

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2017/1236	Grid Ref:	316308.38 305645.95
Community Council:	Castle Caereinion	Valid Date:	Officer: 31/10/2017 Eddie Hrustanovic
Applicant:	A.N & D Davies & Sons Mr Ian Davies & Mr Gareth Davies Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL		
Location:	Tynllan Farm Castle Caereinion Welshpool Powys SY21 9AL		
Proposal:	Outline: Residential development of 9 dwellings with garages, new vehicular access, formation of estate road and all associated works/infrastructure (all matters reserved)		
Application Type:	Application for Outline Planning Permission		

The reason for Committee determination

The proposed development is a departure from the development plan and is recommended for approval.

Site Location and Description

The site subject to this application is immediately adjacent to the Castle Caereinion development boundary, however for the purposes of the Powys Unitary Development Plan (UDP) is defined as open countryside.

The site is located on the northern side of the village and it will be accessed off B4385 which runs through the village. The site is currently in agricultural use and it is adjacent to number of agricultural buildings, which will be removed in order to free up the space for the recently approved housing development for 5 dwellings (P/2016/1065). The surrounding land consists of both arable and improved pastureland with associated hedgerows. Several residential dwellings are situated to the west, south, and south east the site.

The current proposal seeks outline planning permission, with all matters reserved for future consideration including access (which will be created from the B4385 County Highway) of the site. A total of 9 dwellings are proposed (7 open market + 2 affordable units). The scheme is arranged in a cul-de-sac form as found on the existing residential estates within the village.

Indicative plan and the covering statement state that in terms of scale, it is proposed that each dwelling will be two storeys with either 3 or 4 bedrooms and in the order of 175-200m² floor space, with the exceptions of affordable units which will have a floor space up to 130m². Each dwelling will approximately measure 15m x 14m (length and width) with varying design features, while the heights would be between 4.5m up to 10m. Indicative plans also show sufficient gardens and amenity spaces between the each plot.

Consultee Response

Castle Caereinion CC

On review of the application, there is scope in the planning arrangement to have further phases of development beyond the initial application for 9 properties. As the community is keen to support development, can you request the Developer / Agent to issue supporting documents for further development phases. We are keen to keep our community safe, and about to undergo a large traffic calming programme within the village (supported by Norma Ledbetter of PCC) and we want to ensure all developments are sympathetic to our safety requirements within our community. We would like to know if there will be a consideration of affordable housing to assist young families to purchase homes within our community which will help to support our school; we would also like to know how the developer intends to ensure we have the highways infrastructure in place (pavements and roads) to support the development. As we feel both sets of queries require further supporting documents from the Agent / Developer, could you please grant an extension to this application whilst clarification is sought.

PCC - Highways

Wish the following recommendations/Observations be applied
Recommendations/Observations

Whilst the Highway Authority do not object to the principle of development, any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for the access.

Furthermore, full engineering drawings must be provided for the culvert under the access road and the storm water grate located in the verge. The indicative surface water attenuation system is not acceptable to the Highway Authority and a sustainable means of disposing of surface water will need to be submitted for consideration.

To ensure that adequate provision is made for highway access onto the County Highway to serve the approved development in accordance with policies GP1 and GP4 of the Powys Unitary Development Plan.

PCC - Building Control

Building Regulations application required.

Wales & West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Severn Trent

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

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

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

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

Severn Trent Water advise that there is a public sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

PCC - Environmental Health

I have no objection to the application if its connected to mains drainage.

