

Planning, Taxi Licensing and Rights of Way Committee Report

Application No:	19/0361/FUL	Grid Ref:	309072 231583
Community Council:	Felin-Fach Community	Valid Date:	Officer: 25/02/2019 Ffion Morgan
Applicant:	Mr Simon Kendrick, c/o Agent (Agent Miss Llinos Hallett, Asbri Planning Ltd., Unit 9, Oak Tree Court, Cardiff Gate Business Park, Cardiff, CF23 8RS).		
Location:	Brecon Waste Transfer Site, Cwrt Y Plyfin, Llan-y-Wern, Brecon, Powys, LD3 0TT.		
Proposal:	Demolition of existing structures and the proposed development of offices/welfare unit, a bulking facility, a storage shed, sump and silo for food waste, an area of hardstanding and associated car parking spaces for staff and operational vehicles.		
Application Type:	Application for Full Planning Permission		

The reason for Committee determination

The application constitutes a proposed major development put forward by the Local Authority.

Site Location and Description

The site is located in open countryside 4.4km to the North East of Brecon, 1.5km south of Felinfach, 2.9km west of Tredomen and 3.5km south-west of Llanfilo. The site is adjacent to the former Cwrt y Plyfin Landfill site and is surrounded by agricultural fields. The closest property is Twynyrodyn Bungalow, with isolated dwellings and properties over 250m from the site to the North and West. The site is accessed from the C0092 road, which leads from the A470, and is the main transport route to the site. Hedging and vegetation screen part of the site from the C0092, however the site, and in particular the most recent waste transfer building is visible from the A470. This large, green building also screens the other buildings and activities at the site, and a bund provides further screening and appears to reduce the scale of the building.

The site itself consists of a waste transfer building to the west, a porta-cabin housing site offices and facilities on the southern boundary, glass bays, weighbridge, hardstanding and car parking areas and a split level steel building, currently disused. The proposal seeks to demolish the redundant building, and to replace this with a two storey bulking storage shed, new welfare and office building at the eastern site boundary, new washdown area and weighbridge, along with additional parking space for staff parking and refuse buildings.

Consultee Response

Environmental Health

Comment date 22nd March 2019

Having looked at the above proposed planning application and noting a package treatment plant will be installed that discharges to a watercourse, I would comment Environmental Health would not have any objections provided Natural Resources Wales (NRW) gives discharge consent.

PCC-Contaminated Land Officer

Comment Date: 14th March 2019

It is noted that the proposed development is situated on land indicated as adjoining a former landfill (identified on historic Ordnance Survey Maps) which has the potential to cause contamination.

Based on the proximity to potential contaminated land, and an absence of appropriate supporting information, the application should be refused until such time as the applicant demonstrates that potentially significant liabilities have been assessed and understood.

Planning Policy Wales s.6.9.19 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. Where it is known that acceptable remedial measures can overcome contamination, planning permission may be granted subject to conditions specifying the necessary measures and the need for their implementation, including provision for remediating any unexpected contamination which may arise during construction. If contamination cannot be overcome satisfactorily, the authority may refuse planning permission.'

Additional comments 15th August 2019

The following report has been submitted in support of the application:

- Phase 1 Desk Study by Arcadis, dated June 2019.

I have reviewed the Arcadis report and I am now able to recommend the conditions below. There are a number of issues with the report which will require clarification on in order to be acceptable:

1. S.5.1. I am unclear as to where the 'storm water attenuation tank' referenced is? Is there confusion as to the existing discharge consent associated with the leachate treatment plant on the landfill site?
2. S.6.2. potential receptors identified are 'neighbouring residents' – clarification is sought as to where they are and what the end use is?
3. An SI is proposed which I agree with but I am unclear as to what is specifically meant by 'categorise the ground gas regime'? Is this in respect of risk to identified receptors both at the WTS and to the 'neighbouring residents'? Assuming this to be the case then I would expect to see an appropriate level of gas investigation/monitoring in accordance with current guidance. Given the presence of a landfill onsite and adjoining, clarification is sought on how these will be targeted and assessed?
4. The photographic plates make reference to 'possible leachate pumping station' – whereas it is such a facility. I would also question the value of plate 20 referencing an old sign in respect of toxic gas?
5. Detailed and justified proposals should be presented.

Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to

and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study
- A site reconnaissance
- Formulation of an initial conceptual model
- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of 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 2. 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 3. 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 2 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 4. 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 WPGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2012).

Condition 5. Long Term Monitoring and Maintenance

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

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

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

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645.

Additional Comments 16th September

Thanks for the consult, I can confirm I am satisfied with both the revised desk study and SI proposals.

Welsh Water

Comment Date: 12th March 2019

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

There is no public sewerage system in this area. Any new development will require the provision of satisfactory alternative facilities for sewage disposal.

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.

Welsh Water

Comment Date: 7th June 2019

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

We can confirm we have no objections to this 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.

Wales & West Utilities - Plant Protection Team

Comment Date: 8th March 2019

Wales & West Utilities acknowledge receipt of your notice received on 04.03.2019, advising us of the proposals for:

Waste Transfer Station, Llanfilo, BRECON, Powys, LD3 0TT

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.

Building Regulations

Comment Date: 6th June 2019

Jus to inform you and the applicant that this application will require a Full Plans building regulation application to be submitted prior to commencement on site.

PCC-Rights of Way Senior Manager

Comment Date: 7th March 2019

Countryside Services requests further information to clarify that the recently diverted Public Right of Way (number 045/6/1) is not to be in any way disturbed by the proposals.

If this is the case Countryside Services have no objection to the proposals, however we would remind the applicant that the Public Right of Way appears within the site boundary and is to be free of obstructions, open and available for use at all times.

PCC- (S) Land Drainage

Comment Date: 2nd April 2019

Thanks for the opportunity to comment on this application. Having considered the information which has been submitted, the Lead Local Flood Authority (LLFA) would make the following comments/recommendations.

