

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

**Application Number:** 18/0464/FUL

**Grid Ref:** E: 293413  
N: 247363

**Community Council:** Llangammarch

**Valid Date:** 26.11.2018

**Applicant:** Powys County Council

**Location:** Offices, Llangammarch Depot, Llangamarch, Powys, LD4 4BY

**Proposal:** Demolition of existing storage building and loading ramp. Construction of new 36m diameter salt dome, relocation of grit storage bays and creation of additional parking bays.

**Application Type:** Full Application

### The reason for Committee determination

Powys County Council is the applicant.

### Consultee Responses

Consultee	Received
-----------	----------

Community Council

No comments received at the time of writing this report.

PCC-Building Control

No comments received at the time of writing this report.

Wales & West Utilities - Plant Protection Team

11th Dec 2018

Wales & West Utilities acknowledge receipt of your notice received on 04.12.2018, advising us of the proposals for:

Highways Depot, Llangammarch Wells, Powys, LD4 4BY

According to our mains records Wales & West Utilities has no apparatus in the area of your enquiry. However Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe digging practices, in accordance with HS(G)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is your responsibility to ensure that this information is provided to all persons (either direct labour or contractors) working for you on or near gas 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.

Ward Councillor

4th Dec 2018

I support the application.

PCC-(S) Highways

14th Dec 2018

Does not wish to comment on the application

Welsh Water

4th Dec 2018

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

Sewerage

We have no comments to make on the above Planning Application.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Thank you for consulting me with regards to planning application 18/0464/FUL which concerns at full planning application for demolition of existing storage building and loading ramp, construction of new 36m diameter salt dome, relocation of grit storage bays and creation of additional parking bays at Llangammarch Depot, Llangammarch.

I have reviewed the proposed plans submitted with the application as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 123 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

There are three statutory designated sites and one non-statutory designated site within 500m of the proposed development;

- o River Wye - SAC
- o Afon Irfon - SSSI
- o Llangammarch wells quarry - SSSI (also non statutory designated site - RIGS)

The Afon Irfon is located over 25m west of the proposed development site. The Afon Irfon is designated as part of the River Wye SAC. In assessing the location and nature of the proposed development in relation to the River Wye SAC it is considered that there is no likelihood of direct impacts between the site of the proposed development and the River Wye SAC. Given the distance between the proposed development and the nature of the development it is considered that there is no potential for a Likely Significant Effect to the SAC or its associated features and that a HRA would not be required.

However, I have reviewed the submitted Construction Pollution Prevention Plan dated 31st July 2018 version 10 - I considered the construction pollution prevention plans to be appropriate and acceptable. Therefore, I recommend adherence and implementation of the Construction Pollution Prevention Plan to be secured through an appropriately worded condition.

Having considered the location and nature of the proposed development in relation to Llangammarch Wells Quarry, it is considered that the proposed development would not result in a negative impact to the RIGS site or its associated features.

Given the proposed development will involve demolition of an existing building - consideration has been given to the potential for this structures to support roosting bats -

bat being a European Protected Species.

The building that is proposed to be demolished is considered to be unsuitable to support roosting bats. Due to the nature of the construction of the building it offers limited opportunity for suitable features to support roosting bats.

Therefore, it is considered that the proposed development will not result in the loss of features or habitat suitable for use by roosting bats. In light of this assessment I consider that no further information is considered necessary to determine the potential impact of the proposed development and demolition on bats.

Careful consideration will need to be given to any external lighting of the proposed development, the habitat surrounding the proposed development does have features suitable for mobile wildlife to forage and commute. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions:

The Construction Pollution Prevention Plan dated 31st July 2018 version 10 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's LDP Policies SP2, 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 Part 1 Section 6 of the Environment (Wales) Act.

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 LDP Policies DM2, 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.

In addition, I recommend inclusion of the following informative:

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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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.

Natural Resources Wales (North) DPAS

18<sup>th</sup> Jan 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 04/12/2018, and for allowing more time to respond.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirements. We would object if the scheme does not meet these requirements.

Requirement 1 – Amendment of plan to include more information.

Requirement 2 – Additional information on how fuel will be stored to withstand pollution during a flood event.

Requirement 3 – Amendment of Incident Response Plan to include NRW's incident hotline telephone number.

