

**Planning, Taxi Licensing and Rights of Way Committee
Update Report December 2014**

Application No:	P/2014/0910	Grid Ref:	321147 240185.76
Community Council:	Llanigon CC	Valid Date:	Officer: 05/09/2014 Matthew Griffiths
Applicant:	Mr John Price C/O Agent		
Location:	Land at Llanthomas Lane, Llanigon, Hay-on-Wye, Hereford, Powys HR3 5PU		
Proposal:	Removal of condition 13 of planning approval P/2008/1607 (in relation to removal of footbridge)		
Application Type:	Application for Removal or Variation of a Condition		

Following the preparation of the Committee Report the following correspondence has been submitted to the Local Planning Authority:

1. Email Chain from 17 December between third party planning consultant, planning officer and Natural Resources Wales.
2. Email 16 December containing record of meeting between the Professional Lead Development Management, planning consultant and neighbour to case officer and NRW liaison officer. (Photographs submitted at meeting included separately to this update)
3. Email 15 December confirming that the FCA / Hydrological modelling are finalised versions.
4. Email 15 December from Colin Edwards confirming that the essence of the legal advice is within the publicised Committee Report.
5. Email 15 December from third party hydrological consultant with attached representation on application (included separately to this update)

From: Matthew Griffiths (CSP - Development Control)
Sent: 17 December 2014 14:17
To: Andrew Bevan (andrew@abplanning.co.uk)
Cc: Gwilym Davies (CSP - Development Control); Davies, James (James.Davies@cyfoethnaturiolcymru.gov.uk)
Subject: RE: Llanigon - photographs showing key role of bridge in flood impacts - presented to you on Monday by Ann Connell

Andrew,

In general - I am running out of time I am afraid and any further correspondence may not be able to be included as an update. I've summarised as far as I can on concerns raised:

- The email that Gwilym has sent to NRW was attached to my last email and has therefore been sent to you – see the first line of the email below. Gwilym sent this the morning after your meeting – are you not able to open it or something?
- NRW have responded with the attached, which we will make Members aware of.
- In respect of the outcome of the Committee the application is on the agenda now and any further action will be determined by the Committee – given these circumstance it is a matter for you to consider if your consultant travels or not.
- In relation to photograph 21 – I'll probably seek to put this on the power point for the application as I think it shows visually your concerns more clearly than a report / words etc. It seems to me to show the river flowing over the bridge and over the ford. The applicants refer to the footbridge as a constriction on flow in the FCA and I don't think that anyone is arguing that it does not constrain flow? This is covered in 3.16 of the FCA which states the following:

“3.16 The hydraulic modelling has been undertaken to assess the ‘with’ and ‘without footbridge’ scenarios. The hydraulic modelling outputs have been produced for two sets of scenarios: one set with the footbridge remaining in place, and one with the footbridge removed. These outputs prove that there is a slight difference between the flood outlines. The hydraulic modelling shows that, if the footbridge is removed, there is a slight increase in flood risk on agricultural land to the north. This is likely to be as a result of increased velocities caused by the removal of a flow constriction. Ironically, the removal of the footbridge might result in flooding on a slightly larger area of third party land than if it were retained. With respect to on-site flooding, and the flood risk associated with all existing dwellings, the change is negligible if the footbridge is removed.”

In terms of my view - the flood depths in the area directly occupied by the bridge in the flood modelling vary when the flows are modelled with the footbridge in place or removed this is shown in the flood outputs for their modelling - this doesn't seem out of line with what is shown in the photograph and what in my view would logically happen if the bridge was removed. But understanding the significance of this change on flooding in the locality requires an appropriate modelling exercise and the drawing of appropriate conclusions from the modelling in an FCA. I don't think that the photograph could be seen as a substitute for this. In my view it comes down to the adequacy of the modelling and the interpretation of the outputs in the FCA this is

coupled to the assessment of these by NRW and the advice they offer us. NRW's current position is the basis of the recommendation at present – I've noted the comments attached from NRW and clearly we will need to consider how to proceed following them sending this.

Correspondence to this point will be reported as an update to the meeting, but this is being finalised now.

Hope that clarifies matters.

Regards,

Matthew Griffiths BSc (hons), MSc, MA, MRTPI
Uwch Swyddog Cynllunio / Senior Planning Officer
Cyngor Sir Powys / Powys County Council
T: 01874 612280 / F: 01874 612339

Neuadd Brycheiniog, Ffordd Cambrian, Aberhonddu, Powys LD3 7HR
Neuadd Brycheiniog, Cambrian Way, Brecon, Powys LD3 7HR

www.powys.gov.uk/planning

From: Andrew Bevan [mailto:andrew@abplanning.co.uk]
Sent: 17 December 2014 12:15
To: Matthew Griffiths (CSP - Development Control); Gwilym Davies (CSP - Development Control)
Cc: john.young@edenvaleyoun.com; 'James Anderson'; admin@abplanning.co.uk; 'Davies, James'
Subject: RE: Llanigon - photographs showing key role of bridge in flood impacts - presented to you on Monday by Ann Connell
Importance: High

Good morning Matthew,

I note Gwilym may not be available - in the circumstances and given the Committee is tomorrow please can you respond on all outstanding matters as soon as you are able as it would be unreasonable for John Young not to be updated as he has to travel from Bristol tomorrow to address the Committee.

You will see from many of the images (especially number 21) that the bridge is clearly a key influence on flow and therefore flooding and that an URGENT REALITY CHECK is required

[Please can you confirm that you \(as in the case of Gwilym on Monday\) have observed the photograph No 21 that shows the bridge \(the subject of Condition 13\) causing a significant obstruction to food flows along the watercourse?](#)

I have asked John Young to respond to the issue of the assessments status and that is awaited.

Please can you send me a copy of the email sent from Gwilym to NRW (as per his assurance to do so on Monday) and any response you have received from NRW as Gwilym stated that the matter should not proceed to be considered by Committee if the technical team at NRW had not reviewed the photographs and responded to the LPA formally on why the reality they illustrate does not support the 'contended' case presented by the applicants application.

I look forward to hearing from you as a matter of urgency.

Regards
Andrew

From: Matthew Griffiths (CSP - Development Control) [mailto:matthew.griffiths@powys.gov.uk]
Sent: 17 December 2014 11:25
To: andrew@abplanning.co.uk; Gwilym Davies (CSP - Development Control)
Subject: RE: Llanigon - photographs showing key role of bridge in flood impacts - presented to you on Monday by Ann Connell

Andrew,

Gwilym is largely unavailable today and is unlikely to be in a position to reply to your email. I am able to confirm that he has passed on the scanned images to me and NRW and a summary of your meeting as attached.

