

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	P/2018/0587	Grid Ref:	315781.85 294091.63
Community Council:	Abermule with Llandyssil	Valid Date:	Officer: 06/06/2018 Tamsin Law
Applicant:	Powys County Council		
Location:	Abermule Business Park, Abermule, Powys		
Proposal:	Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application has been submitted by Powys County Council.

Site Location and Description

The application site is located partially within and outside the development boundary of Abermule as defined by the Powys Local Development Plan 2018.

The application site is accessed through an existing access from the B4386 which leads from the A483 trunk road to Abermule. The site is bound to the north by the B4386, the east and south by a railway line and the west by agricultural land and the A483.

The application has been submitted as a hybrid application with one part of the scheme being considered in full and one part being considered in outline with all matters reserved.

Full planning permission is sought for the construction of a recycling bulking facility to allow the bulking of paper, cardboard, cans, glass and plastic bottles. The proposed bulking facility is located on the south-western part of the site. The facility will also incorporate an area for the collection of green/food waste. The proposed development will provide 33 staff parking spaces along with 25 spaces for refuse vehicles. Facilities are also provided for the re-fuelling and cleaning of vehicles. The site will be operational from 07:00 to 18:00.

The proposed building will measure approximately 48.4 metres in length, 34 metres in width with a maximum height of 13.4 metres. A single storey element is located on the south eastern elevation which measure approximately 34 metres in length, 6.4 metres in depth, with a maximum height of 6.7 metres. This will provide approximately 1863 square metres of floorspace. The building will be of a steel portal construction finished in matt black plastic coated profile steel sheeting and render for the walls and matt black plastic coated profile steel sheeting for the roof. Windows and doors will be finished in black framed to match the

walls. The site will be finished with 2.4 metre high black powder coated steel palisade fencing and an 8 metre wide entrance gate at the access to the bulking site.

Outline planning permission is sought for the construction of 6 units for B1 (Business), B2 (General Industrial) and B8 (Storage or distribution) on the site. The proposed units would be located on the north-eastern section of the site. All matters are reserved for future consideration. The parameters for the buildings are as follows;

Proposed units (sq.m)	Min-Max Ridge height (m)	Min-Max Eaves height (m)	Min-Max Width (m)	Min-Max Depth (m)
Unit 1 (1,000)	6.0 – 7.0	3.0 – 4.0	22.0 – 26.0	35.0 – 42.0
Unit 2 (200)	4.5 – 5.9	3.0 – 4.0	7.5 – 12.0	15.0 – 22.0
Unit 3 (150)	4.5 – 5.5	3.0 – 3.6	7.5 – 12.0	12.0 – 20.0
Unit 4 (250)	4.5 – 5.9	3.0 – 4.0	7.5 – 12.0	20.0 – 30.0
Unit 5 (150)	4.5 – 5.5	3.0 – 3.6	7.5 – 12.0	12.0 – 20.0
Unit 6 (150)	4.5 – 5.5	3.0 – 3.6	7.5 – 12.0	12.0 – 20.0

The area of land to the south west of the development is utilised for the creation of surface water compensation. This section of land has been submitted in full and lies outside the development boundary of Abermule, although it does immediately adjoin the development boundary.

The application also seeks consent to improve an existing agricultural access on to the A483 trunk road.

Consultee Response

Abermule with Llandyssil Community Council

The Community Council has met and discussed this application and has the following comments

- Concern was shown that this site had a B1 designation, no application can be seen in relation to change of use to have additional usage of B2 and B8.
- Whilst flooding of the site has been explained it does not appear that consideration has been given to the water displacement possibly affecting the dwellings at Cwrt Close.
- Concern was shown that the reliance on the natural topography i.e. trees, railway embankment and vegetation to prevent noise carrying to Cwrt Close and the village is insufficient, bearing in mind it was found necessary to erect sound baffle at other sites for all the outside noise.
- Also concern was shown as to the visual impact, being comforted by such an overpowering large building on the entrance to the village of the A483, this will be detrimental to the local community and tourism in the area.
- If this application proceeds, would the applicant consider consulting with the Community Council before deciding on the external colour scheme for their buildings

PCC - Highways

1st Response

The County Council as Highway Authority for the County Class II Highway, B4386

Wish the following recommendations/Observations be applied
Recommendations/Observations

Full Application – Proposed recycling bulking facility and associated works

Prior to the first beneficial use of the development, a bus shelter and all associated works shall be constructed alongside the bus layby on the B4386. The specification of which is to be agreed in writing with the Local Planning Authority.

HC1 Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 50 cars and 25 heavy goods vehicles together with all operational access routes within the site such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Outline Application – Erection of business units (B1/B2/B8) and all associated works

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 all accesses. Furthermore, the parking arrangements should comply with the CSS Parking Standards for both operational and non-operational elements.

2nd Response

The County Council as Highway Authority for the County Class II Highway, B4386

Wish the following recommendations/Observations be applied
Recommendations/Observations

We have reviewed the revised Transport Statement in relation to the proposed number of Non Operational parking bays to be provided and the rationale for the reduction from the original submission.

The proposed number of Non Operational parking bays are in accordance with the CSS Wales Parking Standards for a comparatively sized premise of the B8 business classification (being the closest comparable use). Therefore, the Highway Authority wish to replace Condition HC8 from our previous response dated 26th June 2018, with the following condition.

HC8 Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 33 cars and 25 heavy goods vehicles together with all operational access routes within the site such that all vehicles serving the site may both enter and leave the site in a forward gear.

The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Wales & West Utilities

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales & West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, syphons, stub connections, etc., are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note that the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

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.

There is a pumping station close to the site and any new development must not restrict our access to the Sewage Pumping Station (SPS). We will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.

To help us provide an efficient response please could you send all responses to welshplanning@severntrent.co.uk rather than to named individuals, including the STW ref within the email/subject.

PCC - Environmental Health

1st Response

Re: Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works.

Noise impact assessment

There are two components to consider: the noise generated by the recycling bulking facility on its own, and the cumulative impact once the recycling bulking facility and all the other business units are in operation at the same time.

The noise impact assessment has demonstrated that, by incorporating design features and mitigation measures, noise emissions from the recycling bulking facility are considered unlikely to cause adverse impacts on residential amenity or human health.

At this stage it is not known what the eventual uses of the business units will be and they will be subject to further approval at a later date. The types of business which can operate within use classes B1/B2/B8 have the potential to generate noise. The noise assessment (section 4.2), together with information contained in the Technical Note, outlines the range of potential noise emissions from the business units that would still be considered acceptable when combined with noise from the recycling bulking facility. This shows that the bulking recycling facility will not be so loud as to preclude any further development in the vicinity, and that the typical acceptable noise emission limits from the business units are considered to be achievable. However, this will need to be demonstrated by any future business prior to its use of the site.

Therefore, I would recommend the following condition:

Condition: Prior to occupation of the business/employments units on the development, an impact assessment will be submitted to and approved by the Council to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.

Reason: To comply with Powys County Council Local Development Plan policy DM13 'Design and Resources'.

Information: The assessment applies to the business units consented with matters reserved. The assessment should have regard to the existing noise impact assessment information and recommendations contained in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1 dated June 2018.

2nd Response

Odour

As a recycling bulking facility, the application does not give cause for concerns in respect of odour emissions. The majority of materials will be dealt with inside the building. There will be green/food waste at the site but this will be stored in sealed skips to contain any odours.

PCC - Contaminated Land

The following report has been submitted in support of planning application P/2018/0587:

Arcadis 'Abermule Business Park – Phase 1 Geo-Environmental Desk Study for Powys County Council' (Report No: 0001-UA006590-26-UP32R-01) December 2017.

Based on the information submitted in the above referenced document, the following advice is provided for the consideration of Development Control.

Advice

1. Under section 3.2 'Radon', of the above referenced report, it is stated: "The Site is located within an intermediate probability radon area (5 to 10% of homes are estimated to be at or above the action level). The BRE211 guidance document [...] indicates that basic radon protection measures should be considered for all new developments on this Site. It is recommended that the level of protection required is confirmed with the Local Authority Building Control Department [...]."

It is recommended that Development Control consult with Building Control to confirm the requirements for Radon protection measures in the proposed development.

