

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 18/1205/OUT

Grid Ref: E: 330039
N: 312483

Community Council: Trewern Community

Valid Date: 19.12.2018

Applicant: Mr and Mrs Swain

Location: Old Coal Depot, Middletown, Welshpool, Powys, SY21 8EJ

Proposal: Demolition of existing buildings, development of 8 x dwellings, formation of estate road and all associated works

Application Type: Outline planning

The reason for Committee determination

The application has been called in to Committee by the Local Member.

Site Location and Description

This site is accessed directly off the A458 trunk road within the settlement of Middletown. The existing site has a number of existing buildings with the rest of the site forming a large area of hardstanding currently used for the storage of vehicles and HGV's. The site is bounded by residential properties to the north west and north east with the trunk road directly adjacent to the south east and agricultural land to the south west.

This application seeks outline consent for the demolition of the existing buildings and the development of 8 dwellings, formation of estate road and all associated works. The application is submitted in outline form with all matters reserved for future consideration.

Consultee Responses

Consultee

Received

Community Council

20th Feb 2019

Trewern Community Council considered this application at its meeting on 19th February 2019. We are aware that this application is currently for outline planning only. However, we have received concerns from two neighbouring residents with reference to the proposed Dwelling number 8 (the 3-bed detached dwelling) shown on the plans.

It is felt that the proposed property will obstruct the view and restrict light for these existing properties which adjoin this site. We would therefore like to submit a plea that this dwelling is changed from a Detached House to a Bungalow.

We also feel that as there is a shortage of bungalows in the local area, that this alteration to the plans will be welcomed by the community.

We do not oppose this application.

Please could I also ask that you confirm receipt of this email as of today's date.

Building Control

8th Jan 2019

Building Regulations application required.

Wales & West Utilities - Plant Protection
Team

17th Jan 2019

Wales & West Utilities acknowledge receipt of your notice received on 08.01.2019, advising us of the proposals for:

Old Coal Depot, Middletown, WELSHPOOL, Powys, SY21 8EJ

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

15th Jan 2019

Please can I call this in due to access Considerations from trunk road, concerns re

sustainability of Middletown as a community, and concerns raised by residents. I will send a full email with comments in due course. Please can you confirm if Powys housing will be consulted due to adjoining estate?

I was noticed of this last week but not the date in the portal is 19th December. I trust I have met the call in deadline?

Hafren Dyfrdwy

10th Jan 2019

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

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

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

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

The developer's attention is also drawn to the legal requirement for all sites to enter into a Section 104 sewer adoption agreement with Hafren Dyfrdwy before any sewer connection can be approved, in line with the implementation Schedule 3 of the Floods and Water Management Act 2010. Full details of this are provided on our website www.hdcymru.co.uk under the 'New Site Developments' section.

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

Contaminated Land

9th Jan 2019

In relation to planning application 18/1205/OUT, the following advice is provided for the

consideration of Development Control.

Advice

1. The application site is identified as the Old Coal Depot; furthermore, historic Ordnance Survey (OS) maps and information on record identify that the application site was previously occupied by a Depot (use not specified), a Garage, a Warehouse and by a Road Haulage operator. As a consequence of the application site's land use history there is significant potential for the presence of land contamination.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2018) states: "Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

Furthermore, paragraph 6.9.19, of 'Planning Policy Wales' (2018), states: "Where land contamination issues arise, the planning authority will require evidence of a detailed investigation and risk assessment prior to the determination of the application to enable beneficial use of land, unless it can already be established that remedial measures can be employed."

However, no information concerning the potentially significant land contamination risks associated with the application site has been submitted in support of planning application 18/1205/OUT.

Summary

Based on the available information and the sensitivity of the proposed development (residential), it is recommended that planning application 18/1205/OUT should not be determined until the appropriate level of investigation and assessment, in respect of the potential land contamination risks associated with the application site, has been submitted in support of the application.