As a point of clarification – it is not clear to me why you and your consultant John Young are asserting that the Flood Consequences Assessment supporting the application is in draft. I have put this to the applicants agent who has confirmed that the FCA is finalised and is not in draft – could you please clarify why you hold this view? I would appreciate it if this went beyond an assertion that this is the

case as you have already expressed this opinion to us - could you provide some reasoning on this point?

Kind regards,

Matthew Griffiths BSc (hons), MSc, MA, MRTPI
Uwch Swyddog Cynllunio / Senior Planning Officer
Cyngor Sir Powys / Powys County Council
T: 01874 612280 / F: 01874 612339

Neuadd Brycheiniog, Ffordd Cambrian, Aberhonddu, Powys LD3 7HR
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From: Andrew Bevan [<mailto:andrew@abplanning.co.uk>]
Sent: 17 December 2014 10:35
To: Gwilym Davies (CSP - Development Control)
Cc: Matthew Griffiths (CSP - Development Control); 'James Anderson';
john.young@edenvaleyoun.com; admin@abplanning.co.uk
Subject: Llanigon - photographs showing key role of bridge in flood impacts - presented to you on Monday by Ann Connell
Importance: High

Good morning Gwilym,

Thank you for a very helpful meeting on Monday with Ann Connell and myself.

We clearly arrived at a point that is definitive in the current process and you scanned the photographs provided by Ann that show the footbridge causing a **significant** impact on flows along the watercourse and therefore in terms of flood consequences.

Please can you provide copies of the photographs you took scans of at our meeting.

You stated you were going to send copies of the photographs and of your now **fundamental concerns** to James Davies to seek **absolute clarification** regarding the issue of the bridge – especially as the photographs remove speculation and deliver a second reality check in relation to otherwise inaccurate flood projections.

You also noted that the assessments that the current application relies on are not fully concluded and resolved as identified by John Young and should therefore not be accepted as a sound basis for such a critical decision.

The position is now that as per John Young's email/letter this week clearly sets out that the foot bridge causes significant impacts on flooding **as set out by the applicants hydrologist** in their earlier hydrology assessment of the site (see quote in John Young's letter).

Please confirm that this matter will now **not** proceed to committee with a recommendation of approval for the removal of Condition 13 of the existing permission that has now expired and is subject of implementation prior to Pre-condition compliance and it is clear now that that condition and its subject matter goes to the heart of the previous decision and development.

The least that should now happen is that your members, officers and NRW need to be aware that photographs currently in your possession provide evidence that the performance/effect of the bridge in the flood activity at site causes the 'pre-condition 13' to have a significant role in the planning process and decision as issued as promoted by Morfa Drayton on behalf of the applicant.

Please respond by return providing a copy of the email you stated you were going to send to James on Monday.

Regards
Andrew

Mae'r e bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei gopio, ei ddosbarthu na'i ddangos i unrhyw un arall a dylech gysylltu gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnwys nad yw'n ymwneud gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid yw'n awdurdodedig gan y Cyngor.

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From: Davies, James [mailto:James.Davies@cyfoethnaturiolcymru.gov.uk]
Sent: 17 December 2014 10:49
To: Matthew Griffiths (CSP - Development Control); Gwilym Davies (CSP - Development Control)
Subject: RE: Llanigon - photographs showing key role of bridge in flood impacts - presented to you on Monday by Ann Connell

Hello both

There is now a considerable amount of exchange from all parties involved in this application to digest. Clearly we want to provide you with accurate and clear advice in regards to our position on the different elements of the case. This will need discussing further internally and I will not be able to provide a substantive response to you in time for the committee meeting tomorrow.

I will contact you shortly with an update.

Regards

Jim Davies

Senior Development Planning Advisor – Uwch Ymgynghorydd Cynllunio Datblygu
Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn/Tel: 03000 653033

Gwefan / Website:

www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein pwrpas yw sicrhau fod adnoddau naturiol Cymru yn cael eu cynnal, gwella a'u defnyddio yn gynaliadwy, yn awr ac i'r dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Matthew Griffiths (CSP - Development Control) [mailto:matthew.griffiths@powys.gov.uk]
Sent: 17 December 2014 10:40
To: Davies, James
Subject: FW: Llanigon - photographs showing key role of bridge in flood impacts - presented to you on Monday by Ann Connell
Importance: High

James,

Further to previous correspondence on this site. I have received the email below regarding the proposal – could you confirm if there is any change in the position of NRW on this application?

Matthew Griffiths BSc (hons), MSc, MA, MRTPI
Uwch Swyddog Cynllunio / Senior Planning Officer
Cyngor Sir Powys / Powys County Council
T: 01874 612280 / F: 01874 612339

Neuadd Brycheiniog, Ffordd Cambrian, Aberhonddu, Powys LD3 7HR

Neuadd Brycheiniog, Cambrian Way, Brecon, Powys LD3 7HR

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From: Andrew Bevan [<mailto:andrew@abplanning.co.uk>]

Sent: 17 December 2014 10:35

To: Gwilym Davies (CSP - Development Control)

Cc: Matthew Griffiths (CSP - Development Control); 'James Anderson'; john.young@edenvaleyoun.com; admin@abplanning.co.uk

Subject: Llanigon - photographs showing key role of bridge in flood impacts - presented to you on Monday by Ann Connell

Importance: High

Good morning Gwilym,

Thank you for a very helpful meeting on Monday with Ann Connell and myself.

We clearly arrived at a point that is definitive in the current process and you scanned the photographs provided by Ann that show the footbridge causing a **significant** impact on flows along the watercourse and therefore in terms of flood consequences.

Please can you provide copies of the photographs you took scans of at our meeting.

You stated you were going to send copies of the photographs and of your now **fundamental concerns** to James Davies to seek **absolute clarification** regarding the issue of the bridge – especially as the photographs remove speculation and deliver a second reality check in relation to otherwise inaccurate flood projections.

You also noted that the assessments that the current application relies on are not fully concluded and resolved as identified by John Young and should therefore not be accepted as a sound basis for such a critical decision.

The position is now that as per John Young's email/letter this week clearly sets out that the foot bridge causes significant impacts on flooding **as set out by the applicants hydrologist** in their earlier hydrology assessment of the site (see quote in John Young's letter).

Please confirm that this matter will now **not** proceed to committee with a recommendation of approval for the removal of Condition 13 of the existing permission that has now expired and is subject of implementation prior to Pre-condition compliance and it is clear now that that condition and its subject matter goes to the heart of the previous decision and development.

The least that should now happen is that your members, officers and NRW need to be aware that photographs currently in your possession provide evidence that the performance/effect of the bridge in the flood activity at site causes the 'pre-condition 13' to have a significant role in the planning process and decision as issued as promoted by Morfa Drayton on behalf of the applicant.

Please respond by return providing a copy of the email you stated you were going to send to James on Monday.