Comment: From the surface water flood mapping in our possession, there is a risk of surface water flooding to the site. This flood risk information can be seen on NRW's flood risk mapping webpage, in particular, flooding from surface water, where it shows an area with a high chance of flooding from surface water. Development should not be permitted within an area at risk from flooding unless it can be demonstrated that the consequences of any flooding would be acceptable for the development proposed and that it would not give rise to any unacceptable flooding impacts elsewhere.

Additional Comment 22nd May 2019

Following further information from the applicant that identifies previous drainage works carried out onsite to upgrade the drainage system to cater for a 1-100 yr storm event the previous comments from the LLFA regarding surface water flooding can now be discounted.

The LLFA are content that the applicant has demonstrated that the surface water issues have been addressed.

PCC-Building Control

Comment Date: 6th March 2019

Just to let you and the applicant know that this scheme will require a building regulations application to be submitted and they can contact myself for any advice.

C P A T

Comment Date: 6th March 2019

Thank you for the consultation on this application.

Having consulted information held within the Historic Environment Record I can confirm that there are no archaeological implications for the proposed development at this location.

Cadw

No response received by Development Management at the time of writing this report.

Ward Councillor

No response received by Development Management at the time of writing this report.

PCC-Ecologist

Comment Date: 5th June 2019

Thank you for consulting me with regards to planning application 19/0361/FUL which concerns a full planning application for demolition of existing structures and the proposed development of offices/welfare unit, a bulking facility, a storage shed, sump and silo for food waste, an area of hardstanding and associated car parking spaces for staff and operational vehicles at Cwrt-y-plyffin Landfill Site, Llan-y-wern, Brecon.

I have reviewed the proposed plans and aerial images of the proposed site for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 100 records of protected and priority species within 500m of the proposed development - no records were for the site itself.

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

- Drostre Bank - SSSI/SAC

Given that Drostre Bank SAC has been identified within 500m of the proposed development; potential for the proposed development to impact the SAC during the construction and operation phases of the development and likelihood to result in a Likely Significant Effect to the Drostre Bank SAC and/or its associated features has been considered.

Having reviewed the information submitted by the applicant it has been determined that the proposed development would not result in a likely significant effect to the Drostre Bank SAC and/or its associated features - I have attached a copy of the Screening Assessment for your records.

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

- Penishawain - Northbound - Roadside verge Nature Reserve
- Penishawain - Southbound - Roadside verge Nature Reserve
- Brecon Felin fach Marsh - SINC
- BlaenBrynich Farm - SINC

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

I note that within the Ecological Assessment report provided to support the planning application, within appendix 2 is a detailed Pollution Prevention Plan to be adhered to during construction. I have reviewed the pollution prevention plan and consider it to be appropriate and acceptable. Therefore, I recommended that implementation and adherence to the pollution prevention plan is secured through and appropriately worded condition.

An ecological assessment of the land has been undertaken to assess the potential of the development to impact any protected species presence or habitats of ecological value.

I have reviewed the report produced by Rachel Probert dated November 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 an extended phase 1 habitat survey and preliminary Bat Roost Assessment which took place in June 2018.

Following the ecological assessment habitats identified within the proposed development boundary are; hardstanding, poor semi-improved grassland, semi mature trees, scrub, ruderal vegetation and an existing building. There areas impacted by the proposed development is considered to be of low ecological value.

The existing building was assessed for the presence of suitable features to support roosting bats - Bat being a European Protected Species as the building is proposed to be demolished. Due to the buildings' construction being a steel framed portal building, it is considered that the building offers no potential features to support roosting bats and no evidence of bats were observed during the assessment. Therefore no further surveys are considered necessary regarding bat species.

No evidence of protected or priority species was observed during the survey, and assessment of the habitats present concluded that there was low potential for the site to support reptiles and nesting birds.

The area of poor semi-improved grassland within the proposed development site have been assessed as having low potential to support reptiles, and semi mature trees and scrub with potential to support nesting birds.

Therefore, it is recommended that the proposed development will implement a precautionary approach and that a Reasonable Avoidance Method Statement will be adhered to, to ensure no harm is caused to reptiles at the site if present.

I have reviewed the Reptile Reasonable Avoidance Measures detailed in Appendix 3 of the ecological survey. I consider the methods proposed to be appropriate and acceptable. Therefore, I recommend that implementation and adherence to the Reasonable Avoidance Method statement to be secured through an appropriately worded condition.

Compensation will also be provided within the final design of the development for the loss of nesting bird habitat. It is recommended the compensation will be provided through the erection of artificial nest boxes on suitable features at the site. It is also recommended that clearance of any habitats identified as being suitable to support nesting birds should only be cleared outside of the bird nesting season (March-August inclusive).

No non-native invasive species were recorded during the ecological assessment.

Careful consideration will need to be given to any external lighting given the presence of surrounding habitat features including trees or hedgrows. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan is secured through an appropriately worded condition.

From reviewing the amended proposed plans it appears that additional planting is proposed. 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.

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

The Mitigation and compensation measures regarding nesting birds identified in section 10 of the Ecological Assessment Report by Rachel Probert MCIEEM dated November 2018 shall be adhered to, 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, 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 2016.

The Reasonable Avoidance Method Statement regarding Reptiles identified in section 10 and Appendix 3 of the Ecological Assessment Report by Rachel Probert MCIEEM dated November 2018 shall be adhered to, 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, 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 2016.

The Pollution Prevention Plan identified in section 10 and Appendix 2 of the Ecological Assessment Report by Rachel Probert MCIEEM dated November 2018 shall be adhered to, 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 10, 2018), 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 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.

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.

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

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

PCC-(S) Highways

Comment Date: 15th April 2019

Thank you for consulting the Highway Authority (HA) on this application, which seeks to expand current operations within the confines of the existing site.

