

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

**Application Number:** 20/1580/FUL

**Grid Ref:** E: 311620  
N: 310318

**Community Council:** Llangyniew Community

**Valid Date:** 16.10.2020

**Applicant:** Sheeham Holdings Ltd

**Location:** Fir View Tan Y Fridd Caravan Park, Llangyniew, Welshpool, SY21 0LT

**Proposal:** Change of use of land to static caravan park, including installation of 54 static caravans, improvements to existing site access, creation of internal road layout, landscaping parcels and installation of a package treatment plant. (Extension of existing caravan park)

**Application Type:** Full Application

### The reason for Committee determination

The Local Member requested that the application be determined by Members of the Planning, Taxi Licensing and Rights of Way Committee due to the significant public interest.

### Consultee Responses

#### Consultee

#### Received

PCC-Built Heritage Officer

6th Jan 2021

Recommendation- No Objection

Background to Recommendation

Designation

Scheduled Monuments

MG044 Mathrafal Camp

MG124 Pentre camp

MG203 Site 300m of Tan-Ilan

MG231 Bryn a Saethau Hillfort

MG232 Ffridd Mathrafal Hillfort

### Listed Buildings

Cadw ID 26961 Tanhouse Bridge included on the statutory list on 19/09/2002

Cadw ID 26966 Tan-y-ffridd included on the statutory list on 19/09/2002

### Policy Background

The advice has been given with reference to relevant policies, guidance and legislation

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 10th edition 2018

Conservation Principles published by Cadw

### TAN24

Managing Change to Listed Buildings in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

### Comments

The proposal is for an extension to an existing caravan park on an adjacent parcel of land.

I acknowledge that an appraisal of the setting accompanied the application. Cadw are the consultee in respect of the setting of Scheduled Monuments and I note their comments.

My comments are in respect of the listed buildings only.

I am mindful of the advice in Sections 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.1.10 of Planning Policy Wales 10th edition 2018 which states, " For any development proposal affecting a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

Section 6.1.9 of PPW 10 advises that " Any decisions made through the planning system must fully consider the impact of the historic environment and on the significance and heritage values of individual historic assets and their contribution to the character of place"

Section 6.1.7 of Planning Policy Wales 10th edition requires that " it is important that the planning system looks to protect, conserve and enhance the significance of historic assets. This will include consideration of the setting of an historic asset which might extend beyond its curtilage. Any change that impacts on an historic asset should be managed in a sensitive and sustainable way"

Preserving means "doing no harm" and the harm to the setting of the listed buildings identified should be afforded considerable weight.

TAN24 addresses setting with some of the factors to consider and weigh in the assessment including

- o the prominence of the historic asset
- o the expected lifespan of the proposed development
- o the extent of tree cover and its likely longevity

- o non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

It is noted that section 2.2 of Managing Setting of Historic Assets which came into effect on 31 May advises that applicants for planning permission should provide the local planning with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no such assessment accompanied the application.

The document advises that "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost"

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those

settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

I note that the listed buildings have been addressed in the setting assessment and would not disagree with the conclusions.

Tanhouse Bridge is a county bridge of c 1820, sited to the east of the existing part of the site that contains caravans. The bridge is a small single arched structure carrying the minor road south-east of Ffridd Mathrafal over a tributary stream of Afon Banwy. When travelling south westwards towards Llanfair Caereinion from Meifod, the proposal site will be screened in large part from the listed building by the existing caravans on site and the area of open land between the proposal and the existing caravans is noted. Similarly when travelling north eastwards from Llanfair Caereinion towards Meifod, when the listed bridge is not readily apparent from this view point, becoming more visible the closer one approaches.

As such I would agree with the findings in the Setting Assessment that the proposal would not harm the setting of Cadw ID 26961 Tanhouse Bridge.

Cadw ID 26966 Tan-y-ffridd is a Powis estate house of late C18/early C19 of red brick and 2 storeys with attic. The farmhouse has a number of farm buildings associated with the farmhouse.

Tan-y-ffridd is sited adjacent to the A495 and readily visible from the road. The farmhouse is sited to the north east of a section of slightly higher ground which has tree cover. In addition there is a bend in the A495 at this point, and as such the application site is not readily visible from the listed farmhouse and vice versa. As such I would agree with the findings in the Setting Assessment that the proposal would not harm the setting of Cadw ID 26966 Tan y Ffridd.

I can confirm that I would have no objections to the proposal in respect of setting of listed buildings.

PCC-(N) Highways

18th Nov 2020

The development shall be carried out in accordance with drawing numbers Ki5595 1 Rev B, 2 Rev D, 4 Rev B & 13.

Notwithstanding the submitted details on drawing numbers Ki5595 1 Rev B, 2 Rev D, 4 Rev B & 13 the Highway Authority wish the following conditions to be applied to any

consent given.

1. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

2. No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 215 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway.

Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

3. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

4. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

5. Prior to the occupation of any static caravan, provision shall be made within the curtilage of the site for the parking of not less than parking bay per bedroom together with

a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

6. Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material or (a suitably bound material which is to be approved in writing by the LPA) for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

7. The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

8. No surface water drainage from the site shall be allowed to discharge onto the county highway.

9. Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

10. Within five days from the commencement of the development the existing means of access shown on Drawing Number Ki5595 13 shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and this shall be retained for as long as the development is in existence.

11. Within five days from the commencement of the development the raised beds and signage within the visibility splays shown on Drawing Number Ki5595 13 shall be removed from the area of the access visibility splays.

Hafren Dyfrdwy

13th Nov 2020

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

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

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

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

If you would like a copy of this in Welsh, please let us know.

Natural Resources Wales (Mid Wales)  
DPAS

6th Nov 2020

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 26/10/2020.

NRW was consulted on this proposal at pre application stage. Our advice on the proposed scheme has changed because new information (Flood Consequence Assessment - FCA) has been provided in support of the application.

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



condition to the permission. Otherwise, we would object to this planning application.

Condition 1: Prior to its installation, full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan must include details of the siting and type of external lighting to be used. The lighting shall be installed and retained as approved during operation.

## Protected Species

We have reviewed the preliminary ecological appraisal (Salopian Consultancy Ltd, dated 28/09/2020) submitted in support of the above application. We are satisfied with the conclusion of this document. However, we would provide the following comments:

### Lighting

Although artificial lighting appears to be adequately covered in general in section 4.9 onwards. There doesn't appear to be any detail of the extent of the lighting within this proposal (e.g. actual number, type and location of the lights). A lighting plan following the guidance in the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018, must be submitted to ensure lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species and commuting corridors. This information will need to be submitted to demonstrate that a suitable lighting scheme is being implemented.

Provided a wildlife sensitive exterior lighting scheme is submitted and implemented, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

### Flood Risk

The application site lies partially within Zone C2 and Zone A as defined by the Development Advice Map (DAM) referred to under the Technical Advice Note (TAN) 15 Development and Flood Risk (July 2004), and is shown to be partially located within the 1% (1 in 100) and 0.1% (1 in 1000) annual exceedance probability (AEP) event flood outlines on the NRW Flood Risk Map. We have no records of flooding on this site.

The proposal is for the installation of a static caravan park with associated infrastructure and is therefore classified as a new highly vulnerable land use in

accordance with figure 2 of TAN 15. This is an intensification of land use vulnerability as the existing agricultural use is deemed to be less vulnerable. We note however that most of the development lies outside of the C2 designation except for the access road and some vegetation planting.

The FCA demonstrates that all caravan pitches will be in Flood Zone A at levels of at least 0.4m above the predicted extreme 0.1% AEP flooding event extent. All new internal road will also be in Flood zone A however the existing access onto the A495 remains in Flood Zone C2 as existing with the potential for flooding depths up to 1.15m.

Given the nature of the proposals and their location within the flood zone designations, we have no concerns to raise on flood risk grounds. If the location of works changes then we wish to be reconsulted.

We note that the proposals do not comply with A1.15 of TAN15 due to the flood depths associated with the existing access being in excess of the tolerable 0.6m. We do not generally comment on access and egress and we would therefore recommend that you consult with the Powys County Council, as the Lead Local Flood Authority (LLFA) on this matter.

The applicant may wish to develop a flood plan. Further guidance on this can be found on our website at 'Guidance for caravan and campsites owners and operators'.

#### Protected Sites

Site of Special Scientific Interest (SSSI) We have considered the Preliminary Ecological Appraisal (Fir View Caravan Park, Salopian Consultancy Ltd., 19/05/2020) submitted in support of the application. Based on the information submitted, we consider that the development is not likely to damage the features for which Ffridd Mathrafal Track Section SSSI is of special interest.

#### 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.

We advise the applicant 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.

Advice for the Applicant / Developer:

### Foul Drainage

We understand foul drainage will be discharged to a new package treatment plant with discharge to ground.

With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note, should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where 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. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

PCC-(N) Land Drainage

2nd Nov 2020

Planning Department: Could the following be added as a recommendation for the application.

All: Having assessed the Planning Application Ref 20/1580/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m<sup>2</sup> and therefore this proposed development will require SAB approval prior to any construction works commencing onsite.

Please contact the SAB Team on 01597 826000 or via email [sab@powys.gov.uk](mailto:sab@powys.gov.uk)

For further information on the requirements of SAB and where relevant application forms/guidance can be accessed, please visit the following website <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs.