Regards
Andrew

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From: Gwilym Davies (CSP - Development Control)
Sent: 16 December 2014 05:41
To: Matthew Griffiths (CSP - Development Control); Davies, James
Subject: Llanthomas Lane, Llanigon
Importance: High

Good Morning Both,

I met with Mr Andrew Bevan and Mrs Connell regarding Llanthomas Lane, Llanigon. My record of our conversation is as follows:

Discharge of Condition:

- Mr Bevan believes that PCC rushed the discharge of conditions. He stated that he is likely to request all correspondence relating to the discharge of conditions.

Discharge of Condition 13:

- Mr Bevan stated that all the assessments submitted to date by the applicant for this application are incomplete as they are all in draft form. He refers to an email from Mr John Young to you dated 3rd November 2014, where he states this is outlined.
- Mrs Connell submitted photos that she states shows the bridge as an obstruction (attached). Mr Bevan stated that this supports the second paragraph (quote from Morfor Drayton FCA) on the second page of Mr John Youngs correspondence dated 15th December 2014, which I understand you both have received.
- Mr Bevan notes that as the bridge is an obstruction, condition 13 goes to the heart of the consent on flood risk grounds and therefore the consent has been lost as condition 13 was not discharged prior to the implementation date.

As requested by Mr Bevan and Mrs Connell, I stated that I would inform the case officer and NRW regarding the above comments.

I would be grateful if the above issues relating to the discharge of condition 13 could be address (if possible) prior to the Committee on Thursday as if they are not it is my opinion that a deferral is likely.

Thanks,

Gwilym

Gwilym Davies BSc (Hons), MSc MRTPI
Professional Lead - Development Management
Development Management
Powys County Council
Tel: 01597827344
Email: gwilym.davies@powys.gov.uk

From: Marcus Blayney [mailto:marcus@gjplanning.co.uk]
Sent: 15 December 2014 17:17
To: Matthew Griffiths (CSP - Development Control)
Cc: "Geraint John"
Subject: RE: Development in Llanthomas Lane in Llanigon

Hi Matthew,

Many thanks for this, just by way of a brief response. We would just like to confirm that the FCA reports submitted are indeed finalised copies and are not 'draft' as suggested within the third party representations.

Furthermore it is noted that comprehensive discussions have been held with the NRW over a number of years to address the issues with regards to the need or moreover lack of need, for the removal of the footbridge. It has been clearly demonstrated that there is no material difference relating to its removal or retention at the site, and this has been confirmed and agreed by NRW. Additionally, it is noted that its retention has obvious community and highway benefits.

I hope and trust that this is of assistance.

Kind regards
Marcus

From: Colin Edwards (CSP - Legal Services)
Sent: 15 December 2014 16:11
To: James Anderson
Cc: Matthew Griffiths (CSP - Development Control)
Subject: RE: Llanthomas lane, Llanigon

Dear James

The essence of the legal advice we received from London planning Counsel is set out in the committee report going to planning committee on 18/12/2014. If you have not had a copy please follow the links as follow:

go to PCC public site and follow links by clicking on “Council & Democracy”; “Council & Meetings”; “Council Committees and Meetings”; “Planning Taxi Licensing and Rights of Way Committee” 18/12/2014

Kind regards

Colin Edwards

From: John Young [<mailto:john.young@edenvaleyoung.com>]
Sent: 15 December 2014 11:50
To: Matthew Griffiths (CSP - Development Control)
Cc: andrew@abplanning.co.uk; james.anderson@jeffreysandpowell.co.uk; 'Davies, James'
Subject: RE: Development in Llanthomas Lane in Llanigon

Matthew,

Apologies, not best for spelling your name incorrectly. I pushed send too quickly. Could you please ignore my previous email and use the letter attached to this email.

Kind regards

John Young

From: John Young [<mailto:john.young@edenvaleyoung.com>]
Sent: 15 December 2014 11:41
To: 'Matthew Griffiths (CSP - Development Control)'
Cc: 'andrew@abplanning.co.uk'; 'james.anderson@jeffreysandpowell.co.uk'; 'Davies, James'
Subject: RE: Development in Llanthomas Lane in Llanigon

Natthew,

Please find attached a copy of a letter sent to you in the post today.

Kind regards

John Young

From: John Young [<mailto:john.young@edenvaleyoung.com>]
Sent: 03 November 2014 16:18
To: 'Davies, James'; 'Matthew Griffiths (CSP - Development Control)'
Cc: 'andrew@abplanning.co.uk'; 'james.anderson@jeffreysandpowell.co.uk'
Subject: RE: Development in Llanthomas Lane in Llanigon

James,

Many thanks for your email. I notice from your email that you have liaised with the consultant and given feedback on the appropriateness of the modelling strategy. However, I do note that you have not reviewed a final version of the modelling report, FCA or the hydraulic model for the non-removal of the footbridge.

It is my experience that NRW would want to review the hydrological analysis and hydraulic model in detail before removing an objection to a condition. This would normally include the FEH proforma and a detailed evaluation of the hydraulic model including: boundary conditions; schematisation of structures; model roughness; etc. In this respect, am I correct in saying that:-

1. PCC has not issued NRW with the final versions of a modelling report or FCA specifically relating to the discharge of the condition.
2. PCC has not issued NRW with a final version a FEH proforma or the hydraulic model specifically relating to the discharge of the condition
3. NRW is not in possession of final versions of a modelling report of FCA specifically relating to the discharge of the condition

4. NRW has not undertaken a formal review of the hydrology and hydraulic model specifically relating to the discharge of the condition.

From a procedural point of view I think that these are very important issues and I would appreciate your confirmation of the situation.

Kind regards

John Young

From: Davies, James [<mailto:James.Davies@cyfoethnaturiolcymru.gov.uk>]
Sent: 03 November 2014 11:47
To: Matthew Griffiths (CSP - Development Control)
Cc: andrew@abplanning.co.uk; john.young@edenvaleyong.com
Subject: FW: Development in Llanthomas Lane in Llanigon

Matthew

Thank you for the email.

Looking at the comments from Edenvale Young there are some points to which I should clarify.

John Young suggests that the evidence (i.e. the modelled outputs submitted) should be compared with the housing built in the model (as submitted to the LPA) including both footbridge scenarios and also without the housing built in to the model (not submitted to the LPA) including both the footbridge scenarios. However, as you know, the application is for the removal of a condition on an extant permission – the housing is not what is under consideration here but whether the footbridge has an effect on the permitted housing.

In regard to the modelling used to inform the outputs, we have liaised with the consultant on the appropriateness of the model and hydrology used over several years. We have not reviewed any final FCA or modelling report since providing the consultants feedback on draft versions, but can advise the modelling and hydrology are appropriate to inform flood risk in the area. The model now bears comparison with recorded events in the area.