PCC – Ecologist

Ecological Topic		Observations
EIA Screening Opinion needed?	No	The site area is understood to be 0.98 hectares and includes up to 9 dwellings. Therefore, it is not considered to meet or exceed the thresholds of the Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017 for the screening of dwelling house developments for EIA since it does not exceed five hectares; include more than 150 dwellings; or include more than one hectare of urban development that is not a dwelling house development.
Ecological Information included with	Yes	An Ecological Statement summarising the ecological surveys and mitigation proposals that have so far been agreed at the site has been submitted with the application by Ian Pryce Property Services. Ecological survey effort so far has included an extended Phase 1

<p>application?</p>		<p>habitat survey (Churton Ecology, September 2015) and subsequent Great Crested Newt surveys by Jon Sloan Ecological Consultants (August 2016 & July 2017). These observations are also based on an interpretation of available aerial and street imagery, the submitted ecological information, plans and planning statement and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.</p> <p>The proposal appears to be located in an agricultural field. The site is bounded by hedgerows to the north-east and south-west and it appears that the existing access provision would be used to accommodate site access. A housing development with planning permission granted is located immediately to the south (P/2016/1065). There does not appear to be any requirement for additional hedgerow or tree removal as part of this application, but there does appear to be some vegetation within the existing farmyard area that would be removed for the development. The existing boundary hedgerow appears to be indicated as being retained on the proposed block plan (ref: SK.001, dated September 2017). The same plan also indicates that new native hedgerow and tree planting is proposed within the development.</p>
<p>Protected Species & Habitats¹</p>	<p>European Species <input checked="" type="checkbox"/></p>	<p>Within 1km of the site there historical records of unknown bat species (within 208m), pipistrelle bat species (within 335m) and Great Crested Newt (within 116m).</p> <p>There would not appear to be any loss of potential bat roost features for the proposals. However, the boundary hedgerow and trees are likely to provide a high value ecological habitat for a range of wildlife, including bats (a European Protected Species) and should therefore be protected from damage during the works in accordance with BS5837:2012.</p> <p>I also recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the boundary hedgerow to the north-east of the site for foraging/roosting.</p> <p>With regards to Great Crested Newts, which have been confirmed as breeding immediately adjacent to the site, a European Protected Species licence will be required from Natural Resources Wales prior to commencement of development. In their consultation response (ref: CAS-46753-T4D8), NRW have advised that no development shall take place until the local Great Crested Newt population has been safely translocated to the receptor site and a Detailed Conservation Plan and Mitigation Strategy has been submitted and approved by the Local Planning Authority. This information should be based on the recommendations provided in the Jon Sloan ecology reports that have been submitted as part of the Ecology</p>

¹ Species records within 1km (minimum).

		Statement provided by Ian Pryce Property Services.
	UK Species <input checked="" type="checkbox"/>	<p>In addition to the species identified above, within 1km of the site there historical records of Badger (within 177m), Common Lizard (within 496m) and various breeding bird species including House Sparrow and Starling (within 115m).</p> <p>Nesting birds may use the hedgerows that border the proposed site and vegetation/buildings within the farm yard area. I recommend that any vegetation/site clearance works that are required to accommodate the proposed development are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works commencing.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles during any vegetation/site clearance required to facilitate the development, particularly the field margins and farm yard area. Suitable mitigation should also be provided to offset any losses of suitable reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>Based on the previous ecological information and current plans submitted no other nationally protected species would appear likely to be adversely affected by the proposals.</p>
	Section 7 Species & Habitats <input checked="" type="checkbox"/>	<p>The applicant should be mindful that, in accordance with Powys County Council's duty under Section 7 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity SPG, as part of the planning process PCC should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.</p> <p>In addition to the species identified above, within 1km of the site there historical records of Hedgehog (within 244m), Hare (within 247m) and Polecat (within 839m).</p> <p>Hedgehogs could be present within the field margins and overgrown areas within the farmyard. It is therefore recommended that reasonable avoidance measures applied during site clearance to prevent impacts upon the local reptile population (discussed above) are extended to consider hedgehogs and other small mammals.</p> <p>Hedgerows are a Section 7 priority habitat and those bordering the site should therefore be protected during the works in accordance with BS5837:2012. The proposed new hedgerow and tree planting within the site is welcomed as a site biodiversity enhancement and should consist of a native, locally-occurring species mix to be</p>