Requirement 4 – Proposed Site Drainage Plan.

Pollution Prevention Plan

We have reviewed the Pollution Prevention Plan (document titled 'Construction Pollution

Prevention Plan – Llangammarch Salt Barn’, undated, unreferenced) submitted in support of the proposal.

#### Requirement 1 – Amendment of plan to include more information

The Plan should be amended to state any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank. All filling points, gauges, vents and sight glasses must be located within the bund.

The plan should also be amended to include NRW’s Pollution Incident Hotline, which is: 03000 65 3000.

#### Proposed Site Plan

We note the proposed site plan (‘Proposed Site Layout’, Drawing Number PL-03 dated 04/07/2018 by Engineering Design Services at Ceredigion and Powys Local Authority) includes the location of the ‘Existing gritter sheds & fuel storage area’ which are to remain in situ.

#### Requirement 2 – Additional information on how fuel will be stored to withstand pollution during a flood event

Owing to the site to be located within the flood zone, we require additional information to show how the fuel is stored in accordance with the SSAFO regulations and to prevent pollution during flood events.

#### Incident Response Plan

We welcome the submission of an Incident Response Plan (‘Pollution Incident Response Plan’ for Llangammarch Depot, Llangammarch Wells, Powys LD4 4BY dated 31/07/18) submitted in support of the proposal. This plan must be implemented.

#### Requirement 3 – Amendment of Incident Response Plan to include NRW’s incident hotline telephone number

The plan includes a previous telephone number for NRW. This telephone number should be changed to the current number which is be: 03000 65 3000.

#### Drainage Plan

We note the Incident Response Plan includes a Site Plan and Drainage plan for the existing proposal.

#### Requirement 4 – Proposed Site Drainage Plan

A site plan must be submitted showing how all clean surface water and foul drainage is to be

dealt with by the development. Any means to prevent pollution from occurring from the site, such as shut-off valves for surface water should be detailed. We will provide further comments when we receive this plan.

#### Habitat Regulation Assessment

The proposal is near and hydrologically connected to the following protected sites:

- Afon Irfon Special Area of Conservation (SAC)
- Afon Irfon Site of Special Scientific Interest (SSSI)

We advise this proposal may have implications to these sites, and as part of the planning application a Test of Likely Significant Effect under Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012) should be undertaken.

The Competent Authority must not normally agreed to any plan or project unless they are sure beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

#### Protected Species

Bats and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

We note the Local Authority Ecologist has commented on this proposal, and has assessed the potential of the building to accommodate bat species. The email (dated 20th of December 2018) states that the building is considered unsuitable to support roosting bats.

Care should be taken in the type and location of external lighting to ensure the river, hedgerows and trees surrounding the site are not illuminated. Should any external lighting be propose, we advise a light spillage scheme should be agreed to the satisfaction of the Local Authority.

Should bats be discovered at any stage during the works, all works should stop immediately and NRW contacted for further advice.

#### Flood Risk

The application site lies entirely within zone C2 as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN 15) (July 2004). Our Flood Map, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability of fluvial flooding from the Afon Irfon River, a designated main river.

Given the scale of the proposed development and in the absence of a Flood Consequence

Assessment we consider the risk could be acceptable subject to the developer being made aware of the potential flood risks. We also recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our website for further advice and guidance available here: <http://naturalresourceswales.gov.uk>.

Additional guidance including the leaflet "Prepare your Property for flooding" can be found by following the link: <https://www.gov.uk/prepare-for-flooding>.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found by following the link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11485/2187544.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187544.pdf)

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

*Additional Correspondence Received 08/02/2019:*

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with the amended information about the above, which was received on 05/02/2019.

NRW does not object to the proposal. We have the following advice to provide.

Proposed Site Plan

In our previous letter we requested the proposed site plan ('Proposed Site Layout', Drawing Number PL-03 dated 04/07/2018 by Engineering Design Services at Ceredigion and Powys Local



Authority) should be amended to include information on how oil was to be stored to comply with the SSAFO standards.

Following clarification from the Applicant that this part of the site is not included in the planning application, we no longer require this information.

#### Incident Response Plan

We welcome the submission of an Incident Response Plan ('Pollution Incident Response Plan' for Llangammarch Depot, Llangammarch Wells, Powys LD4 4BY dated 31/07/18) which has now been amended to include NRW's incident response hotline number.