John is correct when he states that the modelling shows the consented site to be affected by flooding in the 1% (1 in 100 year) design event. John is also correct in that the buildings cause contraction and expansion of flows across the site. This is seen in the model and comparison grids have been produced that indicate the effect is within the locale of the development site. The model does not show any additional impact downstream (including his client's property).

I trust this provides some clarity on the situation associated with the determination of P/2014/0910.

Regards

Jim Davies

Senior Development Planning Advisor – Uwch Ymgynghorydd Cynllunio Datblygu
Cyfoeth Naturiol Cymru / Natural Resources Wales

Ffôn/Tel: 03000 653033

Gwefan / Website:

www.cyfoethnaturiolcymru.gov.uk / www.naturalresourceswales.gov.uk

Ein pwrpas yw sicrhau fod adnoddau naturiol Cymru yn cael eu cynnal, gwella a'u defnyddio yn gynaliadwy, yn awr ac i'r dyfodol.

Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

From: Matthew Griffiths (CSP - Development Control) [<mailto:matthew.griffiths@powys.gov.uk>]

Sent: 14 October 2014 10:56

To: Davies, James

Subject: FW: Development in Llanthomas Lane in Llanigon

Jim,

Please look at the below and provide any comment that NRW may have.

Just for your information, this matter is getting very pressing in my view as the original planning permission will lapse, potentially before we can make a decision on the current s73 planning application. I am referring this to our solicitor as we need to form a position on this to take matters forward. I will not be agreeing an extension until we have agreed a position on this.

Kind regards,

Matthew Griffiths BSc (hons), MSc, MA, MRTPI
Uwch Swyddog Cynllunio / Senior Planning Officer
Cyngor Sir Powys / Powys County Council
T: 01874 612280 / F: 01874 612339

Neuadd Brycheiniog, Ffordd Cambrian, Aberhonddu, Powys LD3 7HR
Neuadd Brycheiniog, Cambrian Way, Brecon, Powys LD3 7HR

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From: John Young [<mailto:john.young@edenvaleyounng.com>]

Sent: 14 October 2014 10:51

To: Matthew Griffiths (CSP - Development Control)

Cc: andrew@abplanning.co.uk

Subject: Development in Llanthomas Lane in Llanigon

Dear Matthew,

Over the last few years Edenvale Young has represented Anne Connell relating to her opposition to the development of properties in Llanigon. Edenvale Young is a specialist flood risk consultant and at the time of the original representation we wrote several letters to the Local Planning Authority and the Environment Agency (now NRW). At the time we felt that the quality of the hydraulic modelling and the FCA in general was poor and that there were a

number of serious omissions and error in the development of the FCA. I would be happy to supply these documents if you do not have them to hand.

Andrew Bevan has now passed me a copy of a new FCA which includes the results of modelling associated with the footbridge. I have had a brief look at the information contained in the various documents which make up the FCA (Martin Wright Associates - MCW) but I can't pretend to have undertaken a detailed review. As you probably realise the reports are aimed at discharging a condition associated with the footbridge. However, when we last looked at this issue, I think that I am correct in saying that the Environment Agency had issued Anne with an apology stating that they had made errors in the assessment of the original FCA submitted by the developer and that the serious concerns raised by Edenvale Young into the FCA were valid. I am not entirely sure what the status of the planning application was following this admission bearing in mind that the EA changed their opinion at a very late stage in the process.

The MWA FCA submitted to the LPA recently compares the "existing" situation (i.e. with the footbridge and housing development) to the proposed situation (without the footbridge but with the housing development). It should be recognised that the former of these two scenarios is not the "existing" situation as the properties have not been built. The existing situation and hence the baseline for the FCA should be pre-development with the footbridge and this scenario should have been considered against the post development situation without the footbridge but with the housing.

1D-2D modelling of this nature was never presented during the original application. However, the modelling contained in the report appears to support the concerns we had at the time for a number of reasons. Firstly the outputs clearly show that the proposed plots 2 and 3 are inundated in the 1 in 100 year event and under these circumstances the flood risks to the properties would be deemed to be unacceptable in accordance with TAN 15. In addition, the two proposed plots adjacent to Llanthomas Lane are surrounded by flood water and access and egress to these properties during flooding must be compromised. These properties must be raised on platforms above the existing land to achieve this "dry" status.

More seriously the plots show flow contracting and accelerating between the above properties clearly changing the flow paths from the "existing" condition (no housing development but with the footbridge). In my opinion there is a very high probability that this contraction and acceleration of flows would have a detrimental impact downstream; notably on Ann's house. I am struggling to see how the development can proceed given this information even if there have been procedural errors in the past. It would be extremely unlikely that the properties would be insurable.

Again, I have not been able to review the information in detail and I think that given the sites history there should be a thorough review of the model. Accordingly we would ask for an extension in the time to evaluate the flood modelling. In particular we would like to have a copy of the model developed by MCW so that we can ensure that the model is robust and meets the high standards required for an FCA.

Kind regards

John Young

--

email john.young@edenvaleyoun.com
web www.edenvaleyoun.com

Address

Edenvale Young Associates Ltd
Royal Talbot House
2 Victoria Street
Bristol

Mob +44 7866 451394
DD +44 117 214 0531
Tel +44 117 214 0530

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Case Officer: Matthew Griffiths- Senior Planning Officer
Tel: 01874 612280 E-mail:matthew.griffiths@powys.gov.uk

15 December 2014

Matthew Griffiths

Senior Planning Officer
Powys County Council
Neuadd Brycheiniog
Cambrian Way
Brecon
Powys
LD3 7HR

Subject: Llanthomas Lane, Llanigon

Dear Matthew,

Further to the various exchanges of correspondence concerning the development on Llanthomas Lane in Llanigon, I note that you have considered the comments contained in my email of the 14 October 2014 associated with flooding risks to the development and third party impacts downstream including my client Anne Connell.

However, it is noted that my questions contained in my email of the 3 November to James Davies at NRW and copied to you not been answered. For your reference the text of the email is given at the end of this letter and at the time of writing it is not clear to me whether a formal and final Flood Consequence Assessment (FCA) was submitted to PCC in relation to discharging Condition 13. The Committee Report makes no reference to a site specific FCA and I can only assume that the Committee will be proceeding without an FCA which is a key planning document. The FCA is particularly important in this particular application as flooding is one of the key issues.

As you are aware I have previously reviewed the Draft FCA prepared by Martin Wright Associates and my comments emailed to you on the 14 October 2014 are also appended to this letter. I have now had a chance to consider the document in more detail. In particular the Draft FCA makes no reference to blockage of the footbridge. In my letter of the 19 December 2008 which related FCA submitted by Morfor Drayton for the previous application I highlighted a number of matters which were considered important.

Edenvale Young Associates
Consulting Engineers

St Nicolas House, 31-34 High Street, Bristol BS1 2AW
T +44 (0) 117 214 0530
edenvaleyong.com

Section 3 of this letter refers to blockage of the footbridge and notes that Page 7 of the Morfor Drayton FCA stated that:

“The footbridge just upstream of the culvert inlet, however is a serious flood risk to the site as it is likely to cause objects to block the channel a form a damming effect that could lead to very high headwater levels that would result in flooding to the Phase 1 site”. It is also recommended that the footbridge is removed to mitigate this flood risk.

In the letter I concurred that blockage of the footbridge could be a significant flooding mechanism and pointed out that:

Edenvale Young has undertaken a large number of Flooding Pre-feasibility (250) and Project Appraisal Studies (40) for Powys County Council and Caerphilly Borough Council. Of the 27 first stage Project Appraisal for Powys County Council, 22 or (81%) of the sites have blockage as the primary or secondary flooding mechanism in conjunction with high rates of flow. These studies are all on ordinary watercourse and a large number of the sites include trash screens, culverts, and medium sized bridges which are vulnerable to blockage and cause flooding. On a nationwide basis WAG has calculated that approximately 60% of all flooding problems on ordinary watercourses in Wales relates to the blockage of culverts.

However, the Morfor Drayton FCA contained no assessment of this flooding mechanism which was recognised within the Morfor Drayton FCA to be serious.

It is understood that the removal of the footbridge was required to mitigate flooding to the site due to blockage and is the basis of Condition 13. Importantly the Draft FCA submitted by Martin Wright Associates does not consider blockage of the footbridge which was the original reason for the inclusion of Condition 13. Accordingly it is considered that the basis of the Draft FCA is incorrect and that the application for the removal of Condition 13 should be rejected.

The issue of blockage is significant as demonstrated by the flooding experienced to the Glasdir Estate in Denbighshire. On 27 November 2012 over 100 modern properties were affected by flooding on the Glasdir Estate in Ruthin. Following pressure from residents and local representatives, Denbighshire County Council appointed Dr Jean Venables (Crane Environmental & ex-president of the ICE), John Young (Edenvale Young) and Clive Onions (Clive Onions Ltd) to undertake the Independent Review of flooding.

Edenvale Young Associates
Consulting Engineers

St Nicolas House, 31-34 High Street, Bristol Bs1 2AW
T +44 (0) 117 214 0530
edenvaleyong.com

Registered Office, Edenvale Young Associates Ltd, 12 St Thomas Street Bristol BS1 6JJ
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The conclusions of the study were complex and wide ranging and included the following key points:-

- The process of preparing the land at Glasdir for development evolved over many years. During that period the methods of hydraulic modelling developed and standards and guidance changed. Communication between the various parties associated with the development could have been clearer and assumptions made by those subsequently involved should / could have been challenged.
- The blockage of culverts adjacent to the estate played a significant part in causing the flood water to flow over the bund (which was also too low). Although blockage was mentioned in previous reports there is no evidence that work was done to assess its impact.

The Glasdir Estate in Ruthin was constructed by Taylor Wimpey Homes with property being sold “off-plan” in 2009 with assurances from the developer that the site was protected to a return period of 1 in 1000 years. However, within three years of development the site had been seriously flooded as a result of blockage as noted above. Flooding caused major distress to the residents and also left them without access to insurance. Following the review the Local Authority and Welsh Assembly Government provided funding for the improvement of the flood defences to the estate and culverts under the road. This should not have been the case if the problem of blockage had been recognised by all parties.

In the case of the development of Llanthomas Lane in Llanigon NRW has already admitted to an error in the evaluation of the previous planning application and the Draft FCA confirms that the development would be flooded in a 1 in 100 year event. Indeed it is understood that you have indicated to Andrew Bevan that if the development were brought forward today it would be refused. This contradicts the requirements of TAN 15.

Accordingly it is apparent that a number of mistakes have already been made with the assessment of planning applications for this development in the past. The omission of any consideration of blockage by either the developer, NRW and Local Planning Authority is considered serious and will compound these errors. Based on the precedent established by the Glasdir Estate in Denbighshire it is considered that Powys County Council could find themselves responsible for funding flood alleviation works to mitigate flooding to the new estate on Llanthomas Lane and third parties such as my client.

Edenvale Young Associates
Consulting Engineers

St Nicolas House, 31-34 High Street, Bristol BS1 2AW
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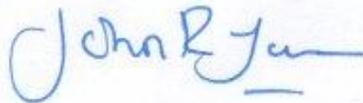
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I respectfully submit to the planning committee that this application should be rejected for three reasons. These are:

- Procedural errors have been made and it is not clear whether a formal FCA has been submitted for the discharge of Condition 13
- Blockage has not been considered within the Draft FCA and condition 13 was based on the removal of the footbridge to mitigate the risk of flooding to the site and third parties
- As a result of errors in the original FCA and lack of scrutiny in the flood risk issues in the planning process natural justice has not been served in the consideration of this application.

If you have any questions or comments please do not hesitate to contact me.

Yours sincerely,

A handwritten signature in blue ink that reads "John Young". The signature is written in a cursive style with a horizontal line under the name.

John Young
Director

Edenvale Young Associates
Consulting Engineers

St Nicolas House, 31-34 High Street, Bristol BS1 2AW
T +44 (0) 117 214 0530
edenvaleyoun.com

Registered Office, Edenvale Young Associates Ltd, 12 St Thomas Street Bristol BS1 6JJ
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From: John Young [mailto:john.young@edenvaleyoun.com]
Sent: 03 November 2014 16:18
To: 'Davies, James'; 'Matthew Griffiths (CSP - Development Control)'
Cc: 'andrew@abplanning.co.uk'; 'james.anderson@jeffreysandpowell.co.uk'
Subject: RE: Development in Llanthomas Lane in Llanigon

James,

Many thanks for your email. I notice from your email that you have liaised with the consultant and given feedback on the appropriateness of the modelling strategy. However, I do note that you have not reviewed a final version of the modelling report, FCA or the hydraulic model for the non-removal of the footbridge.

It is my experience that NRW would want to review the hydrological analysis and hydraulic model in detail before removing an objection to a condition. This would normally include the FEH proforma and a detailed evaluation of the hydraulic model including: boundary conditions; schematisation of structures; model roughness; etc. In this respect, am I correct in saying that:-

1. PCC has not issued NRW with the final versions of a modelling report or FCA specifically relating to the discharge of the condition.
2. PCC has not issued NRW with a final version a FEH proforma or the hydraulic model specifically relating to the discharge of the condition
3. NRW is not in possession of final versions of a modelling report of FCA specifically relating to the discharge of the condition
4. NRW has not undertaken a formal review of the hydrology and hydraulic model specifically relating to the discharge of the condition.

From a procedural point of view I think that these are very important issues and I would appreciate your confirmation of the situation.