		<p>approved by the LPA prior to commencement of the works.</p> <p>I also recommend that woodcrete bird and bat boxes for Section 7 and LBAP-listed species are incorporated within the proposals to enhance the habitat available at the site for these features. Bird boxes should be appropriate for use by House Sparrow, Starling and House Martin.</p>
	<p>LBAP Species & Habitats <input checked="" type="checkbox"/></p>	<p>Please see my observations above regarding bats, great crested newts, hedgerows, reptiles, nesting birds and small mammals.</p>
Protected Sites	<p>International Sites (within 1km) <input type="checkbox"/></p>	<p>There are no international nature conservation sites within 1km.</p>
	<p>National Sites (within 1km) <input type="checkbox"/></p>	<p>There are no national nature conservation sites within 1km.</p>
	<p>Local Sites (within 500m) <input type="checkbox"/></p>	<p>There are no local nature conservation sites within 1km.</p>
Invasive Non-Native Species	No	<p>The presence of invasive, non-native species does not appear to have been detected from the ecological surveys completed so far.</p>
Recommendations		<p>The boundary hedgerow and trees are likely to provide a high value ecological habitat for a range of wildlife, including bats (a European Protected Species) and should therefore be protected from damage during the works in accordance with BS5837:2012.</p> <p>I recommend that a sensitive lighting scheme is implemented to avoid adverse impacts on any nocturnal wildlife, such as bats, that may use the boundary hedgerow to the north-east of the site for foraging/roosting.</p> <p>A European Protected Species licence will be required from Natural Resources Wales prior to commencement of development. In their consultation response (ref: CAS-46753-T4D8), NRW have advised that no development shall take place until the local Great Crested Newt population has been safely translocated to the receptor site and a Detailed Conservation Plan and Mitigation Strategy has been submitted and approved by the Local Planning Authority. This information should be based on the framework provided in the Jon Sloan ecology reports that have been submitted as part of the Ecology Statement provided by Ian Pryce Property Services.</p> <p>I recommend that any vegetation/site clearance works that are required to accommodate the proposed development are timed to avoid the bird nesting season (generally March to August inclusive). If work that could destroy bird nesting habitat is to proceed in the bird nesting season, a suitably-experienced ecologist should check for active bird nests immediately in advance of the works</p>

	<p>commencing.</p> <p>It is recommended that reasonable avoidance measures, including ecological supervision, are employed to prevent potential harm to reptiles and small animals during any vegetation/site clearance required to facilitate the development, particularly the field margins and farm yard area. Suitable mitigation should also be provided to offset any losses of suitable reptile habitat and shown in a proposed landscape design drawing. Such measures should be agreed with the LPA prior to commencement of works.</p> <p>The proposed new hedgerow and tree planting within the site is welcomed as a site biodiversity enhancement and should consist of a native, locally-occurring species mix to be approved by the LPA prior to commencement of the works.</p> <p>I also recommend that woodcrete bird and bat boxes for Section 7 and LBAP-listed species are incorporated within the proposals to enhance the habitat available at the site for these features. Bird boxes should be appropriate for use by House Sparrow, Starling and House Martin.</p>
<p>Further information required prior to determination of application</p>	<p>N/A</p>
<p>Recommended Conditions</p>	<p>Should you be minded to approve this application, I recommend the inclusion of the following conditions:</p> <p><i>The work shall not commence until the LPA has been provided with a licence for Great Crested Newts that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 55 of the Conservation of Habitat and Species Regulations (2017) authorising the specified work, or a letter provided by Natural Resources Wales informing the applicant that such licence is not required.</i></p> <p><u>Reason:</u> To comply with Powys County Council’s UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), Welsh Governments TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.</p> <p><i>The work shall not commence until a Detailed Conservation Plan and Mitigation Strategy, in accordance with the framework provided in the Jon Sloan ecology reports dated August 2016 and July 2017 submitted as part of the Ecology Statement provided by Ian Pryce Property Services, has been submitted and approved by the Local Planning Authority, and it has been confirmed in writing to the Local Planning Authority by the licensed ecologist that the local Great Crested Newt population has been safely translocated to the receptor site.</i></p>

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), Welsh Governments TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.

Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the scheme details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Prior to commencement of development, a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long term retention.

Reason: To comply with Powys County Council's UDP Policies SP3

and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.

Informatives

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

EPS Licence Required

A European Protected Species (EPS) licence is required in support of this development. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt;
or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

	All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.
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PCC – Contaminated Land Officer

In relation to Planning Application P/2017/1236, the following advice is provided for the consideration of Development Control. The application proposal is for a residential development at Tynllan Farm. 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. The current ordnance survey (OS) maps confirm the presence of a 'Slurry Pit' within the application boundary.

Furthermore, historic OS maps identify the presence of an area of unknown filled ground located within 30 metres of the application site boundary. The area of unknown filled ground could be a potential source of land contamination depending on the type and nature of the materials that have been deposited as fill.

Paragraph 13.5.1, of Chapter 13 'Minimising and Managing Environmental Risks and Pollution', of the Welsh Government document 'Planning Policy Wales' (2016) advises: "responsibility for determining the extent and effects of instability or other risks remains that of 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".

However, no information in respect of the potential risks to the proposed development, associated with the presence of land contamination, has been submitted in support of Planning Application P/2017/1236. Based on the available information, it is recommended that the following Condition and Note, to the applicant, are attached to any permission granted for Planning Application P/2017/1236:

Condition A

Condition 1. Preliminary Investigation

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

The report of the findings shall include:

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

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

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

Condition 2. Site Characterisation

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

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

Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

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

Condition 4. Implementation of Approved Remediation Scheme

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

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

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

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

Condition 5. Long Term Monitoring and Maintenance

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

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

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

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

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

NRW – Ecology

Thank you for consulting Natural Resources Wales (email dated 10/11/2017) regarding the above. We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

Summary of Conditions

Condition 1 – GCN: Inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead, or Natural Resources Wales has informed the applicant that such a licence is not required.

Condition 2 - GCN: No development shall take place until the local Great Crested Newt population has been safely translocated to the receptor site and a detailed Mitigation plan and Conservation Strategy has been submitted and approved in writing by the local planning authority.

Protected Species – GCN

The proposal will lead to the destruction of a GCN breeding site and resting places at this site and will, therefore, require a licence.

Condition 1 – GCN: Inclusion of a planning condition to any planning permission that prevents the commencement of development works until your authority has been provided with a licence that has been issued to the applicant by Natural Resources Wales pursuant to Regulation 53 of the Conservation of Habitats and Species Regulations (2010) authorizing the specified activity/development to go ahead, or Natural Resources Wales has informed the applicant that such a licence is not required.

However, the ecological reports by Churton Ecology and Jon Sloan included in the Ecological Statement by Ian Pryce Property Services, provide sufficient information to allow you to establish that the proposal will not be detrimental to the maintenance of the favourable conservation status of any great crested newt population in the area, provided a conservation strategy is developed and implemented in accordance with the framework in Jon Sloan's reports. This is to include details of an appropriate translocation plan which will need to be carry out under NRW license and completed prior to commencement of development on site.

Condition 2 - GCN: No development shall take place until the local Great Crested Newt population has been safely translocated to the receptor site and a detailed Mitigation plan and Conservation Strategy has been submitted and approved in writing by the local planning authority.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

Foul Drainage

There is no clear indication of the proposed method of foul water disposal at this stage, however we note that block plan drawing SK001 highlights the presence of a foul water main line near the proposal and we would therefore expect a connection can be made in line with current government policy.

Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non mains sewerage.

The applicant will need to apply for a Permit or Exemption, if they wish to discharge anything apart from uncontaminated surface water to a watercourse/ditch. They may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground. They must obtain any necessary Permit prior to works starting on site. The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step guide to registering, is available on our website <https://naturalresources.wales/permits-and-permissions/water-discharges/?lang=en>

Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on

our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

CPAT

Thank you for the consultation on this application. Having checked the location against information held within the Historic Environment Record, including old OS mapping, NRW LiDAR data and aerial photography, I can confirm that there are no archaeological implications for the proposed development at this location.