As a minimum, a preliminary investigation and preliminary risk assessment ('Phase 1' report) should be submitted in support of planning application 18/1205/OUT.

The preliminary investigation and preliminary risk assessment should be completed by a qualified and experienced environmental consultant; and in accordance with current guidance and best practice, such as CLR11 'Model Procedures for the Management of Land Contamination' (2004) and BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites - Code of Practice'.

If the preliminary risk assessment identifies that there are any potential land

contamination risks a detailed scope of works for an intrusive site investigation, prepared by a qualified and experienced environmental consultant, should be submitted for review and approval. Intrusive site investigations should be designed, justified and completed in accordance with current guidance and best practice, such as BS10175:2011+A2:2017.

The WLGA and NRW document 'Development of Land Affected by Contamination: A Guide for Developers' is attached to assist the applicant.

Environmental Health – Environmental Protection

18th April 2019

Foul drainage

Environmental Protection has no objection to the proposal, provided the foul drainage from the development connects to the mains sewer network.

Construction-phase noise control

Due to the residential nature of the setting, Environmental Health will require that measures are in place to control the level of noise disturbance to neighbouring properties during the construction phase of the development.

This department would recommend that the construction period working hours and delivery times be restricted as follows:

“All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

- *0800-1800 hrs Monday to Friday*
- *0800-1300 hrs Saturday*
- *At no time on Sundays and Bank Holidays*

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.”

County Ecologist

23rd Jan 2019

Thank you for consulting me with regards to planning application 18/1205/OUT which concerns an outline planning application for demolition of existing buildings, development of 8 dwellings, formation of estate road and all associated works at Old Coal Depot Middletown. Welshpool.

I have reviewed the proposed plans submitted with the application as well as aerial images of the site, surrounding habitats and local records of protected and priority

species and designated sites within 500m of the proposed development.

The data search identified 743 records of protected and priority species within 500m of the proposed development including records of great crested newt and water vole - no records were for the site itself.

There is one statutory designated site within 500m of the proposed development;

- Middletown Hill - SSSI

There are two non-statutory designated sites within 500m of the proposed development;

- Middletown Quarry - RIGS
- Middletown Hill - SINC

Having reviewed the location and nature of the proposed development in relation to both the statutory and non-statutory designated sites, it is considered that the proposed development would not result in a negative impact to these sites or its associated features.

I have reviewed the Ecological Assessment Report produced by Jon Sloan Ecology dated December 2018, I consider that the survey effort employed was in accordance with National Guidelines.

The Survey consisted of a combination of desktop searches and a site visit to carry out a phase 1 habitat survey. The site was surveyed to identify specific habitats and potential opportunities for protected species.

Given the proposed development will involve demolition of two buildings - the ecological assessment also included the potential of the development to impact bats, bats are often associated with outbuilding - bats are a European Protected Species.

Bat Survey Assessment

The surveys undertaken included internal and external inspections of the buildings; to identify any potential features where bats could access the existing buildings and utilise for roosting purposes.

One building being a garage workshop - pre cast concrete structure forming A frames with in fill concrete blocks and some elevation and roof clad in corrugated asbestos sheeting. By the nature of the buildings construction it is considered unsuitable to supporting roosting bats.

The other building noted as a 'former office'- brick building with slate roof as well as

weather boarding present on the eastern aspect (on a lean to structure with tin roof). There is a small roof void within the office building. No evidence of bats was found during the ecological assessment of this building. The office building was considered to have very little suitable features to support roosting bats. Therefore, it was considered that no further surveys were considered necessary. However, precautionary approach to ensure that there will be no impact to this species if present it is considered necessary that work (specifically roof removal of the office building) is overseen by a suitable qualified ecologist. The soft stripping of this building should only be undertaken during October-April when bats are not likely to be active. Therefore, I recommended that the mitigation measure within section 5 of the ecological report is secured through and appropriately worded document.

Phase 1 habitat survey

Habitats identified within the proposed development site are; hardstanding, improved grassland and two commercial buildings. Identified within the boundary habitat are; mixed species hedgerow (native and no native species) and brambles. There is one mature Sycamore tree at the north east aspect of the site.