Existing Highway Network

The main vehicular route to the site is from the A470(T) trunk road, which is located to the west, via a short length (circa 500m) of the C0092 county highway. This stretch of the C0092 has been widened over recent years to accommodate the passage of HGV vehicles which already visit the site on a daily basis. Current access arrangements to/from the C0092 with the site itself are considered to be appropriate.

Effects of Proposals on Highway Network

The proposal includes the provision of permanent parking/storage for 17 HGV recycling vehicles, which are currently stored off-site in Brecon. It is noted however, that this will not lead to an overall increase in HGV trips to/from the site, as the HGV vehicles all currently visit site on a daily basis to unload at the end of the working day, before returning to the current base in Brecon.

The information contained within the supporting "Trip Generation Analysis" document, (contained within Appendix H of the Pre-Application Consultation Report) clearly demonstrates that under the new proposal, the HGV recycling vehicles will instead leave the site in the morning, before returning at the end of the working day to unload and park up overnight.

The relocation of staff and, the creation of offices and welfare facilities will however result in increased vehicular movements to and from the site. The information contained within the supporting "Trip Generation Analysis" document, (contained within Appendix H of the Pre-Application Consultation Report) calculates that up to 94 vehicular movements (47 trips) could

be generated by the proposal over the working day; this is considered to be a robust calculation, as it makes no allowance for car sharing or, other modes of transport.

Whilst the effects of such traffic utilising the A470 trunk road junction, is a matter Welsh Government to determine, as this in a trunk road junction, the HA contends that the short length of C0092 county highway, which is generally in excess of 5.5m wide, has ample capacity to accommodate such traffic. It does not therefore raise any objection in this respect.

On site Vehicle Parking

The HA understands that the vehicle parking arrangements for the site are to be provided in accordance with the detail shown on drawing 2321/P/010, which does not currently appear on the planning portal. This drawing makes adequate designated parking provision for the 17 HGV vehicles and also provides designated car parking spaces for each of the 53 members of staff, with 3 additional bays set aside for visitors. There is also additional room within the site to accommodate further parking if and when required.

Conclusion.

The HA is satisfied that the proposal will not have a detrimental impact on the existing highway network. It does however recommend that the following highway condition be attached to any consent granted.

- Prior to beneficial use of the developed site, provision shall be made within the curtilage of the site for the parking and turning of vehicles, as detailed on the approved drawing 2321/P/010. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Natural Resources Wales (North) DPAS

Comment Date: 1st April 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 04/03/2019.

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 site drainage plan to include more information

Requirement 2 - Amendment of plan to detail where the proposed treatment plant discharge point

Protected Sites

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

- Drosdre Bank Special Area of Conservation (SAC)
- Drosdre Bank Site of Special Scientific Interest (SSSI).

We require additional information to support this proposal to assess the potential impacts on these protected sites as outlined below.

Site Drainage Plan

We have assessed the drainage plan (Drawing Title 'Proposed Drainage Strategy', drawing number 2321/P/006 dated Oct 18 by Engineering Design Services) submitted in support of the proposal.

Requirement 1 - Amendment of site drainage plan to include more information

As the site has the potential for dealing with polluting materials and is hydrologically connected to the protected sites listed above, the drainage plan needs to be amended to include more information.

All existing and proposed drainage of surface water should be clearly marked on the plan, including all surface water drains, outlets and soakaways. Measures to prevent the spread of pollution such as stop-valves on surface water drains should be included if present or proposed.

Foul Drainage Plan

We note the site plan referenced above includes a reference to the installation of a new treatment plant on the site.

Requirement 2 - Amendment of plan to detail where the proposed treatment plant discharge point

We require the amendment of the plan to show where the proposed treatment plant will discharge to. This is to assess the potential for impacts on the protected sites.

More information should be provided on the type of system which is proposed to be installed.

Habitat Regulations Assessment

From the information provided, NRW consider that the proposals may affect the Drosdre Bank Special Area of Conservation (SAC). The application is located immediately next to the protected river.

NRW have identified potential impact pathways to features of this site:

1. Pollution from construction works on site
2. Pollution from operation of the proposed development

The above pathways may not result in a likely significant effect if the following measures are adhered to/ implemented:

1. Developer adheres to pollution prevention measures during construction works
2. The drainage of the site is designed such to avoid pollution reaching the protected sites.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration.

Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

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.

NRW is satisfied the Ecological Assessment ('Brecon Waste Transfer Site Ecological Assessment' by Rachel Probert of Powys County Council, dated November 2018) has been carried out to an acceptable standard. The report states 'Given the relatively low ecological value of the habitats present and affected, the small-scale nature of the proposed development as well as the existing use of the site as a Waste Transfer Site is considered that impacts to biodiversity would be minimal.'

The recommendations proposed within the report should be adhered to so to avoid impacts on protected species.

Care should be taken in the type and location of any external lighting, to ensure the watercourses, hedgerows and trees identified at the site are not illuminated. We advise should

any external lighting be proposed, a light spillage scheme should be agreed to the satisfaction of the Local Authority.

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=13181925684000000>). 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.

Advice for the Developer:

Pollution Prevention

Appropriate pollution prevention measures must be in place to ensure that the water environment (both surface water and ground water) are not polluted during the excavation, construction restoration and operation phase of the development.

All works at the site 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>.

Although this document is withdrawn, the advice it provides is still relevant.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on our incident hotline 03000 65 3000.

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 always be supervised - and preferably done on an impermeable surface.

Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site.

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

Environmental Permits

We are aware the dirty water from the transfer station is being discharged to a treatment system under a Permit from NRW referenced AW0053101. If the operator intends continuing the use of this discharge point but if the nature of the discharge has changed, a variation of the Permit may be required.

We advise any variations to Permits should be discussed with NRW's Permitting team.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to

Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. Further advice on calculating flows, capacity and designing non-mains sewage treatment system is available from Loads & Flows 4 document.