Representations

None received

Planning History

P/2017/0821 - Full: Engineering operations to remove a former slurry pond to enable the re-profiling and reinstatement of the agricultural field. Approved

P/2016/1065 - Residential development of 5 dwellings with garages (to include 1 affordable), demolition of agricultural buildings and improvements to existing vehicular access. Approved

M/2006/0171 - Conversion and extension of a redundant farm building to form a residential dwelling, construction of a garage and formation of vehicular access at Tynllan Farm. Approved

M/2006/0170 - Conversion and extension of two redundant farm buildings to form 5 residential dwellings and construction of detached garage buildings with formation of vehicular access at Tynllan Farm. Approved

M/2006/0169 - Residential development comprising of 22 dwellings, formation of vehicular access and associated works at Tynllan Farm.

Principal Planning Constraints

None

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)

TAN 1 - Joint Housing Land Availability Studies (2015)

TAN 2 - Planning and Affordable Housing (2006)

TAN 5 - Nature Conservation and Planning (2009)

TAN 6 - Planning for Sustainable Rural Communities (2010)

TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities
UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV14 - Listed Buildings
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP TR2 - Tourist Attractions

Powys Residential Design Guide

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

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

Members are advised to consider this application 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.

Principle of Development

For the purposes of the Powys Unitary Development Plan, the site subject to this application lies within the open countryside. On this basis, the proposal constitutes a departure from the adopted Powys Unitary Development Plan.

Members are advised that a decision to approve a departure can only be made where other material considerations outweigh the provisions of the development plan. Such material considerations include Planning Policy Wales (2016) and UDP policy HP3, which require the Local Planning Authority to ensure that sufficient land is genuinely available or will become available to provide a 5-year supply of land for housing.

Housing land supply

The Powys JHLAS (2016) provides information on land availability and indicates a land supply of 2.2 years (as of 01/04/2016). Whilst it is anticipated that the new local development plan will allocate land for residential development to address the shortfall in supply, the current figure is below the supply required by Planning Policy Wales and the adopted Unitary Development Plan. Officers acknowledge that a number of departures have recently been justified and permitted on the grounds of housing land supply. Whilst it is accepted that these permissions will contribute to the supply of housing, based upon current evidence, the housing land supply within Powys remains below the 5 year supply as required by planning policy. As such, Members are advised that considerable weight needs to be given to this undersupply in considering proposals for new residential development as exceptions to normal housing policies.

Although located in the open countryside, the site adjoins the settlement development boundary of Castle Caereinion (defined as a small village within the current UDP). Castle Caereinion benefits from a school, shop, village hall and public house and benefits from public transport links to Welshpool, which is located 3.9 miles to the east of the site. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainability

When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

In considering the proposed development, Members are asked to consider whether this location is regarded as a sustainable location for new residential development. Although located in the open countryside, the site adjoins the settlement development boundary of Castle Caereinion (currently defined as a small village within the UDP, however its status has been upgraded to a large village in the emerging LDP). Castle Caereinion benefits from a school, shop, village hall and public house and benefits from public transport links to Welshpool, which is located 3.9 miles to the east of the site. Given the noted proximity, future occupiers would have good access to existing facilities and amenities and also connections to further services and the wider area through public transport services.

Castle Caereinion had allocated site M114 HA1 - Land adjacent Tynllan (0.45Ha.) which contains 22 dwellings. No further allocations are proposed within emerging LDP allocation for the village.

However it is important to note that the village has recently gained several outline consents;

P/2016/1065 - Residential development of 5 dwellings with garages (to include 1 affordable), demolition of agricultural buildings and improvements to existing vehicular access on land adjacent to the current application site. It is important to note that the site was wholly within the designated settlement boundary.

While the following applications were considered as departures and approved my Members;

P/2016/0892 - Outline: Residential development and creation of vehicular access (5 dwellings). Approved.

P/2016/0893 - Outline: Residential development and creation of vehicular access (5 dwellings). Approved.

P/2016/0959 – Outline: Erection of 5 no dwellings with some matters reserved.

Currently pending there is also an application on one of the above sites to increase the number from 5 dwellings to 12 dwellings.

Whilst Castle Caereinion is currently classified as a small village within the UDP currently and UDP Policy HP4 indicates that the capacity of small villages is generally sites up to 5 dwellings, it is noted that the direction of travel in the LDP is that Castle Caereinion is proposed to be upgraded to a large village although without any further housing allocations, only providing for appropriate infill or affordable housing. Whilst the site is well related to Castle Caereinion consideration should be given to the overall level of growth for the settlement and the services that are available.

Overall, taking all the above factors into account, Officers consider that on balance the proposed additional residential development in this location could accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Siting, Design and External Appearance

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

The proposed development is for up to nine dwellings, two of which are to be secured as affordable dwellings. The affordable dwellings are to be a maximum floor space of 130m². This application is in outline form with appearance, landscaping, layout and scale being reserved for future consideration. The indicative site layout details a cul-de-sac formation, consistent with the surrounding built form, whilst the scale of the proposed dwellings are considered to be in keeping with those adjoining the site.

Although Officers acknowledge that matters relating to appearance, layout and scale have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating nine dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties compliant with UDP policies SP5, GP1, GP3, ENV2 and HP5.

Residential Amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The proposed site is immediately opposite the existing dwellings located on the adjacent residential estate known as Tan y Castell. However given the distances between the properties and intervening land between the properties, the officers consider that there would be sufficient separation between the properties not to cause amenity issues between the residents of both sites.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to the proposed site, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

Taking into account the character of existing development in the locality, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Landscape Impact

Policy ENV2 of the Powys Unitary Development Plan seeks to ensure that proposed development will not have an unacceptable adverse impact upon the Powys Landscape. Development proposals should be design in a way to be sensitive to the character and appearance of the surrounding area and landscape.

The proposed site currently forms agricultural land used for the purposes of grazing and is located directly adjacent to the existing settlement and the former farm holding. The proposed site is considered to be well associated with the existing settlement adjacent to existing dwellings and the proposed development would not result in a significant adverse impact upon the landscape or the character and appearance of the surrounding area.

Highway Safety and Movement

UDP policy GP4 indicates that planning permission will be dependent upon adequate provision for access including visibility, turning and parking.

As part of this application process the relevant highways authorities have been consulted. This outline application is only considering the principle of residential development on the site with all matters reserved including the access. Although the access has been shown for indicative purposes Powys Highway Authority have confirmed that they do not object to the principle of development, any detailed application should include full access details which should include visibility splays, access surfacing, radii, width, gradient and drainage for the access. Furthermore, full engineering drawings must be provided for the culvert under the access road and the storm water grate located in the verge. The indicative surface water attenuation system would be not acceptable to the Highway Authority and a sustainable means of disposing of surface water will need to be submitted for consideration.

In light of the comments received it is considered that the proposed development could comply with provisions of Policy GP4 of the Powys Unitary Development Plan 2010 at the reserved matters stage.

Impact on biodiversity

Policy ENV3 and ENV7 seek to protect biodiversity and protected species and habitats from harmful development. The proposed development would result in the loss of an area of approximately 0.98ha of agricultural land. No negative comments were made by County Ecologist or NRW with respect to the ecology of the site.

Having taken the consultations into account it is considered that, subject to suggested conditions by the County Ecologist and NRW, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy. Therefore, on the basis of this advice, it is recommended that any consent

should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3 and ENV7.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is not designated within grades 1, 2 and 3a. Predictive Agricultural Land Classification (ALC) Map indicates that the land at this location is designated as 3b (Moderate quality agricultural land) and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Foul and surface water disposal

Policy DC10 (Mains Sewerage Treatment) requires that development are adequately served by the public foul sewerage system, while the policy DC13 deals with surface water drainage.