The mature sycamore is proposed to be retained. Given the proximity of the proposed development works to this tree - it is considered prudent to require information as to how this feature of biodiversity importance will be protected during the construction period of works. Therefore, I recommend that a tree protection plan is secured through an appropriately worded condition.

In conclusion of the ecological assessment the habitats present at the site do not class as priority habitats and are considered to be of negligible value.

The features of the current ecological interest on the site are boundary hedgerow, all of which have potential to support breeding birds and may be used by bat as commuting and foraging habitat.

From reviewing submitted proposed plans, it appears that the hedgerow boundary will not be impacted by the proposed development. However, the hedgerow (and the mature trees) providing suitable foraging habitat for bat may be impacted by the increase of illumination of the site. Therefore, it is recommended that an external lighting plan is secured through an appropriately worded condition.

Following the ecological assessment, the report recommends that birds boxes, bat boxes and native hedgerow planting will be incorporated within the final design of the development. The recommended measures are considered to be appropriate and acceptable.

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. It is therefore recommended that a landscape planting scheme is secured through an appropriately worded condition.

Given the records of great crested newts within the 500m of the proposed development, consideration has been given to the suitability of the site to provide suitable terrestrial habitat for this species. The site has some features to have low potential temporary refugia at the base of the hedgerow. However, through search was carried out and no presence of great crested newts were found. From reviewing aerial images there are a number of potential barriers between the site with records of great crested newts to the proposed development site. No suitable water bodies were identified within 250m of the development site. Therefore, it was considered unlikely that this species will be impacted by the proposed development and no further surveys were considered necessary.

The site was considered unsuitable for Water Voles.

Given the identified mitigation measures regarding bats and the addition of biodiversity features to be incorporated within the final design of the development - I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area.

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

The recommended mitigation measures regarding bats identified in section 5 of the Ecological Survey Report by Jon Sloan Ecological Consultants dated December 2018 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 DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development, a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written LPA approval and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

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.

Prior to the commencement of development, a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

Reason: To comply with Powys County Council's LDP policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, 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:

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

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a

fine of up to 5,000 pounds, six months' imprisonment or both.

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

Welsh Government - Highways
Directorate

1st Feb 2019

I refer to your consultation of 8 January 2019 regarding the above application, and advise that the Welsh Government as highway authority for the A458 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

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

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A458 trunk road, which must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A458 trunk road carriageway
- c) Access width and radii dimensions
- d) Access surfacing type along with depth and width dimensions

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

Clwyd Powys Archaeological Trust

8th Jan 2019

Thank you for the consultation paperwork relating to the above proposals.

I can confirm that there are no archaeological implications for the proposed development at this location.

Thank you for your letter of 8 January 2019 inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided with this planning application, we have no objections to the proposed development on the scheduled monument MG007 Cefn y Castell. Our assessment of the application is given below.

Our role

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

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

Assessment

The application area is located some 780m south west and at a much lower level of scheduled monument MG007 Cefn y Castell. The monument comprises the remains of an Iron Age hillfort, located on the summit of Middletown Hill, and takes the form of an elongated oval, multivallate enclosure with inturned entrances at the north-east and south-west ends. It encloses an area c.182m in NE-SW by c.73m. Probable outworks are visible at the north-east and south-west ends. Within the enclosure a flat-topped circular platform close to the south-western entrance, may represent the remains of a possible round barrow or cairn. The hillfort was probably located to command the valley of the Pwll Trewern, and so the significant views are in a southern arc from southeast to southwest and also between it and the neighbouring hillfort of Breiddin Hill Camp to the north.

The proposed development is located in the identified significant view to the southwest but will be seen as part of the existing settlement at Middletown: Consequently, it will not have any impact on the setting of scheduled monument MG007.