2. Section 8.2 'Recommendations', of the above referenced report, states: "It is [...] recommended that an intrusive investigation of the Site is carried out to better characterise the potential risk levels and establish a land quality baseline for the Site which can be used in the planning application process."

A detailed scope of works for the proposed intrusive investigation should be submitted for review and approval, prior to the works being undertaken.

Furthermore, the detailed scope of works should be prepared by a qualified and experienced environmental consultant, and in accordance with current guidance and best practice, such as BS10175:2011+A1:2013 'Investigation of Potentially Contaminated Sites – Code of Practice'.

Summary

Based on the information provided, it is recommended that the following Conditions and Note, to the applicant, are attached to any permission granted for planning application P/2018/0587:

Condition 1. Site Characterisation

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

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

Condition 2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority.

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

Condition 3. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

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

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

Condition 4. Long Term Monitoring and Maintenance

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

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

Note to Applicant

Potential Contamination

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

PCC - Ecologist

1st Response

Thank you for consulting me with regards to planning application P/2018/0587 which concerns a Hybrid application comprising of a full application for a proposed recycling bulking facility and associated works and an outline application for the erection of business units (B1/B2/B8) and all associated works at Abermule Business Park, Abermule, Montgomery, Powys .

The site of the proposed development located to the south of the village of Abermule on an area of land referred to as Abermule Business Park, the Business Park site has been partially developed with construction of access roads, services and associated drainage and lighting infrastructure. The remaining areas of the site comprises areas of improved grassland currently used for grazing sheep, amenity grassland broad-leaved plantation woodland, hedgerows, scattered trees and small stream.

The site is approximately 370m from the Montgomery Canal SAC/SSSI, the proposed development site is separated from the canal by the A483 Trunk Road, agricultural land and the River Severn having reviewed the proposed plans, distance of the proposed development from the SAC/SSSI nature of the land and potential connections/barriers between the proposed development site and the designated site it is consider that there is no likely potential for the proposed development to result in direct or indirect impacts to the Montgomery Canal SAC/SSSI.

A number of ecological reports and supporting information has been submitted with the application:

- Preliminary Ecological Appraisal produced by Gerald Longley Ecological Consultants dated April 2017
- Reptile Survey produced by Gerald Longley Ecological Consultants dated 1st July 2017
- Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018
- Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018
- Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 produced by Middlemarch Environmental dated June 2018
- Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018
- Landscaping and Ecology Plan drawing no. 2395/P03/009 Rev A produced by CWIC dated 05/06/2018
- Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018
- Arboricultural Report Including Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018

The preliminary ecological appraisal identified the presence of great crested newts at the proposed development site and confirmed breeding in the pond to the south off-site, subsequent surveys of 2 ponds within 500m of the proposed development were carried out during 2017. Pond 1 to the south of the site was confirmed as a breeding site with a maximum count of 12 newts found during the population estimate surveys indicating a medium population. No GCN eggs or newts of any species were found at Pond 2 (north-west of the site).

In agreement with NRW habitat enhancement works have been carried out at Pond 1 under an NRW Conservation Licence – works have been carried out to alleviate grazing pressure around the pond and installation of hibernacula as well as planting of new native hedgerow and scrub.

It has been identified that the proposed development will need to be carried out under an EPS Development licence, a scheme of mitigation has been identified including trapping and translocation of GCN from the proposed working areas and habitat enhancement to provide new and improved habitat features for GCN. The measures identified are considered to be in accordance with recognised guidelines and best practice and subject to their implementation it is considered that the proposed development would not result in negative impacts to the favourable conservation status of the species, in addition NRW have confirmed in their response dated 22nd June 2018 confirm that they also consider that they consider the proposed mitigation strategy to be satisfactory to ensure no negative impacts to the favourable conservation status of GCN at the site. I recommend that a planning condition is included to secure adherence to the mitigation strategy identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018.

With regards to Monitoring of the GCN mitigation an Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 produced by Middlemarch Environmental dated June 2018 was submitted to support the application identifying long term management and monitoring of the site and mitigation installed in relation to the proposed development. NRW identified in their comments dated 22nd June 2018 that they considered that the frequency and duration of the of the proposed monitoring in the June 2018 document did not accord with typical surveillance requirements for this type of development proposal. In order to address this a revised plan (Rev A) has been submitted dated July 2018 that addresses the concerns raised by NRW as such subject to confirmation from NRW that the amendments to the monitoring strategy are considered to be acceptable I recommend that the condition recommended by NRW in their response dated 22nd June 2018 is replaced with a planning condition requiring adherence to the amended Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018.

The reptile survey undertaken by GLEC found no evidence of reptiles present on or adjacent to the site as such no specific mitigation measures are considered necessary for reptiles with regards to the proposed development – it should be noted that the identified exclusion and translocation mitigation strategy for great crested newts would also serve to protect reptiles should they be unexpectedly found during the development of the site.

A Landscaping and Ecology Plan drawing no. 2395/P03/009 Rev A produced by CWIC dated 05/06/2018 has been submitted with the application, the details of the landscaping identified mainly relate to the area covered by the full application, only limited information has been provided regarding the details of any landscaping proposed for the are covered by the Outline application. The landscaping identified within this plan for the Full application site are supported by details of habitat creation and management within the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018. The landscaping identified and the proposed

creation and management measures are considered to be appropriate and acceptable and demonstrate compliance with LDP policies DM2 with regards to the Natural Environment and DM4 in relation to ecological qualities of the landscape. I therefore recommend that with regards to the Full application a planning condition is included to secure adherence to the Landscaping plan and identified creation/management measures, with regards to the Outline application it is recommended that a planning condition requiring the submission of a detailed Landscaping scheme is included.

Given the relatively rural location of the proposed development careful consideration will need to be given to the installation of lighting at the site, a Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018 has been submitted for the site of the Full application. Having reviewed the lighting proposed for the recycling bulking facility and taking into account the requirements for lighting at the site it is considered that the proposed lighting scheme is appropriate and impacts to nocturnal wildlife at and around the site would be acceptable in accordance with the requirements of LDP policy DM7. I therefore recommend that with regards to the Full application a planning condition to secure adherence to the identified Lighting Plan is included. With regards to the Outline application site no details have been provided regarding any proposed lighting plans, if external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that with regards to the Outline application a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

An Arboricultural Report Including Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 has been submitted with the application, the report includes a Tree Constraints Plan to ensure protection of the trees and hedgerows present on and around the proposed development site. The Tree Constraints Plan has been produced in accordance with British Standard 5837:2012, the protection measures identified are considered to be appropriate, it is recommended that adherence to the Tree Constraints Plan to ensure compliance with the requirements of LDP policy DM2 is secured through an appropriately worded planning condition

Having reviewed the findings of the ecological surveys and measures identified to mitigate the impacts of the proposed development to features of biodiversity importance it is considered that the proposed development will not result in negative impacts to the loss of biodiversity at the site or in the wider environment. The mitigation measures identified are considered to be appropriate and achievable and demonstrate compliance with the requirements of relevant LDP policies, National Planning Policy and relevant legislation with regards to biodiversity features. Therefore should you be minded to approve the application I recommend inclusion of the following conditions:

With regards to the Full application for the proposed recycling bulking facility and associated works:

The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

Installation of external lighting features at the site will be carried out in accordance with the Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

The Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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 Section 6 of the Environment (Wales) Act 2016.

With regards to the Outline application for the erection of business units (B1/B2/B8) and all associated works:

The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of 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 condition.

Reason: To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and 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

The Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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 Section 6 of the Environment (Wales) Act 2016.

In addition I recommend inclusion of the following informatives for both the Full and Outline applications:

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 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/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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.

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.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

2nd Response:

Thank you for consulting me with regards to additional information submitted in relation to planning application P/2018/0587.

I understand that the additional information has been submitted in relation to comments made by Welsh Government in relation to improvements to an access off the A483 trunk Road which would result in the need to translocate a section of hedgerow approximately 100m in length to achieve required visibility splays. Given the presence of great crested newts at the site the proposed impacts to the hedgerow have potential to impact great crested newt terrestrial habitat.

In order to address this a Hedgerow Translocation Works - Great Created Newt Reasonable Avoidance Method Statement produced by Middlemarch Environmental dated July 2018 has been submitted with the plans showing the required visibility splays and associate hedgerow translocation.

I have reviewed the Method Statement and consider that the measures identified are appropriate and achievable and that implementation of the RAMS would ensure that the required hedgerow works would not result in negative impacts to the favourable conservation status of the local GCN population.

Therefore should you be minded to approve this application I recommend that in addition to the conditions recommended in my consultation response dated 17/07/2018 that you include the following condition:

The reasonable avoidance measures regarding great crested newts identified in the Hedgerow Translocation Works - Great Created Newt Reasonable Avoidance Method

Statement produced by Middlemarch Environmental Reference RT-MME-127521-02 dated 20th July 2018 shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

PCC - Land Drainage

Thanks you for consulting the Lead Local Flood Authority (LLFA). Having reviewed relevant submitted details, the LLFA has no objection in principle to the above proposals but wish to make the following respective observations / recommendations.

Proposed Recycling Bulking facility and associated works.

Surface Water Drainage

Observations: Within the Preliminary Drainage Strategy (Strategy) dated April 2018, reference is made in paragraph 4.1.4, to the use of a soakaway system to drain the impermeable areas of the development site.

Paragraph 2.1.2 indicates trial holes were dug to depths of 3.5 m below ground level. No groundwater was encountered. Soil infiltration tests to relevant standard (BRE 365) have been undertaken, the results of which indicate good porosity for surface water disposal. The Strategy recommends that further infiltration tests should be undertaken in the location of the proposed soakaway(s) and the results of which should be used to determine the detailed drainage design. The LLFA concurs with this recommendation.

Paragraph 2.1.3. highlights the potential risk of periodic high groundwater levels in the area of the proposed development site (Bulking facility and Business park) and strongly recommends that monitoring of groundwater is undertaken before the detailed drainage design stage. The results of which would then be considered as part of the detailed drainage design. The LLFA concurs with this recommendation.

Paragraph 4.1.1. recommends the proposed design for the soakaway system is checked against higher climate change allowance of 40%. The LLFA concurs with this recommendation.

Paragraph 3.1.1. refers to surface water run-off from the existing access roads draining to soakaways. As far as the LLFA is aware, there is no evidence to indicate that any of the existing soakaways serving the access roads have failed since their installation in c2009, and all seem to operate effectively.

Paragraph 4.1.9. refers to the roof surface water run-off being collected and used for washing vehicles and storage pods. The LLFA would commend such practices, the design of which should be submitted as part of the detailed drainage design.

Paragraph 4.1.10. refers to the use of the new fence panels to contain any exceedance flow during severe rainfall event. The LLFA note the proposal, the details of which shall be submitted as part of the detailed drainage design.

Local Flood Risk / Land Drainage.

Observations: Within the Flood Consequence Assessment (FCA) dated June 2018, reference is made in paragraph 6.1.2. to the provision of a proposed flood alleviation storage pond south of the site. The Addendum to the Preliminary Drainage Strategy and Flood Consequence Assessment dated 06/06/18, advises this storage pond has been provided to manage surface runoff from outside the site, i.e. turnoff from the hillside and land to the south and east of the site. The LLFA note the proposal, the details of which shall be submitted as part of the detailed drainage design.

The formation of the Field Access shown on Drawing Ref: 2395/P03/012 will affect existing land drainage features. The current design proposals are not acceptable to the LLFA and will need further modification. These modifications can be agreed as part of the detailed drainage design.

Recommendation: No development shall commence until full engineering details and drawings for the surface water and land drainage arrangements, together with details on the surface water flood compensation pond has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the development.

Reason: To ensure that the proposed surface water and land drainage features for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

Proposed Business Units (B1/B2/B8) and all associated works

Surface Water Drainage

Observations: Within the Strategy reference is made in paragraph 4.1.11 to the use of soakaway systems to drain the impermeable surfaces of both the 'western' and 'eastern' areas of the business park.

Paragraph 2.1.2 indicates trial holes were dug to depths of 3.5 m below ground level. No groundwater was encountered. Soil infiltration tests to relevant standard (BRE 365) have been undertaken, the results of which indicate good porosity for surface water disposal. The Strategy recommends that further infiltration tests should be undertaken in the location of the proposed soakaway(s) and the results of which should be used to determine the detailed drainage design. The LLFA concurs with this recommendation.

Paragraph 2.1.3. highlights the potential risk of periodic high groundwater levels in the area of the proposed development site (Bulking facility and Business park) and strongly recommends that monitoring of groundwater is undertaken before the detailed drainage design stage. The results of which would then be considered as part of the detailed drainage design. The LLFA concurs with this recommendation.

Paragraph 4.1.1. recommends the proposed design for the soakaway system is checked against higher climate change allowance of 40%. The LLFA concurs with this recommendation.

Paragraph 3.1.1. refers to surface water run-off from the existing access roads draining to soakaways. As far as the LLFA is aware, there is no evidence to indicate that any of the existing soakaways serving the access roads have failed since their installation in c2009, and all seem to operate effectively.

Paragraph 4.1.13. refers to the roof surface water run-off being collected and used for watering of landscaped areas. The LLFA would commend such practices, the design of which should be submitted as part of the detailed drainage design.

Paragraph 4.1.14. refers to the containment of exceedance flow during severe rainfall events within the 'western' business park, even if such flows were to occur at the same time as high groundwater levels.

Paragraph 4.1.15. refers to 80% of the exceedance flow being retained on site within the 'eastern' business park, with the remaining 20% being conveyed towards the watercourse to the north of the site.

Local Flood Risk / Land Drainage

Observations: Within the Flood Consequence Assessment (FCA) dated June 2018, reference is made in paragraph 6.3.3. to the properties upstream of the site on the southern side of the railway embankment experiencing no increase in surface water levels as a result of the proposed development and mitigation. However, the assessment has shown small areas of the farm building complex immediately downstream of the site on the northern side of the B4386 would experience a slight increase (approx. 9mm) in surface water level during an severe pluvial rainfall event (1 in 30 annual probability event with 25% climate change allowance). In this same assessment the existing culvert system located adjacent the northern boundary was also modelled to reflect a 50% blockage due the presence of a trash screen at its inlet. It should be noted that during such an event the farm building complex would currently flood to depths ranging from approx. 170mm to 400mm.

Although not a risk to the proposed development site itself, the FCA also indicates that during the 1 in 100 annual probability event with climate change allowance the farm building complex would experience flood depths ranging from 300mm to 1.5m.

The conclusions within the FCA has considered that the pluvial increase in flood risk to the farm building complex is not considered to be significant but suggests that this risk can be further reduced through the increase in the size of the proposed northern storage area and proper maintenance of the existing culvert inlet. The LLFA would concur with these findings but would recommend that additional improvements are carried out on the culvert inlet structure whereby any modifications would not only reduce future frequency of blockage but also provide benefit in respect to local flood risk.

Details in respect to the increased storage area and recommended improvement works to the culvert inlet shall be submitted as part of the detailed drainage design. The details shall also include a management and maintenance plan for the lifetime of the development for

arrangements to secure the maintenance of the improved culvert inlet trash screen throughout its lifetime.

Recommendation: No development shall commence until full engineering details and drawings for the surface water and land drainage improvements, together with a management and maintenance plan for the culvert inlet, are submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first beneficial use of the business park development.

Reason: To ensure that the proposed surface water and land drainage arrangements for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design.

Informative: The LLFA is, in general, opposed to culverting of Ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. Any proposed culverting (or modification to an existing structure) of an Ordinary watercourse will require the prior consent from the LLFA under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

Natural Resources Wales

1st Response

Thank you for consulting Natural Resources Wales (letter dated 07/06/2018) regarding the above.

NRW was consulted on this proposal at pre-application stage, please refer to appendix H of the 'Pre-application consultation report' dated June 2018, submitted in support of this application.

Our advice on the proposed scheme has changed because new information has been provided in support of the application.

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to the use of appropriate conditions.

Summary of conditions:

Condition 1– GCN: The submission and implementation of a revised long term compensatory proposal to include appropriate provisions for monitoring and resources.

Protected Species

We note that the Preliminary Ecological Appraisal report by Gerald Longley Ecological Consultants dated April 2017 and the Statement of GCN Conservation and Mitigation Works letter by Middlemarch Environmental dated 18th April 2018, available on your website, have identified the presence of GCN at the application site and considered conservation and mitigation strategies.