This plan must be implemented.

#### Drainage Plan

A site drainage plan has been submitted showing the existing site drainage measures. We note an oil interceptor is installed on the pipeline leading surface water from the proposed dome area to the river.

It is recommended that salt stores are situated on an impervious base and sited at least 10m away from the nearest watercourse or soakaway. Drainage from stores and loading areas should pass to the foul sewer, or a sealed tank. Drainage from these areas should not pass to a watercourse or soakaway.

If this is unavoidable, a discharge permit will be required from NRW, which would contain strict quality conditions to protect the water environment. Measures should be taken to ensure that salt from the store is not allowed to encroach onto the open yard, using, for example, a ramp across the entrance.

All discharges to the public foul sewer require authorisation by the appropriate sewerage undertaker and may be subject to the terms and conditions of a trade effluent consent.

#### Habitat Regulation Assessment

The proposal is near and hydrologically connected to the following protected sites:

- Afon Irfon Special Area of Conservation (SAC)
- Afon Irfon Site of Special Scientific Interest (SSSI)

We advise this proposal may have implications to these sites, and as part of the planning application a Test of Likely Significant Effect under Regulation 61 of the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012) should be undertaken.

The Competent Authority must not normally agreed to any plan or project unless they are sure

beyond reasonable scientific doubt that it will not adversely affect the integrity of a SAC, SPA or Ramsar site.

### Protected Species

Bats and their breeding and resting places are protected under the Wildlife and Countryside act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (SI 2017 No. 1012), and they are a material consideration for planning.

We note the Local Authority Ecologist has commented on this proposal, and has assessed the potential of the building to accommodate bat species. The email (dated 20th of December 2018) states that the building is considered unsuitable to support roosting bats.

Care should be taken in the type and location of external lighting to ensure the river, hedgerows and trees surrounding the site are not illuminated. Should any external lighting be propose, we advise a light spillage scheme should be agreed to the satisfaction of the Local Authority.

Should bats be discovered at any stage during the works, all works should stop immediately and NRW contacted for further advice.

### Advice for the Developer

#### Pollution Prevention

The following pollution prevention measures must be adhered to during the construction phase at this site.

All works at the site must be carried out in accordance with Guidance for Pollution Prevention GPP5 “Works and maintenance in or near water” which can be found at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Also, the work must be carried out in accordance with PPG6: ‘Working at construction and demolition sites’ which are available on the Gov.uk website:

<https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund, refuelling should be supervised at all times.

Please do not hesitate to contact us if you require further information or clarification of any of the

above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Environmental Health

15<sup>th</sup> Feb 2019

Having looked at the above proposed planning application, I confirm Environmental Health would not have any objections.

### **Representations**

Following the display of a site notice on 07/12/2018 no public representations or objections have been received at the time of writing this report.

### **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/2010/0879	Full: Erection of a new welfare facility.	Conditional Consent	16/11/2010

### **Principal Planning Constraints**

Flood Zone  
SSSI

### **Principal Planning Policies**

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN5	Nature Conservation and Planning		National Policy

TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN15	Development and Flood Risk	National Policy
TAN18	Transport	National Policy
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
E2	Employment Proposals on Non-Allocated Employment Sites	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Appraisal**

Site Location and Description

The application site is located within the Community Council area of Llangammarch and is considered as development within the open countryside as defined by the Powys Local Development Plan (2018). The application site is surrounded by agricultural land to the north and west, the River Cammarch located to the east, and the county highway (C0024) located to the south.

This application seeks consent for the demolition of existing storage building and loading ramp. Construction of new 36-meter diameter salt dome, relocation of grit storage bays and creation of additional parking bays.

The salt dome will have a diameter of approximately 36 metres with a height of approximately 15.53 metres. The proposed area of the grit bins will measure approximately 18 metres in length by 14.4 metres in width, in addition an extra 40 parking spaces are proposed for staff parking and fleet vehicles. The proposed salt dome will be finished using 3-metre-high concrete walls under a laminated timber roof covered in felt shingles.