Kind regards

John Young

Edenvale Young Associates
Consulting Engineers

St Nicolas House, 31-34 High Street, Bristol BS1 2AW
T +44 (0) 117 214 0530
edenvaleyoun.com

Registered Office, Edenvale Young Associates Ltd, 12 St Thomas Street Bristol BS1 6JJ
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From: John Young [<mailto:john.young@edenvaleyoun.com>]
Sent: 14 October 2014 10:51
To: Matthew Griffiths (CSP - Development Control)
Cc: andrew@abplanning.co.uk
Subject: Development in Llanthomas Lane in Llanigon

Dear Matthew,

Over the last few years Edenvale Young has represented Anne Connell relating to her opposition to the development of properties in Llanigon. Edenvale Young is a specialist flood risk consultant and at the time of the original representation we wrote several letters to the Local Planning Authority and the Environment Agency (now NRW). At the time we felt that the quality of the hydraulic modelling and the FCA in general was poor and that there were a number of serious omissions and error in the development of the FCA. I would be happy to supply these documents if you do not have them to hand.

Andrew Bevan has now passed me a copy of a new FCA which includes the results of modelling associated with the footbridge. I have had a brief look at the information contained in the various documents which make up the FCA (Martin Wright Associates - MCW) but I can't pretend to have undertaken a detailed review. As you probably realise the reports are aimed at discharging a condition associated with the footbridge. However, when we last looked at this issue, I think that I am correct in saying that the Environment Agency had issued Anne with an apology stating that they had made errors in the assessment of the original FCA submitted by the developer and that the serious concerns raised by Edenvale Young into the FCA were valid. I am not entirely sure what the status of the planning application was following this admission bearing in mind that the EA changed their opinion at a very late stage in the process.

The MWA FCA submitted to the LPA recently compares the "existing" situation (i.e. with the footbridge and housing development) to the proposed situation (without the footbridge but with the housing development). It should be recognised that the former of these two scenarios is not the "existing" situation as the properties have not been built. The existing situation and hence the baseline for the FCA should be pre-development with the footbridge and this scenario should have been considered against the post development situation without the footbridge but with the housing.

1D-2D modelling of this nature was never presented during the original application. However, the modelling contained in the report appears to support the concerns we had at the time for a number of reasons. Firstly the outputs clearly show that the proposed plots 2 and 3 are inundated in the 1 in 100 year event and under these circumstances the flood risks to the properties would be deemed to be unacceptable in accordance with TAN 15. In addition, the two proposed plots adjacent to Llanthomas Lane are surrounded by flood water and access and egress to these properties during flooding must be compromised.

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These properties must be raised on platforms above the existing land to achieve this "dry" status.

More seriously the plots show flow contracting and accelerating between the above properties clearly changing the flow paths from the "existing" condition (no housing development but with the footbridge). In my opinion there is a very high probability that this contraction and acceleration of flows would have a detrimental impact downstream; notably on Ann's house. I am struggling to see how the development can proceed given this information even if there have been procedural errors in the past. It would be extremely unlikely that the properties would be insurable.

Again, I have not been able to review the information in detail and I think that given the sites history there should be a thorough review of the model. Accordingly we would ask for an extension in the time to evaluate the flood modelling. In particular we would like to have a copy of the model developed by MCW so that we can ensure that the model is robust and meets the high standards required for an FCA.

Kind regards

John Young

Edenvale Young Associates
Consulting Engineers

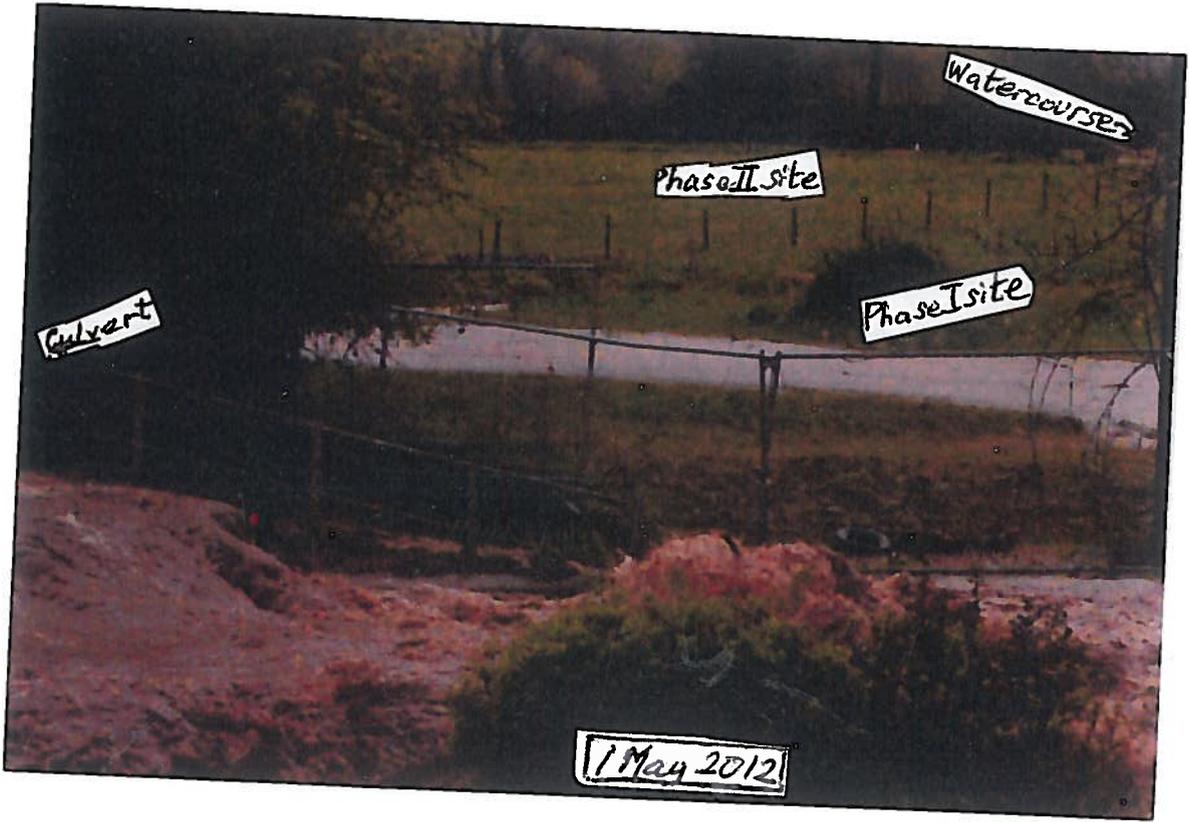
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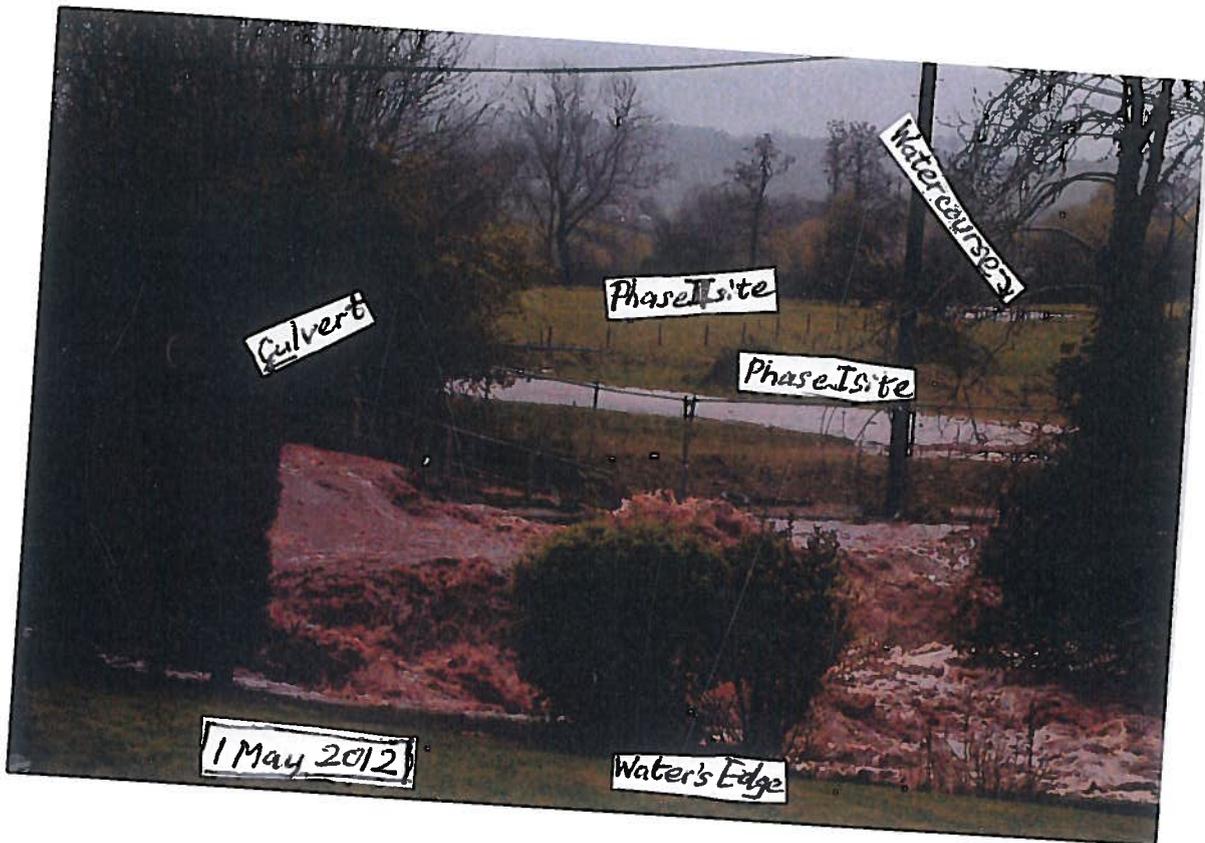
Footbridges



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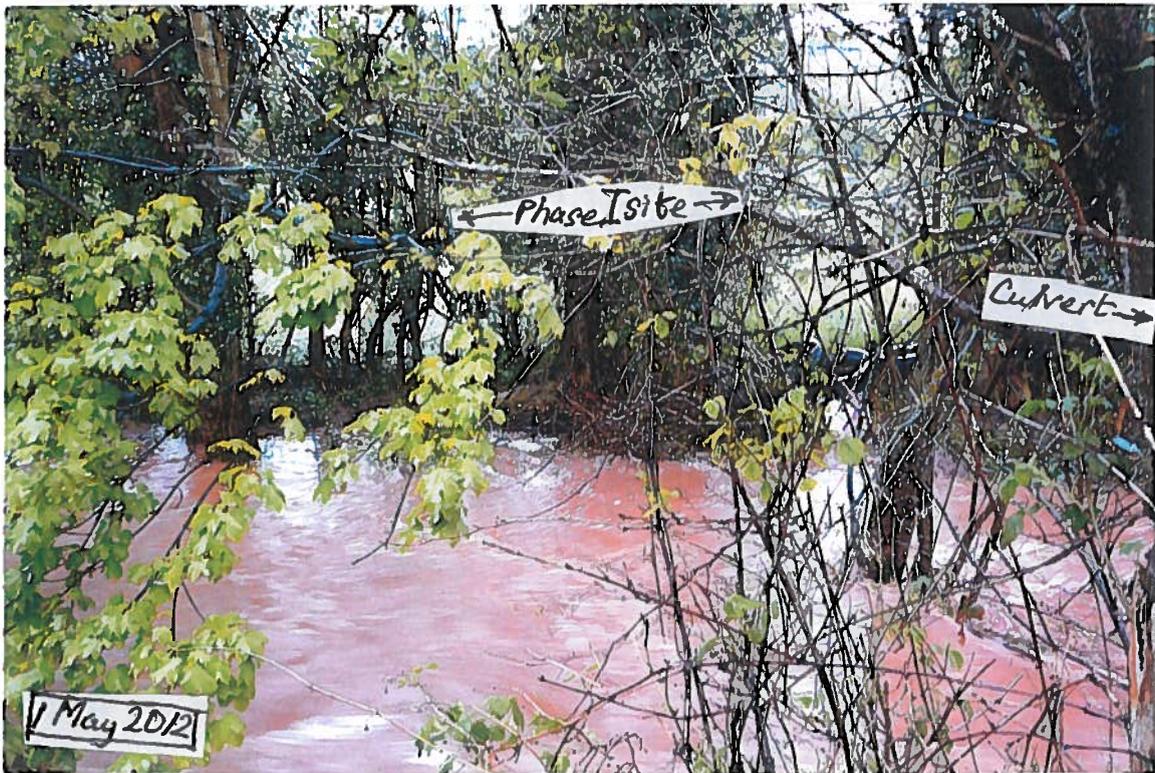
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From: Andrew Bevan [<mailto:andrew@abplanning.co.uk>]
Sent: 17 December 2014 14:58
To: Matthew Griffiths (CSP - Development Control); Gwilym Davies (CSP - Development Control)
Cc: john.young@edenvaleyoung.com; 'James Anderson'
Subject: Llanigon
Importance: High

Dear Matthew

Thank you for clarifying in your email earlier, including confirmation from NRW that there is now insufficient clarity in terms of flooding outcome to allow the application to be properly considered tomorrow.

It would clearly be irresponsible for any LPA to proceed to the approval of a planning application in such circumstances.

In terms of your request for clarification of the unanswered queries we have raised with you and the NRW via John Young, in relation to the hydrology information submitted in support of the application, please see John Young's clear and comprehensive email below, prepared in response to your request for clarification.

Given we find ourselves again where some members will feel it is unreasonable to delay the determination of this application, I believe that it is imperative that the content of this email and the fact the approval of this application will allow the construction of houses that even the applicant accepts will flood, that the authorities solicitor and monitoring officer are required to have an input into the consideration of the application at committee tomorrow.

Please specifically draw this email to the attention of Ms. Sue Bolter.

Regards

Andrew

Andrew,

In relation to item a. below, I can confirm that:

- The Powys County Council Planning Portal does not include a formal Flood Consequence Assessment. Accordingly, it is assumed that an FCA has not been lodged with the Local Planning Authority as part of the discharge of Condition 13.
- We have only had the opportunity to review a Draft FCA prepared by Martin Wright Associates. As far as we are aware there is no final version of the FCA. Indeed James Davies of the NRW in his email to Matthew Griffiths on the 3 November 2014 (11:47am) stated that *"We have not reviewed any final FCA or modelling report since providing the consultants feedback on draft versions"*.
- Moreover, we have not received any response to my email of the 3 November 2014 which queries the status of the documents submitted to NRW (see attached email).

- The Committee Report makes no reference to a site specific FCA or gives any indication that one has been submitted to the LPA for the purposes of discharging condition 13.

I trust that this is of assistance but if you have any further questions please do not hesitate to contact me.

Kind regards

John

From: Geraint Hopkins (CSP - County Councillor)
Sent: 14 December 2014 19:52
To: Matthew Griffiths (CSP - Development Control)
Subject: RE: P/2014/0910 - 18/12/2014 Committee Notification

Dear Matthew,

Unfortunately I can't make this meeting of the Planning Committee.

In my view and the view of Llanigon CC, this condition (13), placed on the original approved planning consent P/2008/1607 was unnecessary. The removal of the footbridge was never going to improve the flow of the brook under storm conditions. The problem is not the footbridge, it is the size and capacity of the culverts taking the water under Llanthomas Lane itself. The culverts get blocked by debris which causes the storm water to cascade over the top of the road and down the lane. This problem needs a properly engineered solution which should have been addressed by Powys' Highways and Land Drainage departments before the planning consent was given.

Regards,
Geraint

Cllr.Geraint G Hopkins.
(Local member for Gwernyfed and Llanigon Wards)

From: Marcus Blayney [<mailto:marcus@gjplanning.co.uk>]
Sent: 17 December 2014 16:18
To: Matthew Griffiths (CSP - Development Control)
Cc: geraint@gjplanning.co.uk
Subject: RE: Llanigon

Matthew,

Many thanks for forwarding this across. I understand the position in terms of NRW's feedback on this, but I would like to express our concerns and frustrations of what now appears to be deliberate delay tactics on behalf of the third party objector. The information provided at this stage provides no substantive evidence to question the results of the FCA, and the information provided is not new or certainly is not material to the determination of this S73 planning application.

As you have confirmed and concluded in your committee report, following detailed and comprehensive assessment, planning condition 13 does not serve a useful planning purpose and an objection to it is removal is not sustainable. The information provided by the 3rd party does not provide any evidence to quantify or contradict this advice. Furthermore given the Counsel advice that has been sought on the matter, it is clear that the condition is one that does not go to the heart of the grant of planning permission. As such both the flood risk technicalities of the case and position, and the lawfulness of the position, have been tested and scrutinised in considerable detail. In our view the position cannot and should not be tested further, and that continued submissions by objectors are simply a continued attempt to delay and frustrate the development.

Moreover and importantly it is clear that the objectors' position is inconsistent and contradictory – as they have made considerable representations previously to challenge both the Council and Natural Resources Wales over the imposition of the condition in the first place. They have repeatedly questioned the need for removal of the footbridge. All parties, the objectors, the applicant, the Council, the Environment Agency, and all third parties maintain that there is no need to remove the bridge, and moreover want to see the footbridge retained – as it plays no part in the flood risk position and yet provides a means of access within the village. Approval of this application would achieve this aim.

I would therefore request that this submission is taken into account and considered to ensure that the application is presented to members of planning committee tomorrow. It is our view and opinion that the information provided should not delay the reporting of the application and that there is already substantial definitive evidence that can be presented to members of planning committee to ensure that a robust decision can be made.

I hope and trust that this information is of assistance.

Many thanks
Marcus

Marcus Blayney
Associate
Geraint John Planning Ltd

Mob : 07534623606
Tel : 02920 660244
Fax : 02920 660243
Email: marcus@gjplanning.co.uk
Ad : Sophia House, 28 Cathedral Road, Cardiff. CF11 9LJ



www.geraintjohnplanning.co.uk

 Before printing, think about the environment

From: Matthew Griffiths (CSP - Development Control) [<mailto:matthew.griffiths@powys.gov.uk>]
Sent: 17 December 2014 15:29
To: Marcus Blayney (marcus@gjplanning.co.uk)
Subject: FW: Llanigon
Importance: High

Marcus

Further correspondence attached, the latest email relates to a follow up email from the third party planning consultant which requested my views on "photograph 21" which shows flows overtopping the footbridge. I provided the attached opinion that it is the modelling that is important to show the impact of this on flooding.

Matthew Griffiths BSc (hons), MSc, MA, MRTPI
Uwch Swyddog Cynllunio / Senior Planning Officer
Cyngor Sir Powys / Powys County Council
T: 01874 612280 / F: 01874 612339

Neuadd Brycheiniog, Ffordd Cambrian, Aberhonddu, Powys LD3 7HR
Neuadd Brycheiniog, Cambrian Way, Brecon, Powys LD3 7HR

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From: Andrew Bevan [<mailto:andrew@abplanning.co.uk>]
Sent: 17 December 2014 14:58
To: Matthew Griffiths (CSP - Development Control); Gwilym Davies (CSP - Development Control)
Cc: john.young@edenvaley.com; 'James Anderson'
Subject: Llanigon
Importance: High

Dear Matthew

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Kind regards

John

Mae'r e bost hwn ac unrhyw atodiad iddo yn gyfrinachol ac fe'i bwriedir ar gyfer y sawl a enwir arno yn unig. Gall gynnwys gwybodaeth freintiedig. Os yw wedi eich cyrraedd trwy gamgymeriad ni ellwch ei gopio, ei ddosbarthu na'i ddangos i unrhyw un arall a dylech gysylltu gyda Cyngor Sir Powys ar unwaith. Mae unrhyw gynnwys nad yw'n ymwneud gyda busnes swyddogol Cyngor Sir Powys yn bersonol i'r awdur ac nid yw'n awdurdodedig gan y Cyngor.

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