The application states that the proposed development would utilise the existing mains sewerage system. Following consultation with Severn Trent Water and Powys Environmental Health which raised no objections to the scheme, and as such it is considered that there are no reasons that foul sewerage and surface water disposal cannot be acceptably accommodated as the part of the scheme. A condition requiring these details to be submitted and approved by the Council prior to construction will ensure adequate control over these measures in accordance with UDP Policy DC10 and DC13.

In light of the above observations, Development Management considers the proposed development to be in accordance with policy DC10 of the Powys UDP.

Welsh Language and Culture

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. Technical Advice Note 20: Planning and the Welsh Language provides further advice on how the planning system considers the implications of the Welsh Language. Within the Powys UDP policy GP5 identifies settlements where the Welsh Language is important to the social, cultural and community fabric of the area. Whilst Castle Caereion has not been identified as one of these areas it is considered that the Welsh Language is a material consideration across the County.

In the 2011 census it was indicated that in Castle Caereion 15% of the population spoke Welsh, while in 2001 census 17% of the population spoke Welsh. This indicates a decrease of 2%. However consideration should be given to the fact that the percentage of Welsh speakers in the 3 – 15 age group has increased by 12.7% from the 2001 census.

The scheme proposes one affordable unit and it is considered that the provision of affordable dwelling helps mitigate against the impact of a development on the Welsh language, the affordable dwelling provision and the contribution of four open market dwellings make to the lack of a five year housing supply are given considerable weight.

It is considered that the introduction of 9 dwellings in total will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten local facilities or force sections of the population away from these facilities.

It is also considered that there is an intrinsic link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence this aids in retaining those residents and helps mitigate against the impact of a development on the Welsh language, the applicant has highlighted that the provision of affordable housing will be two in this instance.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

Therefore, given that two of the dwellings will be limited by condition as an affordable units, which is considered an appropriate level of affordable homes for the proposal, it is concluded that the development would assist in contributing to the well-being of the Welsh language in Powys.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

With regard to the developments impact on schools, given the scale of the proposed development, the impact on nearby schools is considered to be minimal. No adverse or positive impact can therefore be identified in relation to the balance between Welsh-speaking and non-welsh speaking students.

In relation to impact on health care provision, given the scale of the proposed development, the impact on health care provision is also considered to be minimal. No adverse or positive impact can therefore be identified in relation to Welsh medium services.

With regard to social tensions, conflict or divisions, given the scale of the proposed development, it is not considered that the proposal would have a significant uneven effect on different parts of the local community, which would potentially advantage some groups and disadvantage others. No evidence has been identified that the proposed development would violate traditional values of certain parts of the community.

RECOMMENDATION

Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception

to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions.

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced

5. The affordable dwelling shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

6. Upon the submission of the reserved matters referred to in conditions 1 and 2 a reserved matters application shall include full access details, visibility splays, access surfacing, radii, width, gradient, drainage for the access, details for the culvert under the access road and the storm water grate located in the verge.

7. The work shall not commence until a Detailed Conservation Plan and Mitigation Strategy, in accordance with the framework provided in the Jon Sloan ecology reports dated August 2016 and July 2017 submitted as part of the Ecology Statement provided by Ian Pryce Property Services, has been submitted and approved by the Local Planning Authority,

and it has been confirmed in writing to the Local Planning Authority by the licensed ecologist that the local Great Crested Newt population has been safely translocated to the receptor site.

8. Prior to commencement of development, a Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.

9. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the scheme details.

10. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

11. Prior to commencement of development, a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification - the species, sizes and planting densities - and a timetable for implementation and future management to ensure good establishment and long term retention.