Cadw - SAM

11th Nov 2020

Thank you for your letter of 26 October inviting our comments on the information submitted for the above planning application.

Advice

Having carefully considered the information provided, we have no objection to the proposed development in regards to the scheduled monuments listed in our assessment of the application below.

The national policy and Cadw's role in planning are set out in Annex A.

Assessment

MG044 Mathrafal Castle

MG124 Pentre Camp

MG203 Site 300m SW of Tan-Ilan (revealed by aerial photography)

MG231 Bryn y Saethau Hillfort

MG232 Ffridd Mathrafal Hillfort

A Heritage Impact Statement has been submitted with the application, this confirms

that whilst the above scheduled monuments are located inside 3km of the proposed development only scheduled monument MG124 Pentre Camp will have views of it. It concludes that whilst elements of the development will be visible from the hillfort this will not have a significant impact on its setting. We concur with this conclusion.

CPAT

27th Oct 2020

Thank you for the consultation on this application.

There are no recorded archaeological sites within the development area red boundary on the Historic Environment Record. The ground includes improved sloping pasture and a partial downslope hedgerow, which is being preserved within the scheme layout. Reference to the early OS mapping, the tithe map and the NRW 2 metre lidar coverage does not indicate any unrecorded archaeological sites here and the archaeological potential is low overall on the sloping ground where the caravans will be primarily located.

The Heritage Impact Statement clearly indicates that there is no intervisibility and no significant setting impact for both of the nearby scheduled hillforts (MG124 Pentre Camp and MG231 Bryn y Saethau Hillfort). Cadw will still need to be consulted for their opinion on the setting impact assessment and they can be contacted via [cadwplanning@gov.wales](mailto:cadwplanning@gov.wales)

We would therefore have no objection to the proposed development on archaeological grounds.

Environmental Health

9th Nov 2020

Due to the size of the proposed soakaway I've consulted the NRW and Building Control regarding this application.

The NRW have confirmed that the proposed volume of foul waste will require a discharge to consent. This is the link <https://naturalresources.wales/permits-and-permissions/water-discharges-and-septic-tanks/discharges-to-surface-water-and-groundwater/?lang=en> .

Building Control have said that care should be taken in laying out the soakaway. If it is poorly constructed the foul water will not utilise the whole system and as a result pollution issues will arise.

I have no objection to the application provided that the consent to discharge has been

approved by the NRW and the planning authority.

Community Council

12th Nov 2020

Council discussed the application at length. Council RESOLVED to NOT SUPPORT the application citing the following reasons:

- i. Council have grave concerns for the visual impact on the countryside.
- ii. Council feels there is not the infrastructure in the area to support the number of vehicles the site would create with the number of caravans proposed.
- iii. Light Pollution
- iv. Strain on Local resources ie Doctors etc
- v. Not enough Screening proposed
- vi. Council has grave concerns on the effects on the water supply for the area.

## **Representations**

Seven letters of public representation have been received at the time of writing this report.

The letters can raise the following concerns in respect to the application:

- Already sixteen holiday caravan parks within the vicinity
- More need for small scale self-catering holiday let cottages
- Extra strain on our health services
- Too big, ugly and visible development
- Economic benefit is debatable
- Low-impact development like yurts preferred
- Site does not benefit from screening
- Elevated position
- Amenities to neighbouring properties unacceptable
- Does not comply with policy DM13
- Development on a greenfield site
- High agricultural value land
- Layout too dense
- Unacceptable impact to highway safety
- Further planting required

- Landscape and Visual Impact to residents, recreational users and visitors
- External Lighting concerns
- Objection to occupation all year round
- Impact to wildlife habitats

### Planning History

App Ref	Description	Decision	Date
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N/A

### Principal Planning Constraints

Ancient Woodland  
 Ancient Semi Natural Woodland  
 Scheduled Ancient Monument  
 Mineral Safeguarding Sandstone  
 C2 Floodzone

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
Future Wales: The National Plan		2021	Development Plan
PPW	Planning Policy Wales (Edition 11, 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood		National Policy

	Risk	
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
TD1	Tourism Development	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998



Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

## **Site Location and Description**

The application site is located within the Community Council area for Llangyniew. The application site is located with ancient woodland to the north, the existing caravan site to the east and north, the County Class I Highway, A495 to the south and agricultural land to the west.

Consent is sought for the erection of an extension to the existing Caravan Holiday Park known as Fir View Tan Y Fridd Caravan Park.

The proposed extension will provide a site for an additional 54 holiday units in the form of static caravans.