### Principle of Development

Proposals of this nature need to comply with Local Development Plan policy E2 – Employment Proposals on Non-Allocated Employment Sites. This policy states that at least one of the following requirements must be met in order for a principle of development to be established;

- i. “The proposal is up to 0.5ha. and is located within or adjoining a settlement with a development boundary.*
- ii. The proposal is for the limited expansion, extension or environmental improvement of existing employment sites and buildings.*
- iii. The proposal is appropriate in scale and nature to its location and is supported by a business case which demonstrates that its location is justified.”*

The proposed development is for the expansion of the Llangammarch Highways Depot and is to be used in connection with the existing facilities at the depot. It is therefore considered that the proposed development complies with criteria (ii) and (iii) of LDP policy E2 and that the principle of development at this location complies with relevant planning policy subject to the following:

### Design, Landscaping and Setting

Policy DM4 of the Powys Local Development Plan states that for proposals in the open countryside such as this one, they must not individually or cumulatively, have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. All proposals should therefore be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape.

Policy DM13 of the Powys LDP indicates that development proposals will only be permitted where they have 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.

A visual and sensory evaluation of the site using LANDMAP classifies the area of the application site as being of moderate value, with the area described as being generally attractive with a mosaic of pasture, woodland and low lying marshy areas which overall give it a scenic quality. The application site is on the site of an existing depot and the proposed development is replacing an existing building used for the same purpose. Therefore, it is not considered that the erection of a salt dome at this location will create an adverse impact upon the character of the surrounding area. Given this, and the fact the evaluation of the site using LANDMAP is moderate value, it is not considered the proposal will cause an unacceptable impact upon the character of the Powys Landscape.

It is noted that a larger salt dome is required as Powys County Council are working towards having the stock levels required under the 'Strategic Salt Storage Levels' as agreed by the WLGA, WG and Salt Union Forum. It is therefore noted and considered that a new building is required to aid the Council to achieve these levels.

Whilst the height of 15.53 metres is noted it is considered that the design of the building being dome-like in construction aids to reduce the overall visual impact of the building. In addition, the selected material being laminated timber covered in felt shingles uses a green finish. It is considered that this material and colour choice will significantly reduce the impact of the proposed development and will complement the surrounding rural landscape. The application site has extensive landscaping in the form of a large area of trees to the north, east and west elevations and it is considered this will greatly reduce any impact caused by the salt dome. Given the existing use of the site as a Highway Depot, it is not considered the introduction of the salt dome will have any detrimental impact upon the character or appearance of the surrounding area and is deemed fundamentally acceptable at this location. The introduction of additional grit bins and parking areas are also considered to be in keeping with the character of the area and are deemed to be acceptable.

In light of the above, it is considered that the proposed development complies with relevant planning policy.

### Highways

A safe access, parking and visibility splays are a fundamental requirement of any development. (DM13: Part 10).

The application does not seek any alterations to the existing means of access to the development site and will not reduce the levels of parking to an unacceptable level. The Local Highway Authority have been consulted on the proposed development and have no comments to make on the application.

In light of the above it is considered that the proposed development complies with relevant planning policy.

#### Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) and LDP policy DM13 (Part 11).

The nearest neighbouring dwelling to the application site is located approximately 100 metres south, given this distance despite the height of the salt dome being at 15.53 metres it is not considered there will be any adverse impact in terms of the amenities enjoyed by occupiers of this or other properties in the surrounding area. Given the nature of the proposed development and the existing use of the site it is not considered there will be any adverse impact upon neighbouring properties.

In light of the above it is therefore considered that the proposed development complies with relevant planning policy.

#### Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. This is further emphasised within Technical Advice Note (TAN) 5.

The Ecologist reviewed the proposed plans as well as records of protected and priority species and designated sites within 500m of the proposed development. From the data search they identified 123 records of protected and priority species although no records were for the site itself. There are three statutory designated sites within 500m of the proposed development; River Wye – SAC, Afon Irfon – SSSI and Llangammarch Wells quarry – SSSI. In assessing the location and nature of the proposed development in relation to the River Wye SAC it is considered that there is no likelihood of direct impacts between the site of the proposed development and the River Wye SAC. Given the distance between the proposed development and the nature of the development it is considered that there is no potential for a Likely Significant Effect to the SAC or its associated features and that a HRA would not be required. The Ecologist has therefore considered that there will not be any negative impact upon these sites due to the nature of the proposed development.