12. Prior to commencement of development, a reptile and small animal Reasonable Avoidance Method Statement shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

13. An investigation and risk assessment, in addition to any assessment provided with the planning application, shall be completed prior to the commencement of development. The contents of the scheme are subject to the approval in writing of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons (a contaminated land specialist with proven experience within the contaminated land industry) and a written report of the findings must be produced. The written report is subject to the approval in writing of the Local Planning Authority. The report of the findings must include:

(i) a survey of the extent, scale and nature of contamination;

(ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archaeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

This shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of land affected by contamination: a guide for developers' 2012. Item (iii) above

should not be submitted until written approval has been obtained from the Local Planning Authority for items (i) & (ii).

14. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be completed prior to the commencement, and is subject to the approval in writing of the Local Planning Authority. The scheme shall include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990, The Contaminated Land (Wales) Regulations 2001 in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for the above condition has been received from the Local Planning Authority.

15. The approved remediation scheme shall be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works. Following completion of measures identified in the approved remediation scheme, a verification report (referred to in PPS23 as a validation report) that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the Local Planning Authority. The verification report contents shall be agreed with the Local Planning Authority before commencement of the remediation scheme.

16. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it shall be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 16, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 17, which is subject to the approval in writing of the Local Planning Authority. Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with the above conditions.

17. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the Local Planning Authority and the provision of reports on the same shall be prepared, both of which are subject to the approval in writing of the Local Planning Authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the Local Planning Authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

18. The development hereby permitted must be served by the public foul sewerage system (mains) prior to the occupation of any of the units.

19. No development shall commence until details of a scheme for the disposal of foul and surface water has been submitted to and agreed in writing by the local planning

authority. The scheme shall be implemented in accordance with the approved details prior to the first occupation of the dwellings hereby permitted and retained in perpetuity.

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
5. In order to ensure that the dwellings serve an affordable need in perpetuity in accordance with the Affordable Housing for Local Needs Supplementary Planning Guidance (SPG) (July 2011), Policies HP7 and HP10 of the Powys Unitary Development Plan (2010) and Planning Policy Wales (2016).
6. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
7. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), Welsh Governments TAN 5: Nature Conservation and Planning and the Environment (Wales) Act 2016.
8. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and the NERC Act 2006.
9. To comply with Powys County Council's UDP Policies SP3, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.
10. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
11. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1, Section 6 of the Environment (Wales) Act 2016.
12. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV7 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh Government strategies, and the Environment (Wales) Act 2016.
13. 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 DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).
14. 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 DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

15. 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 DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

16. 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 DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

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 DC15 of the Powys Unitary Development Plan (March 2010) and Planning Policy Wales (2016).

18. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.

19. To ensure that development is served by the public system in accordance with policy DC10 of the Powys Unitary Development Plan.

Informative Notes

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

EPS Licence Required

A European Protected Species (EPS) licence is required in support of this development. Where an offence under Regulation 43 of the Habitat and Species Regulations 2017 is likely to occur in respect of this permission hereby granted, no works of site clearance, demolition or construction shall take place which are likely to impact on Great Crested Newts unless a licence to affect such species has been granted in accordance with the aforementioned Regulations and a copy thereof has been submitted to the local planning authority.

Great Crested Newts – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Great Crested Newts are known to be present in the vicinity of the proposed development site. The great crested newt is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

- Deliberately capture, injure or kill a great crested newt;
- Deliberately disturb a great crested newt in such a way as to be likely to significantly affect the local distribution, abundance or the ability of any significant group of great crested newts to survive, breed, rear or nurture their young;
- Damage or destroy a great crested newt breeding site or resting place;
- Intentionally or recklessly disturb a great crested newt; or
- Intentionally or recklessly obstruct access to a breeding site or resting place.

If a great crested newt is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. This advice may include that a European protected species licence is sought.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

All UK native reptile species are protected by law. The Wildlife & Countryside Act 1981 (and later amendments) provides the legal framework for this protection.

The more widespread and common reptile species, namely common lizard, slow-worm, grass snake, and adder are protected against deliberate or reckless killing and injury

All species of reptile are priority species in the UK BAP and have been adopted on the Section 7 list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales, under the Environment (Wales) Act 2016.

Case Officer: Eddie Hrustanovic- Swyddog Cynllunio / Planning Officer
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