## **Officer Appraisal**

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

This application has been considered 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

Future Wales National Plan 2040 recognises the wealth of outstanding natural assets Mid Wales has, all of which contribute to an outstanding tourism offer. The Local Development Plan expands on this by noting the high quality, beauty and variety of the Powys landscape, combined with its history and culture which create an area of great attractiveness for tourism. It is acknowledged that tourism is one of the County's main employment sectors. It is an important component of the rural economy and can help to provide new jobs and it is therefore desirable to support appropriate tourism related developments in principle, whilst sustaining the outstanding natural beauty.

Policy TD1 of the Local Development Plan (LDP) seeks to ensure that development proposals for tourist accommodation, facilities and attractions, including extensions to existing development, will be permitted as follows:

*1. Within settlements, where commensurate in scale and size to the settlement.  
2. In the open countryside, where compatible in terms of location, siting, design and scale and well integrated into the landscape so that it would not detract from the overall character and appearance of the area and in particular where:*

- i. It is part of a farm diversification scheme; or*
- ii. It re-uses a suitable rural building in accordance with TAN 6; or*
- iii. It complements an existing tourist development or asset, without causing unacceptable adverse harm to the enjoyment of that development or asset; or*
- iv. It is not permanent in its nature.*

*3. Accommodation shall not be used for permanent residential accommodation.*

The application site is located within the open countryside as defined by the LDP. The application site currently operates as a caravan holiday park (174 existing units) and consent is sought for the change of use of land to include the installation of a further 54 static caravan pitches.

This application is therefore to expand the existing tourism business at Fir View Caravan Park.

The principle of the development, as an extension to the existing site is therefore considered to fundamentally comply with relevant planning policy subject to consideration of its location, siting, design and scale and whether it is well integrated into the landscape. Further consideration to these points will therefore be considered in further below.

### Location

It is acknowledged that within Mid Wales there is a high degree of mobility between places, where people travel to access services, facilities and jobs outside of the place they live. Trips are typically longer than those made in more built-up and urbanised areas and reliant on road-based travel given the absence of frequent bus and rail services.

The application site is located within the Community Council area for Llangyniew. The nearest large settlement to the application site is Llanfair Caereinion which is approximately 2.9km to the south of the application site and designated as a 'Town' under the Local Development Plan 2018 (LDP).

Whilst acknowledging the rural location, away from built-up areas it is noted that the location will form an extension to an existing tourism asset, located directly off a County

Classified I Highway, the A495, which provides good transport links to wider areas within Powys and cross borders.

In addition, it is noted that the application site is supported by a plethora of public rights of ways and bridleways which surround the application site.

### Siting, Design and Scale

Policy DM13 of the Local Development Plan (LDP) seeks to ensure that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

Currently the site is split into two areas of development. A northern section which contains 114 units and an eastern section which has 60 units. Managers accommodation and an office is also contained within the northern section of the existing application site.

This application therefore seeks consent for a western site which will host 54 static caravan units. This area has been designed off two separate road links. The more northern route creates a linear layout throughout the top of the site, whilst the second results in units designed around a circular road network. Each site benefits from areas of planting surrounding and within the application site and have been designed to be in-keeping with the existing topography of the land avoiding large retaining structures or removal of earth.

Whilst it is accepted that the exact type of caravan which may be present on site at any time can be interchangeable over the years, it is acknowledged that by very nature of the scale of the development their colour can have an impact on the surrounding area. For example, a development of muted environmental colours would be far more in-keeping within this rural location rather than bright, primary colours.

The use of muted colours, that reflect the local context, is therefore considered to be appropriate given the site context and a condition will be attached to secure the colour of all proposed and future units for the site.

In terms of scale and siting of the development, it is acknowledged that the number of units proposed is suitable to the scale of the developable area whilst leaving land to remain agricultural in use and additional areas for planting.

It is therefore considered that the scheme has been appropriately designed within this rural setting, ensuring the development is low in scale, in keeping with the character and appearance of the surrounding area.

### Landscape and Visual Impact

Policy SP7 and DM4 of the Powys Local Development Plan indicate that development

proposals will only be permitted where they would not have an unacceptable adverse impact on the environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

Policies SP7 and DM4 requires a Landscape and Visual Impact Assessment to be undertaken where impacts are likely on the landscape and proposals should have regard to LANDMAP, Registered Historic Parks and Gardens, protected landscapes and the visual amenities enjoyed by users of the Powys landscape and adjoining areas. The Council's Landscape SPG reinforces policy DM4 and provides additional guidance on the assessment process.

A review of Natural Resources Wales LANDMAP has designated the landscape as follows:

Geological Landscape – Moderate  
Landscape Habitat - High  
Visual and Sensory – Moderate  
Historic Landscape – High

With regards to Visual and Sensory LANDMAP describes the area as, *“Rolling lower transitional side slopes of the broad River Vyrnwy valley bottom. Predominantly arable and dairy farming with a regular medium sized field pattern. Managed hedgerow and fence lines predominate with wide open views over the valley floor and relatively open skies dominant. Settled and domestic in character with sporadic clustered developments”*.

The overall evaluation confirms that the area is “Rolling lowland farmland with a distinct landscape character that would benefit from further enhancement and strengthening from supplementary tree and hedgerow planting”.

It is noted that perspective site views have been submitted in support of the application.

The application site is located directly adjoining and to the north of the A495 County Highway. To the north of the application site there is then an area of Ancient Woodland which falls outside but directly adjoining the application boundary.

The site rises in topography away from the County Highway with the field currently being agricultural in use which is bound by a mature hedgerow but no further planting is located within the site boundary.

It is acknowledged that the site when travelling along the A495 is open with views of the entire site given its topography, however these views are considered to be short-range with wider mature planting proposed along the A495 aiding in screening any wider views of the application site.

The site has been designed with two internal road layouts. Amongst these areas the

caravans have then been designed around the road networks separated by clusters of additional landscaping and planting. The layout as proposed has therefore avoided regimented rows of units.

Additional areas of woodland are also proposed to be planted in bands down to the A495 to further assimilate the development within the surrounding landscape.

Whilst it is acknowledged that the development will result in a visual change to that of the site as existing it is noted that the site is away from the skyline and any prominent raised hillsides. Whilst the site is visible from the A495, given the low scale of the units proposed, the topography of the land and proposed landscaping it is not considered that the proposed development would have an unacceptable wider visual impact from these receptors.

### Highway Safety

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

The site will utilise and upgrade the existing access onto the A495 County Highway which is located directly to the south of the application site.

The Highway Authority have been consulted and have confirmed that they raise no objection to the proposed scheme and recommended a number of conditions which should be attached to any grant of consent.

Subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Biodiversity

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, habitat of species including locally important site designations. The Council's SPG on biodiversity provides guidance on assessing the impact of development on designated sites or protected species.

The application site is on improved agricultural land and therefore is considered to be of low ecological value.

- Protected Species

A preliminary ecological appraisal by Salopian Consultancy Ltd was submitted in

support of the application.

The report concludes that the site itself has limited opportunities for protected species given the current grazing regime and habitats present. There was no evidence of other protected species being identified within the application site and this conclusion was supported by NRW.

- Ancient Woodland

There are three parcels of ancient woodland directly adjoining the application site. Whilst outside of the application site, the woodland has the potential to feature suitable habitats for protected species such as bats. Whilst artificial lighting has been covered within the preliminary ecological survey, NRW raised concern that the extent of lighting within the proposal (numbers, type and location of lights) was missing.

A wildlife sensitive exterior lighting scheme has been submitted as additional information in line with the 'Bat Conservation Trusts Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the built environment series'.

Lighting will be installed retaining dark corridors across the site for nocturnal commuting/foraging wildlife. In addition, the lighting will be LEDs activated by movement to reduce the amount of time the lights are activated, set on a short timer (maximum of 1 minute), and orientated towards the ground.

In light of this additional information received it is considered that an acceptable scheme has been submitted and will be conditioned appropriately.

No further development is considered likely to have a significant impact on the Ancient Woodland.

- Site of Special Scientific Interest (SSSI)

Two statutory designations of conservation concern were identified within 1km of the site summarised below;

- Ffridd Mathrafal SSSI track section which has been designated for its geological importance, located to the south west of the site.
- Cors Cefn Llwyd SSSI is located 859m south east of the site.

The site falls directly adjacent to Ffridd Mathrafal woodland which has been recognised for areas of ancient semi-natural woodland and an SSSI component designated for its geological interest.

A 10m buffer from the woodland edge and new planting to provide a screening from the caravans has been incorporated into the design to mitigate potential impacts and

ensure functionality of the woodland remains for the species it supports.

Based on the information submitted, NRW have confirmed that the development is not likely to damage the features of the Ffridd Mathrafal SSSI. For Cors Cefn Llwyd SSSI there are not considered to be any connecting features between either site and therefore no significant impact is also expected upon this area.

- Biodiversity Enhancement

Woodland planting is supported through the Future Wales National Plan which states that an increase in woodland cover is needed to help build the resilience of our ecosystems, to secure the delivery of our climate change and decarbonisation aspirations with the Welsh Government which wishes to see biodiversity enhanced and ecosystems become more resilient across Mid Wales.

A biodiversity enhancement plan has been submitted in support of the application and proposes the following:

- New tree and hedgerow planting of a diverse mix of broad-leaved trees (including nut and fruit bearing species)
- Four 2F Schwegler bat box
- Four Schwegler 1B Nest Boxes
- Two large multi chamber Woodstone bat boxes

The proposed tree and hedgerow planting will provide a foraging resource for a wide variety of nesting birds, invertebrates and small mammals as well as a place of refuge once established. Alongside the increased foraging resources the additional planting has been sensitively designed to be a connective feature to surrounding ecological resources and the boxes will provide roosting areas.

This level of new planting and boxes will therefore provide a net gain to biodiversity when considering the existing site which is largely improved, grazed agricultural land of low ecological value.

The results of the Preliminary Ecological Appraisal are therefore welcomed and subject to conditions ensuring that development is completed in accordance with the enhancements and recommendations it is considered that the proposed development can be managed to an acceptable level.

### Foul Drainage

A private sewerage treatment plant is proposed as part of this application site and percolation test have been submitted in support of the application.

The Environmental Health Officer has confirmed that they have consulted both NRW and Building Control in relation to the size of soakaway system proposed.

NRW have confirmed that the proposed volume of foul waste will require a discharge consent. An informative will be attached to any grant of consent.

On the basis of the above, the Environmental Health officer confirmed that they had no objection to the application provided that the consent to discharge has been approved by the NRW.

### Cultural Heritage Policy

Policy SP7 of the Powys Local Development Plan requires proposed developments to not unacceptably affect strategic resources and assets. A list of such resources and assets are provided within this policy and this contains Listed Buildings, Scheduled Monuments and Registered Historic Park and Garden. This is echoed by Technical Advice Note 24 which requires that the setting of these to be considered in the determination of planning applications.

The application is in close proximity to the following cultural heritage assets;

- Scheduled Ancient Monuments (SAMs)

MG044 Mathrafal Camp  
MG124 Pentre camp  
MG203 Site 300m of Tan-Ilan  
MG231 Bryn a Saethau Hillfort  
MG232 Ffridd Mathrafal Hillfort

A Heritage Impact Statement has been submitted in support of the application. Cadw have been consulted and note the findings of that assessment which notes the above recognised SAMs inside 3km of the proposed development.

It is acknowledged that only scheduled monument MG124 Pentre Camp will have views of the application which is located approximately 530 metres to the south of the application site. It concludes that whilst elements of the development will be visible from the hillfort this will not have a significant impact on its setting.

- Listed Buildings

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting Powys County Council s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful



consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

Cadw ID 26961 Tanhouse Bridge included on the statutory list on 19/09/2002

Cadw ID 26966 Tan-y-ffridd included on the statutory list on 19/09/2002

Our Built Heritage Officer has also confirmed that they would have no objections to the proposal in respect of the setting of listed buildings.

It is therefore considered that the proposed development would not harm the setting of nearby listed buildings or SAMs.

### Flood Zone

Under Technical Advice Note 15 (TAN15) it is noted that holiday units and proposals such as this development constitute highly vulnerable development and therefore should be located outside of C2 floodzones.

It is noted that the application site is partially located within zone C2 with the access and road network located entirely within zone C2 of the Development Advice Map (DAM) contained in TAN15 Development and Flood Risk (July 2004).

The proposed site plan shows the caravan pitches to be located outside of the C2 flood zone with only the access and some landscaping located within.

TAN15 confirms that whether a development should proceed or not will depend upon whether the consequences of flooding of that development can be managed down to a level which is acceptable for the nature/type of development being proposed, including its effects on existing development. For example, it would certainly not be sensible for people to live in areas subject to flooding (even in two storey buildings) and where timely flood warnings cannot be provided and where safe access/egress cannot be achieved.

A Flood Consequence Assessment has been submitted in support of the application.

NRW have confirmed that given the nature of the proposals and their location within the flood zone designations, they have no concerns to raise on flood risk grounds.

However, it is noted that the proposal does not comply with section A1.15 of TAN15 due to the flood depths associated with the existing access being in excess of the tolerable 0.6m, with water depths up to 1.15 metres predicted for the access onto the A495.

In response the applicant has submitted a flood evacuation route which demonstrates

that access to the application site can be achieved in a flood event through a route unaffected by flooding.

This is located directly to the north of the application site utilising forestry roads/public right of ways which directly join up onto classified county highways.

On this basis it is therefore considered that safe access/egress can be achieved during a flood event. A condition will be attached to any grant of consent ensuring the preparation of effective warning and evacuation plans are put in place prior to the first use of the application site.

On this basis it is considered that sufficient evidence has been provided to support the application confirming that flood risk grounds can be appropriately managed on site.

### Placemaking and Wellbeing Goals

Planning Policy Wales (2021) plays a significant contribution to the improvement of well-being in all its aspects as defined by the statutory well-being goals. It embeds the spirit of the Well-being of Future Generations Act, through moving us towards a low carbon, resilient society, of providing secure and well-paid jobs, and of building well-connected environments for everyone in Wales that improves our lives and health and enhances our well-being.

Ministers advised in June 2019 that placemaking should form part of all decisions and have considered measures to call in applications where strategic placemaking has not been considered.

Placemaking is a holistic approach to the planning and design of development and spaces, focused on positive outcomes. Placemaking considers the context, function and relationships between a development site and its wider surroundings. This will be true for major developments creating new places as well as small developments created within a wider place.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Individual places can take many forms and interpretation of what makes a good place will vary. Each place will have its own unique characteristics, history and identity, based on how people have and will interact with the landscape and townscape.

'Sense of place' varies, from the rural countryside which provides an economic and environmental base for agriculture and tourism to thrive, to urban areas which are continually evolving and providing the focus for major social and economic development.

It is considered that the proposed development is in accordance with both the placemaking and well-being goals due to the following;

- The development will provide an extension to an existing tourism asset to Powys.
- The development is located close to existing transport networks.
- Provides a net gain on biodiversity enhancement within the local area.
- Promotes and diversifies our rural economy to ensure it is fit for future and economically sustainable.

### Climate Change

PPW states that the planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.

This is coupled with ensuring the countryside is resilient to the impacts of climate change and plays a role in reducing the causes of climate change through the protection of carbon sinks and as a sustainable energy source in line with the Resilient Wales well-being goal.

The proposed development is located on land currently considered to be of low ecological value and agricultural land which is classified as 3b. The development proposes to enhance the application site and provide mature planting and areas of tree planting which are vital in the role of reducing the causes of climate change. The ancient woodland to the rear of the site is to be retained.

### Minerals Safeguarding

Mineral Safeguarding Areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal.

It is noted that the application site is located within an area of Mineral Safeguarding for Sandstone.

Given the temporary nature of the works and that the works is for a static caravan site it is considered that the development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction, if it so be required.

In light of the above it is therefore considered that the proposed development fundamentally complies with policy DM8 of the Local Development Plan.

### Public Representations

Several public representations have been received objecting to the proposed development. Most of the comments received have informed the consideration as outlined above. The remainder of the outstanding comments will be addressed as follows:

- Neighbouring Residential Amenity

Concerns have been raised over the potential impact the development may have on neighbouring residential development surrounding the application site.

It is noted that the nearest residential property in either direction to the application site are identified as follows:

- Oakwood (approximately 360 metres to the west)
- Minffordd (approximately 360 metres to the south)
- Tan-y-ffridd (approximately 380 metres to the east)

It is noted that between Tan-y-Ffridd and Minfford there is existing built development in terms of either the County highway or further caravan units already consented for the site. Therefore, it is considered unlikely that the proposed development would further impact the amenities of these residential properties.

In terms of Oakwood which is located to the west of the application site there is approximately 360 metres between the sensitive receptor (dwelling) and the caravan units proposed. Based on the distance, intervening topography and proposed landscaping it is not considered that the amenities enjoyed by this receptor would be unacceptably impacted on from the proposed development. Environmental Health have been consulted and have raised no objection to the development proposed.

- Users of Public Rights of Way/ Recreational Areas

It is noted that there are no public rights of way directly within the application site but there are a number which surround the application site. Concerns have been raised on the visual impact the development may have on the users of these areas.

Policy SP7 seeks to safeguard strategic resources and assets in the County, where development proposals must not have an unacceptable adverse impact on the resource or asset and its operation which includes recreational assets such as Public Rights of Way Networks.

The nearest Public Rights of Way is located approximately 150metres from the access of the site.

Static Caravans are low in scale and in this instance have been located in front of an area of mature woodland which provides a natural back-drop to the development. Any proposed additional landscape screening will then enhance the development to aid in assimilating the development within to that area. When noting that a condition will be attached to any consent granted ensuring the colours of the caravans to be used on the site it is considered that the landscape and visual impact of the site could be seen as minimal in an area which already has caravans located within the landscape. This site is

therefore seen as an extension to the existing caravans within that area and would not be a new feature within the landscape.

On that basis it is therefore not considered that the proposed development would have an unacceptable adverse impact to the users of Public Rights of Way Networks within the surrounding area.

## **RECOMMENDATION**

In light of the above, whilst it is acknowledged that the site is visible from the A495, given the low scale of the units proposed, the topography of the land being set down from the skyline and proposed landscaping against the existing backdrop of the ancient woodland it is considered on balance that the proposed development would not have an unacceptable wider landscape and visual impact and the recommendation is one of conditional consent.

## **Conditions**

- 1 The development shall begin not later than five years from the date of this decision.
- 2 The development shall be carried out in accordance with the following approved plans and documents Ki 5595 Rev 1B, Ki 5595, 2D, Ki 5595 3B, Ki 5595, Ki 5595 4B, Ki 5595 10B, Arboricultural Appraisal (Salopian Consultancy).
- 3 The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence. An up to date register shall be kept at the holiday accommodation hereby permitted and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the accommodation, their main home addresses and their date of arrival and departure from the accommodation.
- 4 The static caravans shall be a palette of muted environmental colours only. Any alternative colours must be submitted to and approved in writing by the Local Planning Authority. Development thereafter for the life of the development must comply with the details as approved above.
- 5 No more than 54 static caravans shall be on the land hereby approved at any one time.
- 6 All highway improvement works shall be completed in strict accordance with drawing numbers Ki5595 1 Rev B, 2 Rev D, 4 Rev B & 13.
- 7 No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher

run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

8 No other development shall commence until the access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 215 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9 Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

10 Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 12 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

11 Prior to the occupation of any static caravan, provision shall be made within the curtilage of the site for the parking of not less than one parking bay per bedroom together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

12 Prior to the first beneficial use of the development the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

13 The gradient of the access shall be constructed so as not to exceed 1 in 30 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

14 No surface water drainage from the site shall be allowed to discharge onto the county highway.

15 Any vehicular entrance gates installed within the application site shall be set back

at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the development hereby permitted remains in existence.

16 Prior to the commencement of development a scheme for the stopping up of the existing access shown on Drawing Number Ki5595 13 shall be stopped up in materials to be agreed in writing by the Local Planning Authority and shall include a timing schedule for the completion of the works. The scheme as agreed shall be retained for as long as the development is in existence.

17 Within five days from the commencement of the development the raised beds and signage within the visibility splays shown on Drawing Number Ki5595 13 shall be removed from the area of the access visibility splays.

18 Any external lighting installed within the application site shall be completed in full accordance with the Artificial Lighting & Biodiversity Enhancement Statement by Salopian Consultancy dated 05/01/2021 and plan reference: Plan 1: Lighting & Bird/Bat Box Plan.

19 Prior to the commencement of development a landscaping and biodiversity enhancement schedule of works shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include a phasing scheme for the development which should be completed in accordance with document: Tree Planting Scheme by Salopian Consultancy dated 04/01/2021 and plan reference: Plan 1: Tree & Hedgerow Planting Plan. Development thereafter shall be completed in full accordance with the details as approved.

20 Prior to the first use of the application site hereby approved the applicant shall prepare and install flood warning notices and evacuation plans for the site in accordance with the Flood Consequence Assessment for Fir View Caravan Park, Llangyniew dated October 2020. The use of which shall remain in place for the life of the development.

21 The southern boundary hedgerow which runs parallel to the A495 shall be retained and translocated in accordance with the details as contained within the Preliminary Ecological Appraisal by Salopian Consultancy Ltd and as shown on drawing ref: Ki5595 2D and shall remain as such in perpetuity.

## **Reasons**

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

3 To ensure the development is not used for full time residential use in accordance with policy TD1 of the Local Development Plan (2018).

4 To ensure a satisfactory development in terms of impact on the surrounding area in accordance with policy TD1 of the Local Development Plan

5 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.

6 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007), Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

7 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007), Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

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11 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

12 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

13 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

14 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

15 In the interest of highway safety in accordance with Powys Local Development



Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

16 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

17 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) Planning Policy Wales (2021) and Future Wales: The National Plan 2040.

18 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 11 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 and Future Wales: The National Plan 2040.

19 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 11 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 and Future Wales: The National Plan 2040.

20 In accordance with Technical Advice Note 15: Development and Flood Risk (2004).

21 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 11 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016 and Future Wales: The National Plan 2040.

## **Informative Notes**

1 Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- o Intentionally kill, injure or take any bats.
- o Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.

Under the Habitats Regulations it is an offence to:

- o Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved. The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0345 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk)

2 It should be noted that in addition to planning approval proposed developments require approval from the Sustainable Drainage System Approval Body (SAB), prior to any construction works commencing on site, where there are new developments of more than 1 house or where the area of the project proposals with drainage implications is likely to exceed 100m<sup>2</sup> (including access tracks, areas of hard standing etc.). Standard 5 of the SAB seeks to ensure that, wherever possible the identified SUDs scheme makes the best use of the site to maximise benefits for biodiversity (as well as for amenity, water quantity and water quality). Further information on the requirements of SAB can be found at: <https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

3 With respect to the discharge of effluent to ground or surface water, the Applicant will need to apply for an environmental permit or register an exemption with us. Septic tanks and small sewage treatment works may be registered as exempt from the requirement to obtain an environmental permit if certain criteria are met. Please note,

should a permit be required, further information may be required as part of that application and the Applicant is therefore advised to hold pre-application discussions with our Permitting Team on 0300 065 3000, at the earliest opportunity, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on NRW website. Where 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. We also refer the Applicant to the Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

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