b>RESOLUTION TO EXCLUDE THE PUBLIC AND THE PRESS</b>
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**RESOLVED** that in accordance with Section 100(a)(4) of the Local Government Act 1972 the public and press were excluded from the meeting on the grounds that there would be disclosure to them of exempt information under Paragraphs 12 and 18 of Schedule 12a Part 7 of the above Act in respect of the following item[s].

<b>2.</b>	<b>APPLICATION FOR A HACKNEY CARRIAGE AND PRIVATE HIRE VEHICLE LICENCE</b>
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2.1. Sub-Committee procedures

The Chair introduced the Sub-Committee and its Clerk.

2.2. Application for a vehicle licence - VL/01/22

Applicant – VL/01/22

The Licensing Officer presented the licensing authority's position as outlined in the report [copy filed with the signed minutes].

The Sub-Committee noted the Council's policy that a vehicle first presented for licensing must be less than six years old (from date of first registration). In response to a question the Licensing Officer advised that each application should be judged on an individual basis and that if the Sub-Committee was minded to approve this application it would not be setting a precedent. The Licensing Officer advised that registration of vehicles older than six years at first registration could be allowed if the vehicle was in exceptional condition. He advised that as required under the policy the vehicle had been inspected by an inspector approved by the Licensing Authority at the applicant's expense. In addition, the vehicle had passed an MOT test. The Sub-Committee noted the exceptional condition and low mileage of the vehicle.

In response to a question regarding the duty of care to passengers the Solicitor advised that where councillors make a proper reasoned decision, they would not be liable in a court of law if anything should happen as a result of the decision. The Licensing Officer in response to a question regarding how the change in policy in 2018 was communicated to licence holders, he advised that he was not able to confirm that a paper copy of the new policy was posted to licence holders who did not use emails. He also advised that the rule change would have been referred to in the annual newsletter to licence holders.

The applicant advised that this was an oversight and he recalled a 10 year age rule for vehicles. The Licensing Officer advised the Sub-Committee that this rule related to school transport.

The Sub-Committee withdrew to consider, in private, the application and the evidence they had heard, with the support of the Clerk.

On their return the Chair announced their decision. In reaching the decision members took into account the relevant written and verbal representations.

<b>RESOLVED</b>	<b>Reason for decision</b>
<b>That the application for a vehicle licence made by VL/01/22 be approved.</b>	<b>The Sub-Committee took into account the exceptional condition of the vehicle, the low vehicle mileage, maintenance arrangements and the independent mechanics report and the Authority was unsure whether the change in policy regarding the age of vehicles was communicated by post in 2018 to VL/01/22.</b>

The Sub-Committee suggested that officers consider issuing the newsletter to the trade more frequently and that reminders about policies are included in these.

The Chair thanked all for attending.

**County Councillor K Lewis (Chair)**