Directorate

I refer to your consultation of 8 January 2019 regarding the above application, and advise that the Welsh Government as highway authority for the A458 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

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

1. The applicant must forward a suitably scaled drawing detailing the proposed access off the A458 trunk road, which must incorporate the following aspects:-

- a) Visibility Splays in either direction from a suitable set-back.
- b) Gradient of the access road and the A458 trunk road carriageway
- c) Access width (preferably 6m to allow two-way movements) and radii dimensions
- d) Access surfacing type along with depth and width dimensions

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

The following points should be brought to the attention of the applicant:

a) The minimum visibility splay ("Y" distance) the Design Manual for Roads and Bridges allows

for a 40mph section of road is 120m from a suitable setback.

Contaminated Land

4th Apr 2019

The following report has been submitted in support of planning application 18/1205/OUT:

- Mica Environmental Ltd 'Former Coal Depot, Middletown, Powys - Phase One Contaminated Land Environmental Risk Assessment Report' (ref: MENV07217RF1.0) 13th December 2018.

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

Advice

1. Under section 3.6 'Radon', of the report (ref: MENV07217RF1.0), it is stated: "[...] the site is in an area where no radon protective measures are required for new properties or

extensions according to BR211." Development Control should consult with Building Control to confirm the requirements for radon protection measures in the approved development.

2. Under section 6.1 'Potential Receptors', of the report (ref: MENV07217RF1.0), it is stated: "A stream runs along the outside of the western boundary of the site, so controlled water receptors are considered as feasible targets from potential contamination on site [...]." Development Control should consult with Natural Resources Wales (NRW) in respect of the requirements for the investigation and assessment of the potential risks to controlled waters receptors, from on-site land contamination.

3. The conceptual site model, presented under section 6 'Conceptual Site Model' of the report (ref: MENV07217RF1.0), does not identify any potential risks to human health from contamination in groundwater. Groundwater should be appropriately investigated and assessed as a potential source of and pathway for contamination, to on and off site receptors, in respect of risks to human health.

4. Under section 6.1 'Potential Receptors', of the report (ref: MENV07217RF1.0), it is stated: "For this site, based on current information the only feasible significant potential linkage to off-site receptors would be migration of dust during re-development which potentially could contain elevated asbestos from soils or demolition of the building with asbestos-containing materials. Diesel contamination in the soils, if present, is not considered likely to give rise to sufficient volatiles to cause significant impact on off-site residents."

However, no further explanation or information has been provided to justify how it has been concluded that there are no potentially active pollutant linkages associated with the identified on-site contaminant sources and off-site residential receptors, or to justify the exclusion of the identified off-site residential receptors from the preliminary risk assessment presented in Table 5 'Summary of Potential Feasible Pollutant Linkages and Risk Estimation'.

Appropriate intrusive site investigation and quantitative assessment will be required to confirm the land contamination risks to the identified off-site residential receptors.

5. Under section 6.4 'Tabular Preliminary Conceptual Site Model and Risk Estimation', of the report (ref: MENV07217RF1.0), it is stated: "[...] in the column entitled 'Likelihood', an assessment is made of the probability of the selected source and receptor being linked by the identified pathway. The assessment is ranked based on site specific conditions [...]".

In respect of Table 5 'Summary of Potential Feasible Pollutant Linkages and Risk Estimation', of the report (ref: MENV07217RF1.0), no information or details have been provided to justify what or how the site specific information, obtained from the preliminary

investigation, has been used to support the assessments and classifications, presented in the column 'Likelihood of Source-Pathway-Receptor Linkages' of Table 5, for each of the identified pollutant linkages. Without the appropriate supporting justifications, the qualitative risk assessment that has been undertaken cannot be accepted.

Appropriate intrusive site investigation should be undertaken to support a robust quantitative risk assessment of all the identified pollutant linkages and to validate the conceptual site model.

6. Under section 7.2 'Recommendations', of the report (ref: MENV07217RF1.0), outline recommendations for an intrusive site investigation have been provided. A full detailed scope of works for the recommended intrusive site investigation, including details of the risk assessment methodologies, prepared by a qualified and experienced environmental consultant, must be submitted for review and approval, prior to the works being undertaken.

Intrusive site investigations should be designed and justified in accordance with current contaminated land guidance and best practice, such as BS10175:2011+A2:2017 'Investigation of Potentially Contaminated Sites - Code of Practice' and BS8576:2013 'Guidance on Investigations for Ground Gas - Permanent Gases and Volatile Organic Compounds (VOCs)'.

Summary

Based on the information submitted and the advice provided above, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application 18/1205/OUT:

Condition 1. Site Characterisation

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

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

Condition 2. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a

condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 1 has been received from the local planning authority.

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

Condition 3. Implementation of Approved Remediation Scheme

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

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

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

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

Condition 4. Long Term Monitoring and Maintenance

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

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

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

Welsh Government - Highways
Directorate

3rd Apr 2019

I refer to your consultation of 15 March 2019 regarding the above planning application and advise that the Welsh Government as highway authority for the A458 trunk road directs that any permission granted by your authority shall include the following conditions:

- 1) The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. 11/18/2417 SK.002 Amendment A).
- 2) The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
- 3) The access and visibility requirements shall be substantially complete and available for use prior to the commencement of any other works associated with the development.

4) Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.

5) No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

6) Suitable fencing, the form of which shall be agreed in writing by the LPA in consultation with the Welsh Government shall be provided along the trunk road boundary of the site sufficient to prevent direct access to the trunk road. The permanent barrier shall be in place prior to beneficial use of the site and new access.

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

The following points should be brought to the attention of the applicant:

1) Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.

2) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.

3) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.

4) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic management apparatus. Such activities will require the separate consent of the Highway Authority;

5) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

6) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details;

http://www.traffic-wales.com/traffic_signs.aspx

Representations

A public site notice was erected at the site on the 9th of January 2019. Two letters of objection have been received by third parties at the time of writing this report. The comments raised in their representations are summarised below:

- Unsustainable impact upon local infrastructure and road network
- Impact on appearance of village
- Devalue existing neighbouring properties
- Loss of light/privacy to existing properties
- Potential Increase in noise
- Existing drainage issues.

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
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
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP1	Housing Growth		Local Development Plan 2011-2026
SP3	Affordable Housing Target		Local Development Plan 2011-2026
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy		Local Development Plan 2011-2026

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	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

Principle of Development

For purposes of the Powys Local Development Plan settlement hierarchy, Middletown is defined as a Large Village as per Policy SP5. Policy H1 of the Powys Local Development Plan 2018 states that housing proposals will only be permitted in towns and large villages where the site is allocated for housing or is on another suitable site within the development boundary or on sites forming logical extensions outside development boundaries for affordable housing.

This site is located wholly within the settlement limits of the village and forms an extension to the built up frontage along the A458 Trunk Road on a previously developed site. Officers consider that this is a suitable site for housing development within the development boundary and in principle is considered to be acceptable for residential development.

In light of the above, it is considered that the proposed development fundamentally complies with policy H1 of the Powys Local Development Plan 2018.

Housing Density

Policy H4 sets out the expected housing density for developments in order to make the most sustainable and efficient use of land. The densities listed are set out in accordance with the settlement hierarchy. Densities may be varied where justified by evidence of local circumstance or constraints.

For the purpose of this policy Middletown is defined as a large village. The proposed site occupies a site area of approximately 0.41Ha and therefore would require a suggested density of 27+ units per Ha required for towns and large villages. This would equate to 11 dwellings for a site of this size.