Given part of the works involves the demolition of a building consideration has been given to the potential of that building to support roosting bats – a European Protected Species. However, the Ecologist considered that the building to be demolished is unsuitable to support roosting bats, due to the nature of the construction of the building.

The Ecologist also noted that careful consideration will need to be given to any external lighting proposed as part of the development, in order to reduce the impact to nocturnal wildlife commuting and foraging in the local area. As such, a condition will be attached securing an external lighting design scheme is submitted to an approved in writing by the Local Planning Authority, as well as a condition securing the pollution prevention plan that was submitted with this application is implemented.

In light of the above, and subject to the inclusion of appropriately worded conditions, it is considered that the proposed development complies with relevant planning policy.

### Flood Risk

As per the Development Advice Map (Technical Advice Note 15 – Development and Flood Risk, 2004) the application site does fall within a C2 Flood Zone. Natural Resources Wales initially raised concerns regarding the proposed development and requested that the application be amended to include additional information. These requirements involved the amendment of plans to include all facilities for the storage of oils, fuels and chemicals, additional information on how fuel will be stored during a flood event, amendment of the Incident Response Plan to include NRW's incident hotline number and the submission of a site drainage plan.

In light of this request for additional information an Incident Response Plan and Site Drainage Plan has been submitted by the applicant. Natural Resources Wales have reviewed the additional information and confirmed that they no longer have any objection to the proposed development going ahead. It has been considered that the potential flood risk at the site is acceptable and there is no requirement to submit a Flood Consequence Assessment, subject to the developer being made aware of the potential flood risks at the site. This will be attached to the granting of any consent as an Informative Note. It is noted that the additional information includes the submission of an incident response plan, a condition will be attached to the granting of any consent that ensures the implementation of this plan.

In light of the above, and subject to the inclusion of an appropriately worded condition, it is considered that the proposed development complies with relevant planning policy.

### **RECOMMENDATION – CONDITIONAL CONSENT**

Having carefully considered the proposed development, officers consider that the proposal complies with relevant planning policy. The recommendation is therefore conditional consent.

### **Conditions**

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



2. The development shall be carried out strictly in accordance with the amended plans stamped as received on 07/09/2018 (drawing no's: PL – 01, PL - 02, PL – 03 & PL – 04).
3. The Construction Pollution Prevention Plan dated 31st July 2018 version 10 shall be adhered to and implemented in full and maintained thereafter.
4. 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.
5. The Incident Response Plan dated 31<sup>st</sup> July 2018 shall be adhered to, implemented in full and maintained thereafter during a flood event.

### **Reasons**

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.
3. To comply with Powys County Council's LDP Policies SP2, DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
4. To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
5. To comply with Powys County Council's LDP Policies SP2, DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.

### **Informative Notes**

PCC – Ecology

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:

- o intentionally kill, injure or take any wild bird
- o intentionally take, damage or destroy the nest of any wild bird whilst it is in use or being built
- o intentionally take or destroy the egg of any wild bird
- o 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.

### Natural Resources Wales

Pollution Prevention:

The following pollution prevention measures must be adhered to during the construction phase at this site.

All works at the site must be carried out in accordance with Guidance for Pollution Prevention GPP5 "Works and maintenance in or near water" which can be found at: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Also, the work must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the Gov.uk website: <https://www.gov.uk/government/collections/pollution-prevention-guidance-ppg>.

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipe-work should be located above ground and protected from accidental damage. All filling points and tank overflow pipe

outlets should be detailed to discharge downwards into the bund, refuelling should be supervised at all times

**Flood Risk:**

We also recommend that consideration be given to the incorporation of flood resistance/resilience measures into the design and construction of the development. These could include flood barriers on ground floor doors, windows and access points, implementation of suitable flood proofing measures to the internal fabric of the ground floor, and locating electrical sockets/components at a higher level above possible flood levels.

We refer the applicant to our website for further advice and guidance available here: <http://naturalresourceswales.gov.uk>.

Additional guidance including the leaflet "Prepare your Property for flooding" can be found by following the link: <https://www.gov.uk/prepare-for-flooding>.

The developer can also access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found by following the link:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/11485/2187544.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187544.pdf)

Please do not hesitate to contact us if you require further information or clarification of any of the above.

The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents.