

CYNGOR SIR **POWYS** COUNTY COUNCIL

**NEUADD BRYCHEINIOG, Ffordd Cambrian /  
NEUADD BRYCHEINIOG, CAMBRIAN WAY, BRECON, POWYS. LD3 7HR**

---

**Oddi wrth / From:**  
Peter Morris  
Service Manager – Spatial Planning & Built  
Heritage

**I / To:**  
Cllr Wynne Jones  
Board Portfolio holder for Regeneration  
& Development

My ref / Ein cyf: R&D/PM/Ystradfawr

**c.c.** Cllr Stephen Hayes, Board  
Portfolio holder for Corporate Property

**c.c.** Lesley Kirkpatrick, Head of  
Regeneration & Development

Your ref / Eich Cyf:

---

**Dyddiad / Date : 30<sup>th</sup> June 2010**

**Re: Planning Application B2007/0250 – Outline Planning application for residential development – 6 units, Land adjacent to Weaver’s Road, Ystradgynlais.**

I have been tasked by Lesley Kirkpatrick with responsibility for managing the Ystradfawr site in Ystradgynlais. I am writing to you as the Board Portfolio holder with responsibility for deciding the process for determining the above planning application and in particular whether the planning application should be withdrawn.

In terms of background information, the Council’s Board resolved on 6<sup>th</sup> Feb 2007 that a planning application for outline planning permission should be submitted for residential development on the frontage of Weaver’s Road, Ystradgynlais. This decision was made in order to raise a capital receipt from the sale of the site to assist with the future management of the Council-owned Ystradfawr site.

The application was received in August 2007, with Capita Symonds acting as agent for the County Council.

The application has not been determined as a consequence of a number of outstanding objections which have been received in relation to ecology and in particular the potential impact that development would have upon the movements of Marsh Fritillary butterflies, a European Protected Species, and their habitat within the locality.

Objections include:

1. Butterfly Conservation Wales (Russell Hobson) – “Marsh fritillary butterflies have been recorded as flying across Weaver’s Road and colonising the area next to the proposed development.... Increased isolation is known to be a significant reason for Marsh fritillary decline. Therefore, following the precautionary principle, the risk of further barriers to movement should be removed and this application recommended for refusal.

2. Ecologist, Powys County Council (Hannah Powell) – States that the Ystradgynlais Marsh Fritillary metapopulation is the last viable population of the butterfly found in Powys and the development proposal lies in the middle of the metapopulation. “With regard to protected species, the proposals have potential to have an adverse impact on common and widespread reptiles, breeding birds, roosting and foraging bats and marsh fritillary butterflies.... It is considered that given the rarity and sensitivity of marsh fritillary butterflies and the loss of woodland habitats and erection of residential development, it will be difficult to adequately mitigate and/or compensate for any increased severance impacts”. In addition, “The marsh fritillary butterfly is a European Protected Species (EPS) and I understand that the population in the Ystradgynlais area is of SAC quality, and though not designated, should be treated as such. Again, any negative impacts to the butterfly population would be against policy and possibly the law”.
3. Brecknock Wildlife Trust – recommends the application is refused on the following grounds: (i) the proposal is adjacent to and partially covers a known marsh fritillary site and the precautionary principle should be applied (ii) the site is outside the UDP boundary (iii) the site is a potential SSI (iv) the Powys LBAP seeks to protect marsh fritillary habitats. BWT also refer to alternative funding streams to secure the long-term management of Ystradfawr and strongly disagree that this development is an essential part of the mechanism to enable this.

In addition to the objections the application site lies outside the development boundary for Ystradgynlais defined by the recently adopted Powys Unitary Development Plan. As part of the planning application, Capita Symonds were asked to provide a supporting statement as a justification for the planning application which was done and, at that time, correctly stated that the application site lay within the development limits of the Brecknock Local Plan 1997 and because the UDP was not adopted greater weight should be given in decision making to the Local Plan. Capita Symonds also justified the development as an enabling development which would invest any income from the sale of the site within the ongoing regeneration of Ystradfawr Tip and that it would provide 2 affordable housing units.

## **Conclusion and Recommendation**

Having reviewed the file, I am of the opinion that the planning application should be withdrawn. There are clearly two outstanding planning issues that will inform the outcome of the planning application. Firstly there are outstanding objections in relation to the potential impact of the proposed development on the Marsh Fritillary Butterfly and its habitat. The Council’s ecologist has taken the view that the application would harm the marsh fritillary butterfly population and it is considered that this is potentially sufficient reason on its own for refusing the planning application. This view is supported by Butterfly Conservation Wales and the Brecknock Wildlife Trust.

The second issue relates to the status of the development plan and the justification provided in support of the application as a form of enabling development. The application was initially submitted in August 2007 and subsequently the weight of the UDP in decision making has increased through the publication of Proposed Modifications in Nov 2007 and more recently upon adoption of the UDP on March 1<sup>st</sup> 2010. The proposed application would therefore now represent a departure to the development plan as the site is located outside the town’s development boundary and would therefore require an exceptional justification. The exceptional reason provided by Capita related to investing any income received from the sale of the site into the management of the Ystradfawr tip but this is not

considered an over-riding reason to grant planning permission contrary to the UDP policies.

In view of the above, I would be grateful if you could confirm that the planning application should be withdrawn or alternatively whether you consider it should proceed to determination.

Yours Sincerely,

**Peter Morris,**  
**Service Manager – Spatial Planning & Built Heritage**