Further justification and evidence was sought from the applicant in respect of the density for the proposed development. A justification statement has been provided which states that the density of the proposed site is in keeping with the existing density levels in the village and in keeping with the character of Middletown. The site proposes a mix of dwelling types to encompass range of purchasers from first time buyers to retirement. The justification statement further indicates that in order to achieve the required visibility onto the trunk road an estate road of 6 metres for the first 20 metres with 1.8 metre footpaths and turning head is required which would take up a large

proportion of the development site. The dwellings plots have individual amenity areas and parking in order to protect existing landscaping features and support further site wide landscaping. The existing access to the dwelling known as 'Brynderwen' is to be removed and street frontage and parking is to be provided off the new estate road which further reduces the capacity of the site. The layout of the site also takes into account the existing residential dwellings to the north and east of the site and is designed to protect the amenities of the occupants of these existing dwellings.

Given the constraints of the site and the justification statement provided in support of this application, Officers consider that the proposed density of the development in this case is considered to be acceptable and in accordance with the requirements of policy H4 of the Powys Local Development Plan 2018.

Scale, Design and Appearance

This application is submitted in outline form with all matters reserved for future consideration. Despite this the applicant has provided indicative details of scale and size of the proposed dwellings. The site is to accommodate 8 dwellings, two of which are to be 3 bed detached bungalows and six of which are to be 3 bed two storey dwellings two of which are to be semi-detached and the remaining four to be detached. All dwellings apart from the semi- detached dwellings are to have detached garages.

Indicative dimensions of the dwellings have been given and range from 7.5 – 14.5 metres in width, 5 -11.5 metres in depth, 2.25 - 5.2 metres in height to the eaves and 6.5 -9.5 metres in height to the ridge. The proposed detached garages are to measure between 3 - 7 metres in width, 5 - 6 metres in depth, 2.25 - 2.5 metres in height to the eaves and 4 - 5.75 metres in height to the ridge. No further details of design or materials have been given at this stage.

Officers consider that whilst scale, design and appearance are not being considered at this outline application stage the site is capable of accommodating 8 dwelling of this scale and height without adversely affecting the amenities enjoyed by the occupants of neighbouring properties or adversely affecting the character and appearance of the local area.

Residential Amenity

Environmental Health Officers have been consulted and raised no objection to the scheme, however a standard condition relating to construction-phase noise control and working hours on the site has been recommended. Officers consider that subject to the suggested condition being attached, the proposed development would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties by reasons of noise.

Highways Safety and Movement

Policies DM13 and T1 of the Powys Local Development Plan 2018 states that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

Access to the application site will be provided off the A458 trunk road and therefore Welsh Government – Transport were consulted and a direction seeking further information received by Officers. Amended plans were subsequently received by Development Management and a re-consultation exercise undertaken. In response, Welsh Government has confirmed that the proposal is considered to be acceptable subject to appropriate conditions being attached to any planning permission.

Based upon the advice received, Officers are satisfied that a suitable means of access is capable of being provided off the trunk road. Whilst it is not normal practice to attach highway conditions where access is a reserved matter, given the direction made by Welsh Government, in this instance it is considered appropriate to attach the conditions as recommended to any outline planning permission.

In light of the above, Officers consider that the proposed development is in accordance with planning policy, particularly policies DM13 and T1 of the LDP, Technical Advice Note 18 and Planning Policy Wales.

Foul Drainage

The foul water is proposed to be disposed of to the mains sewer. Hafren Dyfrdwy and Environmental Health have been consulted and raised no objection to the proposed development subject to the inclusion of a condition requiring a detailed drainage scheme to be provided and implemented prior to first occupation. Officers consider that subject to a suitably worded condition, an acceptable means of foul disposal is capable of being provided.

In light of the above the proposed development is considered to comply with the relevant planning policies.

Contaminated Land

Policy DM10 of the Powys Local Development Plan 2018 seeks to ensure that development proposals do not result in additional problems of ground instability or contamination either on or off site and shall remediate any contamination/instability found to be on site. Proposals should not unacceptably adversely affect public health and safety, nature conservation, historic or archaeological interests.

A Phase One Contaminated Land Environmental Risk Assessment Report has been submitted in support of this application. The Contaminated Land Officer has been consulted and raised no objection to the proposed development subject to the inclusion of a number of conditions and informative.

Officers consider that subject to the suggested conditions and informative being attached to any grant of consent the proposed development complies with policy DM10 of the Powys Local Development Plan.

Ecology and Biodiversity

LDP policy DM2 indicates that development proposals should demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests including improving the resilience of biodiversity through the enhanced connectivity of habitats within, and beyond the site. Proposals which unacceptably affect protected species or designated sites will not be supported. This is echoed within Technical Advice Note 5 and PPW.

An Ecological Assessment has been submitted in support of the proposed development. The County Ecologist has been consulted and raised no objection subject to the recommended conditions being attached to any grant of consent. Whilst Officers are generally content with the recommended conditions, as landscaping is a reserved matter, it is not considered necessary to attach a landscaping condition at this stage. Matters relating to landscaping will however be considered in the event that a subsequent application is submitted.

In light of the above, Officers consider that subject to the relevant conditions being attached, the proposed development is in compliance with policies DM2 and DM13 of the Powys LDP, Technical Advice Note 5 and PPW.

Scheduled Ancient Monument

Policy SP7 of the Powys Local Development Plan states proposals must not have an unacceptable adverse impact on the resources or asset and its operation. Strategic resources and assets in Powys include historic environment designations such as scheduled ancient monuments and listed buildings. This policy seeks to safeguard these important assets from unacceptable development for the future well-being of the county.

This application site is located approximately 780 metres south west and at a much lower level to the scheduled ancient monument known as Cefn Y Castell (MG007). CADW has been consulted and has raised no objection to the proposed development.

In their response, Cadw confirms that whilst the development would be located in the identified significant view to the southwest of the monument it would be seen in the context and as part of the existing village of Middletown. CADW thereafter concludes that the proposal would not have any impact upon the setting of scheduled ancient monument MG007.

Officers consider that given the location of the site within Middletown and CADW's comments as above, the proposal will not have any unacceptable harm upon the setting of the scheduled ancient monument.

In light of the above, the proposed development complies with policies SP7 and DM13 of the Powys Local Development Plan.

Conclusion

Officers are satisfied that the proposed development complies with the relevant policies within the Powys County Council Local Development Plan and the recommendation is one of conditional consent in line with the conditions as set out below.

RECOMMENDATION

In light of the above, the recommendation is one of conditional consent as per the conditions set out below.

Conditions

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the following approved plans and documents (SK.001, SK.002 A, SK.002 B).
5. No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

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

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

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

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

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

8. A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the

same must be prepared, both of which are subject to the approval in writing of the local planning authority.

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

9. The recommended mitigation measures regarding bats identified in section 5 of the Ecological Survey Report by Jon Sloan Ecological Consultants dated December 2018 shall be adhered to and implemented in full and maintained thereafter.
10. Prior to the commencement of development, a detailed lighting design scheme to take into account any impacts on nocturnal wildlife into consideration shall be submitted for written Local Planning Authority approval and implemented as approved and maintained thereafter.
11. Prior to commencement of development a Tree Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.
12. Prior to the commencement of development, drainage plans for the disposal of foul and surface water flows shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with the approved details before the development is first brought into use.
13. Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that replaces it. The scheme shall include:
 - i) the type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% of the total number of units;
 - ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
 - iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

14. The affordable dwellings shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.
15. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:
 - 0800-1800 hrs Monday to Friday
 - 0800-1300 hrs Saturday
 - At no time on Sundays and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste from the site must also only take place within the permitted hours detailed above.

16. The access and visibility splays shall be laid out, constructed and maintained strictly in accordance with the submitted plans (drawing no. 11/18/2417 SK.002 Amendment A).
17. The minimum visibility distances available for vehicles emerging from the proposed access shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the trunk road carriageway. These visibility distances shall be available at a point 2.4 metres from the nearer running edge of the trunk road, measured along the centreline of the access road. The visibility splay so formed shall be free of any growth or obstruction, which would interfere with the minimum visibility requirements.
18. The access and visibility requirements shall be completed and available for use prior to the commencement of any other works associated with the development.
19. Adequate provision shall be made within the development site to enable vehicles to turn around, so that they may enter and leave the site in a forward gear.
20. No drainage from the development site shall be connected to or allowed to discharge into the trunk road drainage system, and the proposed access shall be constructed such that the access does not drain onto the trunk road.

21. Suitable fencing, the form of which shall be agreed in writing by the Local Planning Authority in consultation with the Welsh Government shall be provided along the trunk road boundary of the site sufficient to prevent direct access to the trunk road. The permanent barrier shall be in place prior to beneficial use of the site and new access.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
3. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Powys Local Development Plan 2018.
6. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Powys Local Development Plan 2018.
7. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Powys Local Development Plan 2018.
8. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other

offsite receptors in accordance with policy DM10 of the adopted Powys Local Development Plan 2018.

9. To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
10. To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
11. To comply with Powys County Council's LDP policies DM2 and DM4 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
12. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with policy DM6 of the Powys Local Development Plan, Planning Policy Wales (December 2018) and Technical Advice Note (TAN) 15 2004.
13. In order to ensure the provision of affordable housing in accordance with policies H1 and H5 of the Powys Local Development Plan (2018), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (December 2018).
14. In order to ensure the provision of affordable housing in accordance with policies H1 and H5 of the Powys Local Development Plan (2018), Powys County Council's Affordable Housing (SPG) (2018), Technical Advice Note 2: Planning and Affordable Housing (2006) and Planning Policy Wales (December 2018).
15. In order to safeguard the amenity of the surrounding area in accordance with Planning Policy Wales (10th Edition, 2018), Technical Advice Note (TAN) 11: Noise (1997) and Policy DM13 of the Powys Local Development Plan 2018.
16. In order to maintain the safety and free flow of the trunk road traffic in accordance with Planning Policy Wales (December 2018), Technical Advice Note (TAN) 18 (March 2007) and policies DM13 and T1 of the Powys Local Development Plan (2018).
17. In order to maintain the safety and free flow of the trunk road traffic in accordance with Planning Policy Wales (December 2018), Technical Advice Note

(TAN) 18 (March 2007) and policies DM13 and T1 of the Powys Local Development Plan (2018).

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21. In order to maintain the safety and free flow of the trunk road traffic in accordance with Planning Policy Wales (December 2018), Technical Advice Note (TAN) 18 (March 2007) and policies DM13 and T1 of the Powys Local Development Plan (2018).

Informative Notes

Welsh Government Trunk Road Authority

The following points should be brought to the attention of the applicant:

- 1) Any works undertaken within or forming part of the highway shall meet the requirements of Section 184 of the Highways Act 1980, and shall only be commenced with the specific agreement of the Welsh Government.
- 2) The applicant should be advised that all temporary or permanent signage, road markings or traffic orders shall be at the expense of the developer and agreed with the Highway Authority before works commence.
- 3) Any adjustment, re-siting and / or protection of any statutory undertakers apparatus in the highway shall be undertaken with the prior written consent of the relevant Authority and shall be carried out at the Applicant's own expense.
- 4) The applicant should note that planning permission does not constitute permission under the Highways Act for various activities that may be associated with the development i.e. use of the highway/footway/verge to: for example; deposit material, deposit skips, erect scaffolding, excavate within the highway or erect traffic

management apparatus. Such activities will require the separate consent of the Highway Authority;

5) Any temporary traffic management arrangements required in connection with this application shall be in accordance with Chapter 8 of the Traffic Signs Manual and in accordance with the Safety at Street Works and Road Works Code of Practice, and shall be approved by the highway authority.

6) Road traffic signs in Wales must be bilingual, Welsh above English, and adhere to Welsh Government specifications, see following link for standard details; http://www.traffic-wales.com/traffic_signs.aspx

PCC – Environmental Health Contaminated Land - Potential Contamination

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

PCC - Ecologist

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

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