The written consent of NRW or registration for exemption will be required for any discharge e.g. foul drainage to a watercourse/ditch etc, from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

You will need to apply for a Bespoke Permit, as the proposal is near a protected site. You may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground.

NRW's Permitting team should be contacted to discuss their requirements. You must obtain any necessary Permit prior to works starting on site. The permitting process is a separate process to planning, and the applicants are advised the granting of planning permission does not guarantee that a permit will be granted.

The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step bilingual guide to registering, is available on our website at the following link <http://naturalresources.wales/permits-and-permissions/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

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.

Comment date: 25th June 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 03/06/2019.

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

Foul Drainage

We have reviewed the document titled 'Proposed Wastewater Treatment Plant' by Waterco dated March 2019 submitted in support of this proposal. The plan details the proposed method of dealing with the clean surface water and foul drainage.

The method of dealing with the clean surface water is acceptable.

The report recommends installing a package treatment plant to treat foul drainage and contaminated water on the site. As there is a distance between the nearest foul sewer connection to the site, a package treatment plant would be an option. Option 1 excludes the flows and loads from storage area C. If option 1 of the report is selected, it will need to be made clear in the site management plan that waste is not to be stored in area C. Option 2 includes area C, this option and would allow the operator to use area C for waste storage.

An Environmental Permit will be required. One must be applied for as soon as reasonably practical. The discharge from the system would be considered as trade discharge. We recommend a permit is applied for before any works commence on the site.

The Permitting process is separate from planning, and the applicants are advised the granting of planning permission does not guarantee a permit will be granted.

Protected Sites

From the information provided, NRW consider that the proposals may affect the Drostre Bank Special Area of Conservation (SAC), as it is hydrologically connected by a small stream.

NRW have identified potential impact pathways to features of this site:

1. Pollution

The above pathways may not result in a likely significant effect if the following measures are adhered to/ implemented: 1. Developer adheres to the pollution prevention guidelines as detailed below

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

The proposal is also connected to the Drostre Bank Site of Special Scientific Interest (SSSI).
Protected Sites

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.

NRW is satisfied the Ecological Assessment ('Brecon Waste Transfer Site Ecological Assessment' by Rachel Probert of Powys County Council, dated November 2018) has been carried out to an acceptable standard. The report states 'Given the relatively low ecological value of the habitats present and affected, the small-scale nature of the proposed development as well as the existing use of the site as a Waste Transfer Site is considered that impacts to biodiversity would be minimal.'

The recommendations proposed within the report should be adhered to so to avoid impacts on protected species.

Care should be taken in the type and location of any external lighting, to ensure the watercourses, hedgerows and trees identified at the site are not illuminated. We advise should any external lighting be proposed, a light spillage scheme should be agreed to the satisfaction of the Local Authority.

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-2018eng.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.

Advice for the Developer Pollution Prevention All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites: PPG6' which is available at the Gov.uk website:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmh_o0412bwfe-e-e.pdf

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 always be supervised - and preferably done on an impermeable surface. Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on our incident hotline, 03000 65 3000. Waste The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources

Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site. Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

Foul Drainage

The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step bilingual guide to registering, is available on our website at the following link <http://naturalresources.wales/permits-and-permissions/water-discharges/register-yourseptic-tank-package-sewage-treatment-plant/?lang=en>

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.

Comment date 9th September 2019

Thank you for sending NRW a copy of the Appropriate Assessment for the planning proposal 19/0361/FUL.

We agree with the conclusions of the Assessment.

We will provide advice on the additional information submitted for this application separately by official letter.

If you have any queries, please don't hesitate to contact me

Comment date 15th November 2019

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 27/08/2019.

On review of the additional information submitted in support of this proposal we continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Conditions 1 to 5 – Groundwater protection and contaminated land.

In addition, we advise that our previous comments in respect of protected sites, protected species and pollution prevention measures from our previous response dated 25 June 2019 are still applicable.

Groundwater and Contaminated Land

We have reviewed the Geo-Environmental Desk Study report (document titled 'Cwrt y Plyffin, Waste Transfer Station' Phase 1 Geo-Environmental Desk Study by ARCADIS dated September 2019) submitted in support of this proposal.

From the information provided, we consider that controlled waters at this site are of high environmental sensitivity due to being situated on a Secondary A aquifer near to the Drostre Bank Special Area of Conservation (SAC) and the Drostre Bank Site of Special Scientific Interest (SSSI). Contamination is also strongly suspected at site due to historic use. It would therefore be appropriate to include the following conditions as a precautionary measure to ensure the development does not cause groundwater issues.

Condition 1

Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with

contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1. A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

Reason

Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to being situated on a Secondary A aquifer near to the Drostre Bank SAC/SSSI. Contamination is also strongly suspected at site due to historic use.

Condition 2

Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

Reason

To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.

Condition 3

Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.

Reason

To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.'

Condition 4

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval

from the Local Planning Authority for, an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.

Reason

Given the history of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.

Condition 5

Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Reason

There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

Drainage Plan

We understand a more detailed drainage plan has been submitted (plan titled 'Proposed Drainage Strategy', drawing number 2321/P/006 dated 03/19 by Engineering Design Services. We commented on the previous version of the drainage plan (drawing titled 'Proposed Drainage Strategy', drawing number 2321/P/006 dated Oct 18 by Engineering Design Services) and the foul drainage document titled 'Proposed Wastewater Treatment Plan' by Waterco dated March 2019.

The proposed drainage plan seems acceptable. The plan shows a series of flow interceptors across the site and an attenuation pond on the pipeline taking the surface water to the watercourse. The dirty and clean water pipes are kept separate. The design of the drainage system must ensure there is no deterioration in the quality of the water in the river to ensure the Water Framework Directive status of the river is maintained.

We advise the final drainage plan should be agreed with the Local Authority's Drainage team.

Advice for the developer

Please note that an environmental permit or variation to an existing permit may be required for the site. We therefore advise that the applicant hold pre-application discussions with our Permitting Team on 0300 065 3000 at the earliest opportunity.