Following our comments to the pre-application consultation additional information has been submitted in support of this application, namely:

- Ecological Compliance Schedule and Habitat Management Plan dated June 2018 by Middlemarch Environmental.
- Great Crested Newt Method Statement dated June 2018 by Middlemarch Environmental.

The application site is located adjacent and in the environs to ponds that are known to support populations of the great crested newt (*Triturus cristatus*).

Great crested newts (GCN) and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and they are classed as a material consideration for planning under the provisions of Technical Advice Note 5: Nature Conservation and Planning (TAN5).

Any development that would contravene the protection afforded to GCN under the Regulations would require a derogation licence from Natural Resources Wales. A licence may only be authorised if:

- i. There is no satisfactory alternative and
- ii. 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. In addition,
- iii. the development works to be authorised must be for the purposes 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.

Paragraph 6.3.7 of TAN5 states that the Local Planning Authority (in this case Powys County Council) should not grant planning permission without having satisfied itself that the proposed scheme either would not impact adversely on any GCN's on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

We consider that the species utilizes the site for foraging, dispersal or sheltering purposes. In our view, we consider that both construction and operational phases of the proposal have the potential to adversely affect GCN and therefore, we advise that the works are to be carried out in accordance with the provisions of a derogation licence issued by NRW under Regulation 55 of the Conservation of Habitats and Species Regulations 2017.

NRW would refer the Local Authority to the Chief Planning Officer's letter dated 01 March 2018 which advises Local Planning Authorities to attach an informative regarding licence requirements to all consents and notices where European Protected Species are likely to be present on site.

We consider that the development and its subsequent operation is not likely to be detrimental to the maintenance of the favourable conservation status of the local GCN population provided that all reasonable avoidance and mitigation measures and the long term compensatory proposals outlined in the ecological submissions are secured via appropriate planning conditions/obligations.

We note the long-term monitoring proposal for this scheme, as outlined in section 4.4 of the 'Ecological compliance schedule and habitat management plan' dated June 2018. In our view

the frequency and duration do not accord with typical surveillance requirements for this type of proposal.

We advise minimum monitoring requirements are:

1. Every year for the first 10 years
2. Then every other year for the next 14 years.

Monitoring activity to be increased in the event of

- (a) Detection of fish; and/or
- (b) Detection of invasive non-native plants

We therefore advise on the imposition of a condition requiring the submission of long term monitoring proposals to the satisfaction of NRW.

Condition 1– GCN: The submission and implementation of a revised long term compensatory proposal to include appropriate provisions for monitoring and resources.

Foul and Surface Drainage

Please refer to our comments below, after reviewing the following documents:

1. Design and Access Statement
2. Abermule Business Park Development – Preliminary Drainage Strategy. WSP, Project No. 70019430, APRIL 2018
3. Abermule Business Park Phase 1 Geo-Environmental Desk Study for Powys County Council. Arcadis Consulting (UK) Limited, December 2017.
4. Preliminary Foul and Surface water drainage layout, Drawing 70019430-DP-01_P01 Rev P01 dated February 2018.

The Preliminary Drainage Strategy has explained the various areas of the site for surface water drainage. The use of soakaways is considered a discharge to ground and will require a Water Activity Environmental Permit from NRW given the likely volumes to be discharge to ground. Please contact NRW Water Quality Permitting Team for application details. We understand that foul water disposal from the site will be to the existing mains drainage. The existing pumping station has been on site for nearly 10 years without use we recommend that prior to commissioning of the infrastructure that it is tested and fit for purpose.

The planned activity for the full planning application of a Recycling Bulking Facility will require a Waste Environmental Permitting from NRW Waste Permitting Team. We recommend early (pre-application) discussion on the permit application requirements. We may have additional comments on the site via the permitting regime.

The preliminary drainage strategy refers in section 4.1.10 to the use of the bulking facility boundary and newt boards to keep excessive surface water within the site boundary. Further information would be required concerning how any exceedance water within the bulking facility site would affect the waste storage areas. This information would be required when applying for a Waste Environmental Permitting and to allow the LPA to fully assess any environmental implications the proposal will have in the event of localised flooding.

Following our comments at pre application stage, details of storage of green and food waste have now been included within the DAS at planning stage.

It should be noted that vehicle washing effluent must either be collected in a sealed sump or discharged to foul sewer (with the agreement of the water company). Discharging all the foul effluent to foul sewer is the preferred method of disposal.

Flood Risk

The Design & Access Statement states: 'A flood risk appraisal and Flood Consequence Assessment has been prepared by WSP which accompanies the application. Review of the Development Advice Map indicates that the proposed development is located in Zone A. Zone A is defined as 'areas at little or no risk of fluvial or tidal/coastal flooding'. TAN15 states that in Zone A the justification test is not applicable and no need to consider flood risk further. As the site lies within DAM Zone A TAN15 does not strictly require an FCA to be prepared for the development. However, the potential impact of surface water flooding at the site, and the potential changes in runoff resulting from the development should be assessed. The FCA therefore focusses on these aspects. The requirements for the FCA, rather than justifying the location of the development, are an appraisal of the risk to the development itself and the consequences of the development to third parties'.

It is NRW opinion that the findings and recommendations within the FCA are acknowledged as reasoned.

However, as the surface water, pluvial flood risk and associated mitigation come under the remit of the Lead Local Flood Authority, we would refer the Planning Authority to the Powys County Council Drainage team for detailed comment.

Advice for the developer

Protected Species License

NRW will expect monitoring proposals to be sufficient to inform the conservation status of the population of GCN present on site in the long-term. A revised proposal will need to be submitted as part of the derogation license application and should be discussed further with NRW's species advisors.

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the site. Pollution Prevention Guidance should be read by those carrying out the work.

All works at the site must be carried out in accordance with GPP5 and PPG6 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which is available at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. We therefore advise that any consent secures the implementation of the Biosecurity Risk Assessment recommended in Section E5 of the Great Crested Newt Method Statement Report dated June 2018.

We consider that this assessment must include

- i (i) appropriate measures to control any INNS on site, if present; and
- ii (ii) measures or actions that aim to prevent INNS

being introduced to the site for the duration of construction and operational phases of the scheme.

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.

2nd Response

Thank you for consulting Natural Resources Wales (letter dated 07/06/2018) regarding additional information on the above.

In our previous response letter dated 22/06/2018 (CAS-62136-D6T4) NRW did not object to the proposal and we recommended the use of appropriate conditions to address any outstanding issues related to the long term compensatory measure and monitoring proposal for Great Crested Newts.

We have assessed the additional information submitted in support of the application, namely:

- Ecological Compliance Schedule and Habitat Management Plan dated July 2018 by Middlemarch Environmental;

and would like to make the following comments.

Protected Species

The revised ecological compliance schedule and habitat management plan (reference Read, K. (2018). Abermule Business park, Abermule, Powys: Ecological Compliance Schedule and Habitat Management Plan (Rev A). Middlemarch Environmental . Unpublished, addresses our previous concerns with issues associated with evidencing ecological compliance and long term management NRW does not object to the proposal subject to the implementation of the habitat management plan as submitted. We have no further comments to make on this application. Please refer to our previous letter for comments on foul and surface water drainage, flood risk and advisory to the developer.

Advice for the developer:

Protected Species

We advise that amphibian surveillance data is uploaded into the online Wales GCN Monitoring Scheme (ref <https://www.cofnod.org.uk/LinkInfo?ID=7>).

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.

3rd Response

We wish to confirm that we have no objection to the proposed realignment of the hedgerow provided

- (i) The proposed amphibian reasonable avoidance measures scheme is implemented in accordance with the provisions of the submitted entitled Docker, T. (2018). Hedgerow Translocation Works, Abermule Business Park: Great Crested Newt Reasonable Avoidance Method Statement. Middlemarch Environmental Ltd. Unpublished; and
- (ii) Works are carried out in accordance with the provisions of an appropriate Biosecurity Risk Assessment.

We trust this email will be of assistance to you

Welsh Government Transport

1st Response

I refer to your consultation of 7th June 2018 regarding the above application, and advise that the Welsh Government as highway authority for the A483 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A483 trunk road, which must incorporate the following aspects:-
 - a) Visibility Splays in either direction from a suitable set-back.
 - b) Gradient of the access road and the A483 trunk road carriageway
 - c) Access width and radii dimensions
 - d) Access surfacing type along with depth and width dimensions
 - e) Parking areas
 - f) If a gate is to be installed on the access

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

2. The applicant must provide the previous and proposed Annual Average Daily Traffic Values for the site.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales

2nd Response

I refer to your consultation of 07/06/2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road directs that any permission granted by your authority shall include the following conditions:

1) The proposed amended field access & culvert must be constructed in accordance with approved drawings 2395/P03/12 Rev C & P03/016 Rev A, including the translocation of 100m of existing hedgerow prior to the development being brought into use.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

If you have any further queries, please forward to the following Welsh Government Mailbox
NorthandMidWalesDevelopmentControlMailbox@gov.wales

Network Rail

Thank you for your email dated 7 June, together with the opportunity to comment on this proposal.

Network Rail has no objection in principle to the above proposal but due to the proposal being next to Network Rail land and our infrastructure and to ensure that no part of the development adversely impacts the safety, operation and integrity of the operational railway we have included asset protection comments which the applicant is strongly recommended to action should the proposal be granted planning permission. The local authority should include these requirements as planning conditions if these matters have not been addressed in the supporting documentation submitted with this application.

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

HEAPING, DUST AND LITTER

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Cadw

Thank you for your letter of 07 June 2018 inviting our comments on the above planning application.

Advice

Having carefully considered the information provided with the planning application, our records show that there are no scheduled monuments or registered historic parks and gardens that would be affected by the proposed development. We therefore have no comments to make on the proposed development.

Our role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely impact that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an Environmental Impact Assessment is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), Technical Advice Notes and guidance.

PPW (Chapter 6 – The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24: The Historic Environment elaborates by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of a proposed development on a registered park or garden or its setting should be a material consideration in the determination of a planning application.

Representations

The application was advertised through the erection of a site notice and press advertisement. 10 objections have been received to the proposed development and are summarised below;

- Concerns raised regarding the potential impact of noise disturbance on nearby residential properties
- The development will have an adverse effect on nearby residents
- Discrepancy within the submitted information regarding operating house
- Detrimental impact on health and wellbeing
- Odour concerns as the village is down-wind from the development
- Site was meant to be a high quality prestigious development
- Recycling centre will have a negative impact upon uptake of the business units
- Whilst no longer a C2 flood zone, the site does suffer from surface water flooding
- Potential for pollution
- Tourism will be impacted negatively, including Abermule Hotel and nearby tourism sites
- No justification within the planning application only an assumption of its suitability
- Inappropriate to site such a development on a greenfield/B1 site in a rural village
- Other locations would be more suitable for development such as locations closer to Newtown
- Concerns raised over the sustainability of the site being located in Abermule
- Proposal does not demonstrate adequate control over noise, dust and air quality
- Proposed building out of scale with the area
- Surface water drainage is an issue at the site
- Roof of the building not being used for solar power

Planning History

P/2009/1353 – Outline planning application for a prestige business park. Conditional Consent

P/2009/1162 – Formation of vehicular access, estate road, footway and associated works in connections with proposed business site. Conditional consent.

Principal Planning Constraints

Flood Zone

Principal Planning Policies

National Planning Policy

Planning Policy Wales (9th Edition, 2016)

Technical Advice Note 5: Nature Conservation and Planning (2009)

Technical Advice Note 11: Noise (1997)

Technical Advice Note 12: Design (2016)

Technical Advice Note 13: Tourism (1997)

Technical Advice Note 15: Development and Flood Risk (2004)

Technical Advice Note 18: Transport (2007)

Technical Advice Note 20: Planning and the Welsh Language (2017)
Technical Advice Note 21: Waste (2014)
Technical Advice Note 23: Economic Development (2014)
Technical Advice Note 24: The Historic Environment (2017)

Local planning policies

Powys Local Development Plan 2018

SP2 – Employment Growth
SP5 – Settlement Hierarchy
SP6 – Distribution of Growth across the Settlement Hierarchy
SP7 – Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM5 – Development and Flood Risk
DM6 – Flood Prevention Measures and Land Drainage
DM7 – Dark Skies and External Lighting
DM10 – Contaminated and Unstable Land
DM13 – Design and Resources
DM14 – Air Quality Management
DM15 – Waste within Developments
DM16 – Protection of Existing Employment Sites
E1 – Employment Proposals on Allocated Employment Sites
T1 – Travel, Traffic and Transport Infrastructure
W1 – Location of Waste Development
W2 – Waste Management Proposals

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note
LDP=Powys Local 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

- Outline application for the construction of 6 units for B1 (Business), B2 (General Industrial) and B8 (Storage or Distribution)

For the purposes of the Powys Local Development Plan the application site area for the business park development lies entirely within the development boundary of Abermule. The site is an allocated employment site (P02 EA1). Policy E1 – Employment Proposals on Allocated Employment Sites states that proposals for B1, B2 and B8 employment development will be permitted on allocated sites where they comply with the category of the site and permitted uses of the site.

The site is categorised as a High Quality/Local site which are defined in the LDP as follows;

High Quality Sites: Smaller sites of regional significance offering small to medium sized employment opportunities for B1, B2 and B8 Uses in high quality surroundings that are well positioned in relation to the County's main road and transport infrastructure.

Local Sites: Sites for B1, B2 and B8 Uses providing a varied industrial and / or employment setting with minimised visual impact (for example, screening) yet located within close proximity to the main road and transport infrastructure as well as centres of population. These sites primarily serve a local market and may include local office developments.

As the application seeks outline planning permission for the construction of 6 units for B1, B2 and B8 use it is considered that the principle of the proposed development is acceptable.

- Full application for the construction of a recycling bulking facility and associated works

The bulking facility is located entirely within the development boundary; however the surface water compensation lies to the south west of the site outside the development boundary.

The site is an allocated employment site (P02 EA1). Policy E1 – Employment Proposals on Allocated Employment Sites states that proposals for B1, B2 and B8 employment development will be permitted on allocated sites. Policy E1 also states that some allocations are suitable for waste uses through policy W1. Allocation P02 EA1 has been identified as one of the employment allocations where this would be acceptable.

Policy W1 states that proposals for the management of waste which accord with the waste hierarchy will be supported on employment sites identified in Policies E1 and E4. As identified above, Abermule Business Park is one of these identified sites. Recycling is identified within TAN 21: Waste as being part of the waste hierarchy and as such given the location of the proposed development being in line with policies E1 and W1 it is considered that the principle of development is acceptable.

Landscape and Visual Impact

Guidance within policy DM4 of the Powys Local Development Plan, indicates that development proposals outside Towns, Large Villages, Small Villages and Rural Settlements must not, individually or cumulatively, have an unacceptable adverse effect on the valued

characteristic of the Powys landscape. With regards to both the outline and full elements of this proposal only the construction of the surface water compensation lies outside the development boundary of Abermule. The built elements of the scheme will lie entirely within the development boundary of Abermule.

Policy DM13 states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

For the purposes of LANDMAP's Visual and Sensory, the proposed site of development is located within the 'River Severn Flood plain' aspect area which is characterised as a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with wooded valley sides fringing the valley bottom. LANDMAPs evaluation assesses the area of Moderate value.

The application site is a vacant business park with an access and associated road which has been constructed. The site is relatively flat and is bound to the south by railway line. The development will be viewed from the adjoining highway to the north of the site and from surrounding dwellings to the west, north and north-east of the site. A right of way is also located approximately 200 metres to the south of the proposed development, which will be able to view the development.

The full application proposed a steel portal building measuring approximately 48.4 metres in length, 34 metres in width with a maximum height of 13.4 metres. A single storey element is located on the south eastern elevation which measure approximately 34 metres in length, 6.4 metres in depth, with a maximum height of 6.7 metres. The proposed building of a steel portal construction finished in matt black plastic coated profile steel sheeting and render for the walls and matt black plastic coated profile steel sheeting for the roof. The building will have the appearance of an agricultural building, which is common in the surrounding landscape with two farmsteads being located in close proximity to the site. Other steel portal style buildings are also found in Abermule, approximately 300 metres to the north east of the site with others being recently granted consent.

The site will be bound by black powder coated aluminium palisade fencing and existing areas of trees to the north and south-west of the site will be retained and enhanced.

Whilst the development will be visible from a number of sensitive receptors it is considered that the development does not have such a detrimental impact on the character and appearance of the area to warrant refusal. Concerns of third parties regarding the building are noted however it is considered that the building, whilst large, is located on an employment site, is located in close proximity to a number of similarly designed buildings and as such will be seen as an acceptable part of the wider built form.

The outline application has been submitted with all matters reserved as such consideration of the scale, size and design of the buildings will not be under this application. However parameters of the maximum width and heights have been submitted demonstrating maximum

heights varying from 5.5 to 7 metres in height and floor areas ranging from 150 to 1000 square metres.

Whilst the development will be visible from a number of areas it is considered that the indicative layout submitted with the application demonstrates that the site can adequately accommodate six business units without having a detrimental impact on landscape and visual amenity.

In light of the above observations and notwithstanding the scale of the proposed development, given the proposed topography of the area along with the proposed improvement of existing planting, it is considered that the proposed development is broadly in accordance with planning policy. Officers consider that the visual and landscape impact associated with the development is in accordance with policies SP7, DM2, DM4, DM7, DM13, E1 and W1 of the Powys Local Development Plan.

Transport Impacts

Policy T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts. Policy DM13 also states that development proposals should meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network.

Information provided within the application states that the proposed bulking facility will generate approximately 172 vehicle manoeuvres per day. Information has been gathered with regards to the potential trips generated from the business park which is likely to generate 33 vehicles two-way in the AM peak period and 23 vehicles two-way in the PM peak period. The application seeks to access the site via an existing access from the B4368 which was constructed following the approval of the access scheme in 2009. Following consultation with Powys Highways Authority no objections were received subject to the imposition of conditions. Following this it was advised that the transport information had inaccurately stated the parking spaces to be 50 when this was intended to be 33 spaces. An amended Transport Statement was submitted which identified 33 parking spaces and 25 spaces for heavy goods vehicles. Following further consultation with the Powys Highways Authority it was confirmed that the parking space provision was in accordance with the CSS Parking Standards Wales and offered no objection subject to the imposition of amended conditions.

With regards to access to the site, the site benefits from close proximity to the A483 Trunk Road which provides access to the wider area. Bus stops are located approximately 100 and 750 metres from the site providing a service to Welshpool, Newtown and Montgomery.

As part of the application it is proposed to improve an existing agricultural access to the south-west of the site. This is being improved to allow access into the surrounding agricultural land which is currently being given through the application site. As the improved access is onto the A483 Trunk Road Welsh Government were consulted on the application. Following receipt of the application Welsh Government issues a holding objection due to a lack of information supporting the application and the amended access.

Amended information was subsequently received to satisfy the concerns raised by Welsh Government. Following reconsultation Welsh Government removed their objection subject to a condition directing a condition be included regarding the proposed access and hedgerow translocation.

As such it is considered that the proposed development is in accordance with policies T1, DM13, tan 18 AND Planning Policy Wales.

Biodiversity and Ecology

SSSI's and SAC

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations.

The application site lies approximately 370 metres from the Montgomery Canal SAC and SSSI, however the site is separated from the SAC/SSSI by the A483 Trunk Road, agricultural land and the River Severn. Following consultation with the Powys Ecologist it was confirmed that following their review of the submitted plans and information it was considered that due to the distance of the proposed development from the SAC/SSSI, nature of the land and potential connections/barriers between the proposed development site and the designated site that there is no likely potential for the proposed development to result in direct or indirect impacts on the Montgomery Canal SAC/SSSI.

Protected Species

Policy DM2 of the Powys Local Development Plan, TAN5 and PPW seek to safeguard protected species and their habitats. Policy DM2 states that proposed development should not unacceptably adversely affect any habitat or protected species.

A number of ecological reports and supporting information has been submitted with the application:

- Preliminary Ecological Appraisal produced by Gerald Longley Ecological Consultants dated April 2017
- Reptile Survey produced by Gerald Longley Ecological Consultants dated 1st July 2017
- Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018
- Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018
- Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 produced by Middlemarch Environmental dated June 2018
- Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018
- Landscaping and Ecology Plan drawing no. 2395/P03/009 Rev A produced by CWIC dated 05/06/2018
- Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018

- Arboricultural Report Including Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018

Following consultation with NRW no objections were received with regards to impact on protected species subject to a condition requiring a Great Crested Newt Method Statement. This information was subsequently submitted and both NRW and Powys Ecology were reconsulted on the submitted information. NRW provided amended comments offering no objection to the submitted information.

Following consultation with the Powys Ecologist it was confirmed that the preliminary ecological appraisal identified the presence of great crested newts at the proposed site and confirmed breeding in the pond located to the south of the site. A subsequent survey of a further pond within 500 metres of the site identified further newts and was confirmed as a breeding site.

It has been identified that an EPS Licence will be required, and following review of all the submitted information Powys Ecology offer no objection to the proposed development subject to conditions requiring adherence to the submitted information and requiring a lighting scheme to be submitted for the business park.

Following amendments to the access on to the trunk road being submitted, the plans detailed that part of a hedgerow would need to be translocated. As this had the possibility to impact upon great crested newts an additional method statement was submitted in support of the application. NRW and Ecology have been consulted on the submitted information and both have stated that they have no objection to the proposed development.

In light of the above and subject to the recommendations, it is considered that the proposed development is in accordance with policy DM2 of the Powys Local Development Plan, Technical Advice Note 5 and Planning Policy Wales.

Residential Amenity

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties shall not be unacceptably affected by development in terms of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

A number of residential dwellings are within close proximity to the site;

- Bryn y Maes is located approximately 90 metres from the site and bulking facility
- Maes Derwyn is located approximately 61 metres from the site boundary and approximately 305 metres from the bulking facility
- The Court is located approximately 84 metres from the site boundary and approximately 329 metres from the bulking facility
- Court Close an estate of a number of dwellings is located within close proximity to the development with the nearest dwellings (numbers 31, 33 and 35) being located approximately 169 metres from the development boundary and approximately 420 metres from the bulking facility

The application is supported by a Noise Impact Assessment prepared by WSP in June 2018.

Consultation was undertaken with the Environmental Health Officer who advised that the submitted noise impact assessment has demonstrated that, by incorporating design features and mitigation measures, noise emissions from the recycling bulking facility are considered unlikely to cause adverse impacts on residential amenity or human health.

The mitigation measures identified are as follows;

- Restriction on bay door opening – two of the five doors will be kept shut during operation
- Sound absorptive materials to be added to processing shed interior
- Relocation of glass deposit – moved approximately 25 metres south east further away from Bryn y Maes
- Installation of 2.8m high local noise barrier at Bryn y Maes

Environmental Health have offered no objection to the proposed development with regards to residential amenity provided that a condition is attached to the grant of consent requiring an impact assessment to be submitted prior to the occupation of the business park units.

A number of third parties have raised concern regarding the potential odour impact of the proposed development. Further comments were sought from Environmental Health confirming that there were no concerns with regards to odour emissions as the majority of the material would be dealt with inside the building and the green/food waste would be stored in sealed skips to contain any odours.

As such it is considered that the proposed development is in accordance with policy DM13 of the Powys LDP and TAN 11: Noise.

Land Drainage

A Flood Consequences Assessment, Preliminary Drainage Strategy and Addendum to the Preliminary Drainage Strategy and Flood Consequence Assessment prepared by WSP were submitted in support of the application.

Following consultation with Powys Land Drainage, with regards to surface water drainage no objections have been received regarding the proposed drainage at the site provided a condition is attached requiring the detailed design of the drainage to be submitted prior to commencement of works on site.

With regards to local flood risk the Land Drainage Officer note that the full application development provides a flood alleviation storage pond to the south of the site. This has been provided to manage surface water runoff from outside the site i.e. runoff from the hillside and land to the south and east of the site. However concerns have been raised over the formation of the field access which will affect existing land drainage features, the Land Drainage Officer states that the current design proposals are not acceptable to the Lead Local Flood Authority and will require further modification. They have however stated that these modifications can be agreed as part of the detailed drainage design to be submitted prior to the commencement of development.

However, Welsh Government Trunk Road are content with the detail of the culvert and have requested that development is undertaken in line with the submitted information. As such

further comment has been requested from the Land Drainage Officer and will be provided in the form of an update report.

With regards to the outline element of the proposed development Land Drainage have advised that the submitted Flood Consequence Assessment demonstrated that small areas of the farm building complex immediately downstream of the site on the northern side of the B4386 would experience a slight increase in surface water level during a severe pluvial rainfall event. Land Drainage also commented that although the site itself is not at risk, the FCA also indicates that during a 1 in 100 annual probability event with climate change allowance the farm building complex would experience flood depths ranging from 300mm to 1.5m. The FCA concluded that the increase in flood risk complex is not considered to be significant but suggests that this risk can be further reduced through increasing the size of the proposed northern storage area and proper maintenance of the existing culvert inlet. Land Drainage conclude that based on the information submitted that additional improvements are carried out on the culvert inlet structure where any modification would not only reduce future frequency of blockages but also benefit in respect to local flood risk.

No objection has been received subject to the imposition of conditions requiring the submission of full engineering details and drawing and details of the improvements to the culvert inlet prior to the commencement of any works on site.

The submitted information demonstrated that foul water generated by the development (including welfare facilities and wash down water) will be captured and handled entirely separately from the surface water system. Dirty water will be taken to a dirty water storage tank where it will be stored before being emptied by a vacuum tanker for disposal.

Powys Ecology were also consulted on the drainage plans and offered no objection to the proposed drainage

In light of the above, it is considered that the surface water drainage systems proposed fundamentally comply with policy DM6 of the Powys Local Development Plan.

Rights of Way and Tourism

LDP Policy DM13 seeks to oppose development which would have an unacceptable adverse impact on existing and established tourism assets and attractions.

Several representations have been received raising concerns that the proposed development will be of detriment to local tourism.

Whilst objectors make reference to potential impact of the development on nearby tourism accommodation considerations should also be given to the technical professional reports submitted with the application and the comments submitted by the Environmental Health Officer who offers no objection to the proposed development.

It is also considered that sufficient distance is retained between the proposed development and the public right of way to the south of the application site to not negatively impact upon any users. The buildings will be seen in the wider landscape in close proximity to two farm complexes and Abermule.

As such it is considered that the proposed development complies with policy DM13 of the Powys LDP.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy. The recommendation is therefore one of conditional approval subject to the conditions outline below.

Conditions

Conditions in respect of full application

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 strictly in accordance with the plans and documents approved on XX/XX/XXXX (drawing no's; 2395/P03/001, 2395/P03/009, 2395/P03/008, 2395/P03/003, 2395/P03/004, 2395/P03/011, 2395/P03/010, 2395/P03/006, 2395/P03/007, 2395/P03/005, H2395/P03/013, 2395/P03/012, 2395/P03/016, 70019430-DP-01_P01 Rev P01 and documents; Phase 1 Geo-Environmental Desk Study dated December 2017, Design and Access Statement dated June 2018, Flood Risk Appraisal Phase 2 dated November 2016, Planning Statement dated June 2018, Noise Impact Assessment dated February 2018, Arboricultural Report dated March 2018, Addendum to Preliminary Drainage Strategy and Flood Consequence Assessment dated June 2018, Flood Consequence Assessment dated April 2018, Waste Planning Assessment dated June 2018, Offsite Impacts Mitigation dated May 2017, Statement of GCN Conservation and Mitigation Works dated April 2018, Reptile Survey dated June 2018, Preliminary Ecological Appraisal dated April 2017, Preliminary Drainage Strategy dated April 2018, Flood Consequence Assessment dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated June 2018, Great Crested Newt Method Statement dated June 2018, Noise Impact Assessment dated June 2018, Technical Note dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated July 2018, Transport Statement dated July 2018 and Great Crested Newt Reasonable Avoidance Method Statement dated July 2018).
3. The use shall not be carried out outside the hours of 07:00 to 18:00 Monday to Sundays.
4. Prior to the first beneficial use of the development, a bus shelter and all associated works shall be constructed alongside the bus layby on the B4386. The specification of which is to be agreed in writing with the Local Planning Authority.
5. Prior to the first beneficial use of the development any entrance gates shall be set back at least 20 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be

retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

6. Prior to the first beneficial use of the development, provision shall be made within the curtilage of the site for the parking of not less than 33 cars and 25 heavy goods vehicles together with all operational access routes within the site such that all vehicles serving the site may both enter and leave the site in a forward gear.
7. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
8. 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.
9. 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 1 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).
10. The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local

planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

11. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
12. The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.
13. The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.
14. Installation of external lighting features at the site will be carried out in accordance with the Lighting & Signage Plan – Recycling Bulking Facility drawing no. 2395/P03/008 Rev A produced by CWIC dated 5th June 2018, the identified lighting plan shall be adhered to and implemented in full and maintained thereafter.
15. The Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.
16. The reasonable avoidance measures regarding great crested newts identified in the Hedgerow Translocation Works - Great Created Newt Reasonable Avoidance Method Statement produced by Middlemarch Environmental Reference RT-MME-127521-02 dated 20th July 2018 shall be adhered to and implemented in full and maintained thereafter.
17. No development shall commence until full engineering details and drawings for the surface water and land drainage arrangements, together with details on the surface water flood compensation pond has been submitted to and approved in writing by the local Planning Authority. The approved scheme shall be completed prior to the first beneficial use of the development.

18. The proposed amended field access & culvert must be constructed in accordance with approved drawings 2395/P03/12 Rev C & P03/016 Rev A, including the translocation of 100m of existing hedgerow prior to the development being brought into use.

Reasons in respect of full application

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that the amenities of local residents are safeguarded in accordance with policy DM13 of the Powys Local Development Plan 2018.
4. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
5. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
6. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
7. In the interest of highway safety and free flow of traffic in accordance with policy T1 and DM13 of the Powys Local Development Plan and TAN18 and Planning Policy Wales.
8. 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 County Council Local Development Plan 2018.
9. 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 County Council Local Development Plan 2018.
10. 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 County Council Local Development Plan 2018.

11. 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 County Council Local Development Plan 2018.
12. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016
13. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
14. To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016
15. To comply with Powys County Council's LDP Policies DM2 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 Section 6 of the Environment (Wales) Act 2016.
16. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
17. To ensure that the proposed surface water and land drainage features for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan.
18. The conditions are included to maintain the safety and free flow of trunk road traffic in accordance with policy T1 and DM13

Conditions in respect of outline application

1. Details of the 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 to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
4. The development shall be carried out strictly in accordance with the plans and documents approved on XX/XX/XXXX (drawing no's; 2395/P03/001, 70019430-DP-01_P01 Rev P01 and documents; Phase 1 Geo-Environmental Desk Study dated December 2017, Design and Access Statement dated June 2018, Flood Risk Appraisal Phase 2 dated November 2016, Planning Statement dated June 2018, Noise Impact Assessment dated February 2018, Arboricultural Report dated March 2018, Addendum to Preliminary Drainage Strategy and Flood Consequence Assessment dated June 2018, Flood Consequence Assessment dated April 2018, Waste Planning Assessment dated June 2018, Offsite Impacts Mitigation dated May 2017, Statement of GCN Conservation and Mitigation Works dated April 2018, Reptile Survey dated June 2018, Preliminary Ecological Appraisal dated April 2017, Preliminary Drainage Strategy dated April 2018, Flood Consequence Assessment dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated June 2018, Great Crested Newt Method Statement dated June 2018, Noise Impact Assessment dated June 2018, Technical Note dated June 2018, Ecological Compliance Schedule and Habitat Management Plan dated July 2018, Transport Statement dated July 2018 and Great Crested Newt Reasonable Avoidance Method Statement dated July 2018).
5. Prior to occupation of the business/employments units on the development, an impact assessment will be submitted to and approved by the Council to demonstrate how the proposed use, design and any required mitigation measures will ensure that the amenity of nearby noise-sensitive properties shall not be unacceptably affected by levels of noise. The assessment will consider the potential combined impacts of noise from all permitted uses on the Abermule Business Park development site (i.e. including the Recycling Bulking Facility), and will be conducted in accordance with the method set out in BS 4142:2014, and must demonstrate that the combined noise impact from the development site will be no greater than indicated in the Abermule Business Park Noise Impact Assessment report ref 70032991-NV1-02-R1.
6. The mitigation measures regarding great crested newts identified in the Statement of GCN Conservation and Mitigation Works Reference RT-MME-126868-02-Rev A produced by Middlemarch Environmental dated 18th April 2018 and Great Crested Newt Method Statement Reference RT-MME-126868-03 produced by Middlemarch Environmental dated June 2018 shall be adhered to and implemented in full and maintained thereafter.
7. The measures identified in the Ecological Compliance Schedule and Habitat Management Plan Reference RT-MME-127496 RevA produced by Middlemarch Environmental dated July 2018 shall be adhered to and implemented in full and maintained thereafter.

8. 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 approved details.
9. Prior to the commencement of 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 condition.
10. The Tree constraints plan identified in the Tree Survey Data & Tree Constraints Plan produced by Arboricultural Technician Services dated 23rd March 2018 shall be adhered to and implemented in full and maintained thereafter.
11. No development shall commence until full engineering details and drawings for the surface water and land drainage improvements, together with a management and maintenance plan for the culvert inlet, are submitted to and approved in writing by the local planning authority. The approved scheme shall be completed prior to the first beneficial use of the business park development.
12. 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.
13. 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 1 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).

14. 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 WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).
15. 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'.

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. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To comply with Powys County Council Local Development Plan policy DM13 'Design and Resources'.
6. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of

Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.

7. To comply with Powys County Council's UDP Policies DM2 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, the Conservation of Habitats and Species Regulations 2017, the Wildlife & Countryside Act 1981 (as amended) and Section 6 of the Environment (Wales) Act 2016.
8. To comply with Powys County Council's Policies LDP DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
9. To comply with Powys County Council's LDP Policy DM4 in relation to ecological qualities of the landscape and 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 DM2 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 Section 6 of the Environment (Wales) Act 2016.
11. To ensure that the proposed surface water and land drainage features for the development follow best practice sustainable drainage designs and are fully compliant with regulations and are of robust design in accordance with policy DM6 of the Powys Local Development Plan.
12. 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 County Council Local Development Plan 2018.
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 DM10 of the Powys County Council Local Development Plan 2018.
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 DM10 of the Powys County Council Local Development Plan 2018.

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 DM10 of the Powys County Council Local Development Plan 2018.

Informative Notes

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 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/conservation-biodiversity-and-wildlife/european-protected-species/?lang=en>

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.

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.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Land Drainage

The LLFA is, in general, opposed to culverting of Ordinary watercourses and whenever practical will seek to have culverted watercourses restored to open channels. Any proposed culverting (or modification to an existing structure) of an Ordinary watercourse will require the prior consent from the LLFA under the terms of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010).

Network Rail

FENCING

If not already in place, the Developer/applicant must provide at their expense a suitable trespass proof fence (of at least 1.8m in height) adjacent to Network Rail's boundary and make provision for its future maintenance and renewal without encroachment upon Network Rail land. Network Rail's existing fencing / wall must not be removed or damaged and at no point either during construction or after works are completed on site should the foundations of the fencing or wall or any embankment therein be damaged, undermined or compromised in

any way. Any vegetation on Network Rail land and within Network Rail's boundary must also not be disturbed.

FOUNDATIONS

Network Rail offers no right of support to the development. Where foundation works penetrate Network Rail's support zone or ground displacement techniques are used the works will require specific approval and careful monitoring by Network Rail. There should be no additional loading placed on the cutting and no deep continuous excavations parallel to the boundary without prior approval.

DRAINAGE

All surface water drainage should be directed away from Network Rail's land to the public mains system. Soakaways are not acceptable where the following apply:

- Where excavations which could undermine Network Rail's structural support zone or adversely affect the bearing capacity of the ground
- Where there is any risk of accidents or other acts leading to potential pollution of Network Rail's property/infrastructure
- Where the works could adversely affect the water table in the vicinity of Network Rail's structures or earthworks.

GROUND DISTURBANCE

The works involve disturbing the ground on or adjacent to Network Rail's land it is likely/possible that the Network Rail and the utility companies have buried services in the area in which there is a need to excavate. Network Rail's ground disturbance regulations applies. The developer should seek specific advice from Network Rail on any significant raising or lowering of the levels of the site.

SITE LAYOUT

It is recommended that all buildings be situated at least 2 metres from the boundary fence, to allow construction and any future maintenance work to be carried out without involving entry onto Network Rail's infrastructure. Where trees exist on Network Rail land the design of foundations close to the boundary must take into account the effects of root penetration in accordance with the Building Research Establishment's guidelines.

PILING

Where vibro-compaction/displacement piling plant is to be used in development, details of the use of such machinery and a method statement should be submitted for the approval of Network Rail's Asset Protection Engineer prior to the commencement of works and the works shall only be carried out in accordance with the approved method statement.

EXCAVATIONS/EARTHWORKS

All excavations / earthworks carried out in the vicinity of Network Rail's property / structures must be designed and executed such that no interference with the integrity of that property / structure can occur. If temporary compounds are to be located adjacent to the operational railway, these should be included in a method statement for approval by Network Rail. Prior to commencement of works, full details of excavations and earthworks to be carried out near the railway undertaker's boundary fence should be submitted for approval of the Local Planning Authority acting in consultation with the railway undertaker and the works shall only be carried out in accordance with the approved details. Where development may affect the railway, consultation with the Asset Protection Engineer should be undertaken.

SIGNALLING

The proposal must not interfere with or obscure any signals that may be in the area.

NOISE

Network Rail would remind the council and the applicant of the potential for any noise/vibration impacts caused by the proximity between the proposed development and the existing railway, which must be assessed in the context of the National Planning Policy Framework (NPPF) and the local planning authority should use conditions as necessary.

The current level of railway usage may be subject to change at any time without prior notification including increased frequency of trains, night time train running and heavy freight trains.

There is also the potential for maintenance works to be carried out on trains, which is undertaken at night and means leaving the trains' motors running which can lead to increased levels of noise.

LANDSCAPING

It is recommended no trees are planted closer than 1.5 times their mature height to the boundary fence. The developer should adhere to Network Rail's advice guide on acceptable tree/plant species. Any tree felling works where there is a risk of the trees or branches falling across the boundary fence will require railway supervision.

PLANT, SCAFFOLDING AND CRANES

Any scaffold which is to be constructed adjacent to the railway must be erected in such a manner that, at no time will any poles or cranes over-sail or fall onto the railway. All plant and scaffolding must be positioned, that in the event of failure, it will not fall on to Network Rail land.

HEAPING, DUST AND LITTER

It should be noted that because of the nature of the proposals we would not want to see materials piled against our boundary. Items to be heaped on site should be kept away from the boundary an equal distance as the pile is high to avoid the risk of toppling and damaging or breaching our boundary. We also have concerns over the potential for dust clouds and rubbish created from the processing at the site affecting the railway signal sighting. Therefore, adequate measures for preventing dust and rubbish blowing onto Network Rail property are to be in operation.

LIGHTING

Any lighting associated with the development (including vehicle lights) must not interfere with the sighting of signalling apparatus and/or train drivers vision on approaching trains. The location and colour of lights must not give rise to the potential for confusion with the signalling arrangements on the railway

SAFETY BARRIER

Where new roads, turning spaces or parking areas are to be situated adjacent to the railway; which is at or below the level of the development, suitable crash barriers or high kerbs should be provided to prevent vehicles accidentally driving or rolling onto the railway or damaging the lineside fencing.

ACCESS POINTS

Where Network Rail has defined access points, these must be maintained to Network Rail's satisfaction.

In order to mitigate the risks detailed above, the Developer should contact the Network Rail's Asset Protection Wales Team well in advance of mobilising on site or commencing any works. The initial point of contact is assetprotectionwales@networkrail.co.uk. The department will provide all necessary Engineering support subject to a Basic Asset Protection Agreement.

Case Officer: Tamsin Law- Principal Planning Officer
Tel: 01597 82 7230 E-mail:tamsin.law@powys.gov.uk