The applicant should be aware that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, *Development Planning Advisory Service: Consultation Topics* (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests. If you have any queries on the above, please do not hesitate to contact us.

Comment date 11th February 2020

Thank you for consulting NRW on the HRA Screening Report for the Drostre Bank SAC.

The protected sites technical specialists were consulted, and have provided the following advice:

We agree with the conclusion of the submitted HRA that there are no likely impacts from this proposal on Drostre Bank SAC which is sited 270m South East and upstream of the development site. We note that all works will be undertaken in accordance with National Pollution Prevention Guidelines set out in a Pollution Prevention Plan.

It should be noted however, that the culverted watercourse running on the northern boundary of the development site flows into the River Wye SAC at Felinfach approximately 1.5km north

of the site. It may therefore be appropriate to additionally consider potential impact to the features of the River Wye SAC.

Welsh Government Highways

Comment date 21st November

I refer to your consultation of 17 October 2019 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

Representations

The application was advertised through two site notices, one located at the site entrance and another at the right of way adjacent to the site. The application was also advertised by a press advertisement. Two letters of objection have been received which are summarised:

Access road will be subject to significantly more traffic than at present, which could cause difficulties for the objector.

A breeding population of Great Crested newt within 500m of the site. Suitable terrestrial habitat and dispersal routes to the waste transfer station exist and potential for them to be present on the site.

Planning History

P/2017/0814 Section 73 application to vary condition 6 of planning approval P/2014/0851 to allow longer working hours
Withdrawn 10th October 2018

P/2016/0792 Variation of condition 11 of permission P/2014/0851 to allow waste materials to be stored outside of the building
Approved 13th October 2016

P/2014/0851 Change of use of grazing land and extension to existing waste transfer station, including the construction of a waste transfer building, welfare unit and additional weighbridge, alterations to the site access, creation of additional hardstanding, the creation of storage bays, together with bunding and additional landscaping and associated drainage.
Approved 26th February 2015

P/2012/0728 COU of grazing land and extension to existing Waste Transfer Station, including the construction of a waste transfer building, office and replacement weighbridge, alterations and extensions to the internal site access road and hardstanding and the formation of an additional site access, together with earth bunding and associated landscaping
Approved 28th November 2012

B/0088/4880 Proposed raising of levels at refuse disposal site Approved 12th September 1988

B/0087/4655 Proposed household and commercial refuse disposal site
Refused 8th February 1988

Principal Planning Constraints

Rights of Way

Drostre Bank SSSI
Drostre Bank SAC

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 10, December 2018)

TAN 11; Noise (October 1997)
TAN 12: Design (March 2016)
TAN 18: Transport (March 2007)
TAN 21: Waste (February 2017)
TAN 23: Economic Development (February 2014)

Local planning policies

Powys Local Development Plan (2018)

Policy DM2 – The Natural Environment
Policy DM4 – Landscape
Policy DM6 – Flood Prevention Measures and Land Drainage
Policy DM10 – Contaminated and Unstable Land
Policy DM13 – Design and Resources
Policy DM15 – Waste within Developments
Policy W1 – Location of Waste Development
Policy W2 – Waste Management Proposals

TAN= Technical Advice Note, LDP=Powys Local Development Plan,

Officer Appraisal

Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise

Principle of Development

The development is submitted by Powys County Council on a site owned by Powys County Council. Nonetheless, the development subject to this application is to be considered in accordance with the Local Development Plan, National Planning Policies and guidance notes.

The application proposes to demolish an existing split level building on site and replace with a new storage shed. A new welfare and office unit will be constructed adjacent to the site entrance. The area in the north east part of site, which is currently a mix of hardstanding, scrubby areas and used for informal parking and storage will be developed with additional car

parking for staff vehicles and refuse vehicles. New wastewater, vehicle wash down and weighbridge facilities will also be constructed in this area. This will result in using an existing site more intensively and making better use of the site area.

Waste

Policy W2 Waste management proposals permits development proposals for waste management where they meet given criteria, which includes transport, impact on amenity, water, ecology and landscape / visual impacts. Each of these criteria will be considered later in the report.

Collected waste is brought to site for processing, where waste streams are separated and stored ready for collection for further processing. Glass and green waste are stored for collection on site, and the new shed would allow storage of black bag and baled recyclate indoors. Storage of material on site is temporary. The facility is a key part of Powys County Council's waste management process – recycling and residual waste including cans and plastics, collected by the authority is delivered to its nearest regional transfer station, the site of this application being one such facility, for primary processing and bulking prior to moving on to processors. For example, steel and aluminium cans are separated from plastics, and are all baled ready for further processing off-site.

Welsh Government's waste policy is contained in 'Towards Zero Waste' (TZW), and notes Local Authorities need to support alternatives to landfill and encourage systems to treat waste as a resource. Planning Policy Wales notes the planning system has an important role to play in facilitating sustainable waste management and should be supportive of facilities which fit in with TZW policy and reflect the Waste Hierarchy. The Waste Hierarchy sets a priority order for waste management legislation and policy, where the preferred option is prevention, followed by; preparing for re-use; recycling; other recovery, to the least preferred option of disposal.

This development supports the authority in meeting aims of Welsh Government's waste Policy, through the development of a new building which would enable the authority to manage waste effectively and store collected and sorted recycled material ready for collection for further processing off-site.

The Wales (Waste) Measure 2010 requires Local Authorities to recycle, prepare for re-use and compost 65% of municipal waste, which rises to 70% in 2024. The latest Annual Monitoring Report (AMR) for South East Wales records South Powys reuse/recycling/composting rate for 2014/15 as 52.1%. Rates have steadily risen in subsequent years to 65.2% in 2016/17, however they dropped to 60.4% for 2017/18. Nevertheless, targets will increase, and Local Authorities will be required to meet them.

Policy DM15 Waste within Developments requires developments to demonstrate how the production of waste will be minimised, that waste materials are managed in accordance with the waste hierarchy and adequate storage and collection of waste materials. The development site is a waste management facility and the development considered includes the construction of a building for the storage of wastes, therefore the provision for waste storage and collection is considered adequate. To facilitate the development and construction of the storage building and weighbridge, part of the site requires infilling, which will be enabled through reducing ground levels elsewhere on site. Using material already on site reduces need to bring in material, and prevents waste from engineering cut on site being removed from site.

Land Drainage and Waste Water

In addition to requirements of Policy W2, Policy DM6 requires developments to avoid unnecessary flood risk. Land Drainage highlight that part of the site is a High Risk of Surface flooding. Details of drainage works carried out to remove historic surface water issues have been provided by the applicant to Land Drainage, who are satisfied that surface water issues have been addressed.

An area of site is currently at a lower level than the majority of the site, at 215.7m AOD, and the land steeply slopes to this hollow point. The creation of a car park and the weighbridge, which itself requires a level area, requires a reduction in the steepness of slopes, and the lowest points to be filled. This will raise ground levels by a maximum of 2.7m, creating a gently sloping land profile.

A bunded vehicle wash down is to be constructed adjacent to the existing green bay, and a new office and welfare unit built, which alongside existing activities, run-off from storage areas, drainage from recycling shed and surface water run-off, generates waste water. Existing arrangements direct clean surface water to attenuation tanks which are discharged to water course. Contaminated surface water is directed to storage tanks, which are emptied by tanker and taken off site for disposal.

The proposal includes the construction of a new waste water treatment plant, enabling all waste water to be treated on site, and discharged, subject to the necessary regulatory permitting. Contaminated and foul flow from shed internal areas, storage areas, foul drainage from welfare buildings, and surface water from the concrete area to the front of existing shed, will be treated by a packaged treatment plant, before draining to the attenuation tank, and the existing discharge point. Clean surface water from roofs and the new parking hardstanding areas will drain to the attenuation tank, and discharge at the existing discharge point. NRW consider the method of dealing with surface water to be acceptable.

Transport and hours of working

Policy W2 Waste Management Proposals permits developments where given criteria are met, and includes that the highway network is suitable for use by heavy goods vehicles. The current vehicle arrangements and space on site results in staff travelling to Brecon to collect refuse vehicles, which are used in refuse collection. The vehicles travel to the waste transfer site for unloading at the end of collection shift, and return to Brecon. The additional vehicle parking space will enable refuse vehicles to be kept at the site, with staff traveling to Cwrt y Plyfin, collect vehicles, which return to CYP at end of shift, and remain on site until next shift.

The proposal will not result in more refuse vehicle movements than what is currently experienced, however the timing of vehicles leaving the site will be earlier than current arrangements. Under current permission vehicles may only enter and leave the site between hours of 08:00 to 17:00 Monday to Friday, 08:00 – 16:00 Saturday, and at no time on Sundays and Bank Holidays. The applicant proposed hours of 06:00 – 18:00 on all days, however following discussion with Environmental Health and considering the rural nature of the site, and amenity of neighbours, plant, machinery and lorry movements are limited by a proposed condition to 07:30 to 17:00 Monday to Friday, and 08:00 to 16:00 on Saturdays and Bank Holidays.

There will also be an increase in the number of cars on site, as staff will be based here, as well as more office staff. Estimates of 47 trips to the site on a working day, however is a worst case

scenario, and does not take into account car sharing. The site is for staff only, and has no access to the public. The Highway Authority acknowledges there will be increased vehicular movements, but note that will not lead to an overall increase in HGV trips, and that improvements to the C0092 county highway have been made to accommodate HGV vehicles. C0092 joins the A470 trunk road, and Welsh Government comment that they issue no direction in respect of application.

Appearance, Design and Layout

Policy DM13 Design and Resources requires developments to demonstrate good quality design, with regard to the quality and amenity of the surrounding area. The proposed storage shed will be 25m long x 20m wide, with a height of 10m, clad in green corrugated metal to match existing transfer building on site. Two roller shutter doors on both front and rear elevations, will provide access for refuse lorries to access the building. Internally the building will be split in two sections, one for storage of black bag waste and one for storage of baled recyclate, separated by a concrete wall. The new welfare building will be single storey, 3.4m high, 28.8m long and 7.6m wide. The unit will comprise of offices, canteen, shower room, W/C and drying room.

The site is laid out so that vehicle parking is close to the site entrance and grouped together. The location of the weighbridge is designed to enable lorries to enter and exit simultaneously, whereas the current situation and location of the single weighbridge on site requires lorries to queue up to access weighbridge and enter the drop off/tipping area. This will improve site traffic movement on site.

The design of the buildings will match existing buildings on site. It is considered that the design of existing building sits within its landscape appearing as a typical agricultural building. This building provides screening to the rest of site. Trees and hedgerow along the boundary with the county road will be retained, and screens the site from the public highway. Trees which are proposed for removal are located within the site, and are not considered to provide any screening.

Contaminated Land

The site is located adjacent to the Cwrt y Plyfin Landfill site. Policy DM10 Contaminated and Unstable Land permits development where it does not result in additional contamination problems, either on or off site, and does not unacceptably adversely affect public health and safety or nature conservation interests. A Phase one Geo-Environmental Desk Study was submitted which identifies the site historic use, potential sources of contamination, and provides recommendations. Both NRW and Contaminated land have raised concerns, which are overcome through the inclusion of condition relating to pollution and contamination. Whilst two sets of conditions were provided, they are both similar in their scope, and following consultation with the Contaminated Land officer, the NRW suggested conditions are recommended for inclusion.

Ecology

Policy DM2 the Natural Environment requires development proposals to demonstrate how they would protect, manage and enhance biodiversity. The policy permits developments where they do not unacceptably adversely affect natural assets, including designated sites, species and habitats, the achievement of WFD objectives and trees, woodlands and hedgerows. Drostre Bank SSSI/SAC is located approximately 500m from the site, however following a Habitats Regulations Assessment (HRA) screening for Likely Significant Effects, the County Ecologist

concluded that the development would not result in a likely significant effect. The screening has been sent to NRW who confirm their agreement with the conclusions of the HRA.

A third party objector remarks the presence of Great Crested Newts in the vicinity of the site. An Ecological Assessment was submitted with the application. Whilst no designated Species were encountered on site during the Ecological Assessment, the County Ecologist recommends the Reasonable Avoidance Methods contained within the report are adhered to and proposes conditions on lighting and landscaping to mitigate adverse effects.

The proposal will include the removal of some trees on site to facilitate the development; consisting of two individual trees and a group of three trees in the centre of the site, and two groups of overgrown hedgerow in the northern area of the site. LDP policy does not permit development which will cause unacceptable harm to trees, and Section 6 of the Environment (Wales) Act 2016 places a duty on Public Authorities to maintain and enhance biodiversity in the exercise of its functions. The trees to be removed are considered to be of a low quality, and to compensate for the loss of trees and scrub, the applicant proposes to erect nesting boxes on site, and recommendations and mitigation measures identified in the ecological assessment will be required by condition as part of any permission. A condition requiring the submission of a detailed landscaping scheme is also recommended for inclusion in any permission granted. To meet the Authority's Section 6 Duties to enhance biodiversity, a condition requiring a detailed Biodiversity Enhancement Plan to be submitted and implemented is recommended for inclusion if approval is granted.

Recommendation

The proposal to demolish an existing underused building, replacement with a new building, weighbridge, hardstanding and car parking along with other associated works, is considered to comply with planning policy. The proposal is located on an existing, established waste management facility, with the development offering an improvement to the use of and movement around the site. Existing buildings are on site, and will offer screening to the new buildings, along with established trees and hedges.

Whilst the development will result in more employees being located at the site, and result in more associated vehicle trips, the HGV numbers are not considered to change significantly, only to change the time at which vehicles enter and leave the site.

The recommendation is to approve the application subject to the following conditions:

Conditions

Commencement and Duration of Facility

1. The development to which this permission relates shall be begun not later than the expiration of 5 years beginning with the date of this permission. Written notification of the date of commencement shall be sent to the Local Planning Authority a minimum of 14 days prior to commencement.
2. The development hereby permitted shall comply at all times with the approved plans, namely:
 - Brecon Waste Transfer Site Ecological Statement (Rachel Probert, dated November 2018)

- Arboriculture Report (report reference ArbTS_535.1_CwrtyPlyffin, dated 18th July 2018)
- Planning, Design and Access Statement (report reference 18.180, dated December 2018)
- Location and Boundary Plan (Drawing number 2321/18/P/001, December 2018)
- Existing Site Layout (drawing number 2321/18/P/002, May 2018)
- Proposed Site Plan (drawing number 2321/P/003 revision A, October 2018)
- Proposed Storage Shed Preliminary layout (drawing number 2321/P/004)
- Proposed Welfare Unit (drawing number 2321/P/005, October 2018)
- Proposed Drainage Strategy (drawing number 2321/P/006 revision A, March 2019)
- Proposed Site Levels (drawing number 2321/P/007, March 2019)
- Preliminary Earthworks Balance (drawing number 2321/P/008, April 2019)
- Proposed Wastewater treatment Plant (report reference W5077-2-190327-Powys WTS_Proposed Wastewater Treatment Plant, dated March 2019)

Types of Waste

3. Only those waste materials specified in the application, shall be deposited, stored or processed at the site.
4. Any material contained within the waste deliveries which falls outside of the above description shall be removed from the waste and stored in a designated covered container prior to removal from the site.
5. No waste transfer operations shall take place on site outside the confines of the building approved for this purpose and no loose waste materials or products shall be deposited or stored on the adjacent open area, or outside the waste receiving bays or the salvaged/reclaimed materials storage bays.
6. Waste brought to the site shall not be deposited other than in the waste receiving bays and the height of such deposits shall not exceed that of the retaining walls of the bays.

Hours of Operation

7. No plant, machinery or lorry traffic shall enter or leave the site unless between the following hours;
 07.30 to 17.00 Monday to Friday
 08.00 to 16.00 Saturday and Bank Holidays
 and not at all on Sundays, Christmas Day, Boxing Day and New Year's Day unless otherwise agreed in writing by the Local Planning Authority who should be notified at least 24 hours in advance of any operations.

Operations of plant and machinery, including bailing and loading, shall be restricted to the following hours;

08.00 to 17.00 Monday to Friday
 08.00 to 16.00 Saturday and Bank Holidays
 and shall not take place on Sundays, Christmas Day, Boxing Day and new Year's Day unless otherwise agreed in writing by the Local Planning Authority who should be notified at least 24 hours in advance of any operations.

Floodlighting

8. No external lighting shall be installed unless a detailed external lighting 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.

Access & Routing

9. Prior to beneficial use any of the new buildings hereby approved, provision shall be made within the curtilage of the site for the parking and turning of vehicles, as detailed on the approved drawing 232/P/003 Rev A. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

Pollution

10. The Pollution Prevention Plan identified in section 10 and Appendix 2 of the Ecological Assessment Report by Rachel Probert MCIEEM dated November 2018 shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA
11. Any facilities for the storage of oils, fuels or chemicals on the application site shall be sited on impervious bases and surrounded by impervious bund walls. The volume of the bunded compound shall be at least equivalent to the capacity of the tank plus 10%. If there is multiple tankage, the compound shall be at least equivalent to the capacity of the largest tank, or the combined capacity of interconnected tanks, plus 10%. All filling points, vents, gauges and sight glasses must be located within the bund. The drainage system of the bund shall be sealed with no discharge to any watercourse, land or underground strata. Associated pipework shall be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets shall be detailed to discharge downwards into the bund.
12. Prior to the commencement of development approved by this planning permission (or such other date or stage in development as may be agreed in writing with the Local Planning Authority), the following components of a scheme to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:
 1. A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 3. The site investigation results and the detailed risk assessment (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
13. Prior to commencement of development a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring

Any changes to these components require the express consent of the Local Planning Authority. The scheme shall be implemented as approved.

carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a “long-term monitoring and maintenance plan”) for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, and for the reporting of this to the Local Planning Authority.

14. Reports on monitoring, maintenance and any contingency action carried out in accordance with a long-term monitoring and maintenance plan shall be submitted to the Local Planning Authority as set out in that plan. On completion of the monitoring programme a final report demonstrating that all long-term site remediation criteria have been met and documenting the decision to cease monitoring shall be submitted to and approved in writing by the Local Planning Authority.
15. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for an amendment to the remediation strategy detailing how this unsuspected contamination shall be dealt with.
16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater.

Ecology

17. The Mitigation and compensation measures regarding nesting birds identified in section 10 of the Ecological Assessment Report by Rachel Probert MCIEEM dated November 2018 shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.
18. The Reasonable Avoidance Method Statement regarding Reptiles identified in section 10 and Appendix 3 of the Ecological Assessment Report by Rachel Probert MCIEEM dated November 2018 shall be adhered to, implemented in full, and maintained thereafter unless otherwise agreed in writing by the LPA.
19. Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Landscaping

20. Within 3 months of the date of this permission, 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.
21. The existing trees, bushes and hedgerows within the site, other than those specified for removal in the application, shall be retained and shall not be felled, lopped, topped or removed without the prior written consent of the Local Planning Authority. Any such vegetation removed without consent, dying, being severely damaged or becoming seriously diseased shall be replaced with trees or bushes of a similar size

and species unless otherwise agreed in writing by the Local Planning Authority, in the planting season immediately following any such occurrences.

Reasons

1. Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
2. Reason: For compliance purposes with the drawings submitted
3. Reason: For compliance with the submitted documents
4. Reason: to minimise impact on the amenity of local residents and visitors to the area.
5. Reason: To ensure that the concrete pad remains free of litter and debris and to protect residential and local amenity.
6. Reason: To protect residential and local amenity.
7. Reason: To protect the amenities of local residents and visitors to the area.
8. 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
9. Reason: In the interests of highway safety.
10. 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act.
11. Reason: To prevent pollution of the water environment.
12. Reason: Natural Resources Wales considers that the controlled waters at this site are of high environmental sensitivity due to being situated on a Secondary A aquifer near to the Drostre Bank SAC/SSSI. Contamination is also strongly suspected at site due to historic use.
13. Reason: To demonstrate that the remediation criteria relating to controlled waters have been met, and (if necessary) to secure longer-term monitoring of groundwater quality. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
14. Reason: To ensure that longer term remediation criteria relating to controlled waters have been met. This will ensure that there are no longer remaining unacceptable risks to controlled waters following remediation of the site.
15. Reason: Given the history of the site it is considered possible that there may be unidentified areas of contamination at the site that could pose a risk to controlled waters if they are not remediated.
16. Reason: There is an increased potential for pollution of controlled waters from inappropriate methods of piling.

17. Reason: To comply with Powys County Council's LDP Policies DM2, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
18. Reason: To comply with Powys County Council's LDP Policies DM2, in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
19. 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 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
20. Reason: To comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
21. Reason: In the interests of amenity and wildlife conservation.

Note to Applicant

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Reptiles - Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

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

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

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 01597 827645.

Pollution Prevention

Appropriate pollution prevention measures must be in place to ensure that the water environment (both surface water and ground water) are not polluted during the excavation, construction restoration and operation phase of the development.

All works at the site 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>.

Although this document is withdrawn, the advice it provides is still relevant.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on our incident hotline 03000 65 3000.

Waste

The activity of importing waste into the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from the site.

Waste arising from the development must be disposed of in an appropriate way i.e. to a waste management facility, and where possible it should be recycled. Certain wastes, for example asbestos, are classed as Hazardous Wastes and shall only be disposed of by registered waste carriers to an appropriate facility, licensed to take such wastes.

Environmental Permits

We are aware the dirty water from the transfer station is being discharged to a treatment system under a Permit from NRW referenced AW0053101. If the operator intends continuing the use of this discharge point but if the nature of the discharge has changed, a variation of the Permit may be required.

We advise any variations to Permits should be discussed with NRW's Permitting team.

Foul Drainage

Government policy states that, where practicable, foul drainage should be discharged to the mains sewer. Where this is not possible and private sewage treatment / disposal facilities are

utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. Further advice on calculating flows, capacity and designing non-mains sewage treatment system is available from Loads & Flows 4 document.

The written consent of NRW or registration for exemption will be required for any discharge e.g. foul drainage to a watercourse/ditch etc, from the site and may also be required for certain categories of discharges to land. All necessary NRW consents, or exemptions must be obtained prior to works progressing on site.

You will need to apply for a Bespoke Permit, as the proposal is near a protected site. You may also need to apply for a Permit from our National Permitting Team to allow certain discharges into ground.

NRW's Permitting team should be contacted to discuss their requirements. You must obtain any necessary Permit prior to works starting on site. The permitting process is a separate process to planning, and the applicants are advised the granting of planning permission does not guarantee that a permit will be granted.

The Welsh Government has also advised that all septic tanks and small sewage treatment plant discharges in Wales will need to be registered. More information, including a step by step bilingual guide to registering, is available on our website at the following link <http://naturalresources.wales/permits-and-permissions/water-discharges/register-your-septic-tank-package-sewage-treatment-plant/?lang=en>

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.

Please note that an environmental permit or variation to an existing permit may be required for the site. We therefore advise that the applicant hold pre-application discussions with our Permitting Team on 0300 065 3000 at the earliest opportunity.