Planning, Taxi Licensing and Rights of Way Committee Report

Application Number:	20/2087/FUL	**Grid Ref:**	E: 304151 N: 293359
Community Council:	Caersws Community	**Valid Date:**	17.12.2020

Applicant: Miss A Barrett

Location: Land at Ael Y Bryn, Aberhafesp, Newtown, Powys

Proposal: Construction of an all-new crematorium, including the erection of a crematorium building, change of use of land to provide a green burial site, creation of landscaped grounds to include a garden of remembrance, improved and new access arrangements, car parking area, sewage treatment plant and drainage and all associated works

Application Type: Full Application

The reason for Committee determination

The application involves a member of Powys County Council and is a departure from the Local Development Plan. The Local Member has raised concern over major concerns from residents in the immediate neighbouring properties and Caersws over inadequate highway safety.

Consultee Responses

Consultee	**Received**
Hafren Dyfrdwy	11th Jan 2021

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.

PCC-(N) Highways 27th Jan 2021

The Highway Authority (HA) do not object to the principle of development at this site, however, we do request that the following detail be submitted for consideration.

Section 2.15 of the Transport Statement proposes the regrading of highway verge, however, no drawing to indicate the locations and extent of works required has been submitted.

We request that the raw data files for the ATC's are submitted for analysis by the HA.

Additional correspondence received 18th March 2021

The County Council as Highway Authority for the County Class II Highway, B4568

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority understand that in order to comply with CADW conditions that the previously recommended highway conditions would have caused conflict. We have therefore slightly reworded the access conditions to allow for archaeological works to be carried out prior to the construction of the service access, and that the timing of the construction of this access does not impact upon other works within the site.

1. The development shall be carried out in accordance with drawing number 001 Rev D, 002, 003 & Figure 1.

2. Notwithstanding the submitted details on drawing numbers 001 Rev D, 002, 003 & Figure 1 the Highway Authority wish the following conditions to be applied to any consent given.

3. Prior to any other works commencing on the development site, detailed engineering drawings for the visibility improvements to the junction of the B4568/B4569/C2065 and associated works, shall be submitted to and approved in writing by the Local Planning Authority.

4. Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

5. 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.

6. No other development shall commence until the main access off the B4568 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.

7. Prior to the first beneficial use of the development the service access off the C2065 shall be 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 43 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.

8. All vehicular movements associated with the development shall enter/exit the site via the main site access off the B4568 until such time as the service access as Condition 5 above has been constructed. Therefore, no access to the site shall be gained through the service access until such time as it has been constructed in accordance with the approved drawings.

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. Within 5 days from the commencement of the development the two field gates onto the B4568 shown on Drawing Number 001 Rev D shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and the stopping up shall be retained for as long as the development is in existence.

11. Before any other development is commenced the area of the main 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.

12. Prior to the first beneficial use of the development hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan 001 Rev D. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13. Prior to the first operational use of the development the area of the main 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.

14. Prior to the first operational use of the development the area of the service 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, 60mm of bituminous macadam binder course material and 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. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

15. The gradient of the accesses 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.

16. 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.

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

Advisory Notes

NOTE:THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is

obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:

http://www.powys.gov.uk/en/roads-transport-parking/

street.works@powys.gov.uk

Street Works

Powys County Hall

Spa Road East

Llandrindod Wells

Powys

LD1 5LG

0845 6027035

Environmental Protection 2nd Feb 2021

Thank you for the consultation in respect of this application. I have started to give consideration to noise and air quality reports for the crematorium. The proposed campsite which is in the planning system and is in close proximity to the site has not been considered as a receptor. Given that both developments are in a similar position in the planning system it is my understanding that it should be included.

Whilst I intend to make full comments I did want to flag this up at this stage as there will be additional work for the developer.

Natural Resources Wales (Mid Wales) 29th Jan 2021
DPAS

LLEOLIAD / LOCATION: Land Formally Known As Ael Y Bryn , Aberhafesp

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about the above, which we received on 31/12/2020.

NRW provided comments on this proposal at pre application stage. Our comments are

included in Appendix 32 of the Preliminary Application Consultation (PAC) Report dated

December 2020 by Alan Southerby Planning Ltd.

Our advice on the proposed scheme has changed because new information 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 the following requirement is met. Otherwise, we would object to this planning application.

Requirement 1: Groundwater - further information is submitted which demonstrates that the proposed development will have no adverse effect on groundwater from hazardous substances and non-hazardous pollutants.

Groundwater

We have reviewed the information available on your website and in particular the 'Tier 1 Risk

Screening: Assessment of Groundwater Pollution; Land at Ael Y Bryn, Aberhafesp,

In order to assess the potential impacts, we would advise your Authority to obtain the following information prior to determination:

Groundwater Risk Assessment

We note six trial pits were sunk at the site, but there is no map showing the location of where the trial pits were located within the proposed burial area. The maximum depth of the trial pits was 1.9 mbgl, but it is not clear how this relates to the maximum depth of each burial site. Trial pits should be dug to one metre below the maximum burial rate. The trial pits were dug during August 2020 and given that 2020 was a dry year, it is likely that groundwater was not encountered during the summer months - we require an understanding of the groundwater level during the whole year to get the seasonal variation and for the maximum burial depth to be defined on this data.

We note the overall Qualitative Risk Assessment for the site, accounting for Groundwater

Vulnerability and the Scale of the Proposed Burial Ground, determined the development to be a proposal with a 'Moderate' risk. This conclusion is based on the groundwater vulnerability scoring of 42 to 34, and a burial rate of 10 to 20 per year. We agree with the overall risk scoring of 'Moderate' but we disagree that no further works is required and that a Tier 2 assessment is now needed as defined in the Guidance for 'Cemeteries and burials: groundwater risk assessments - Environment Agency - 14/03/2017 (as updated on 11/06/2020).

Tier 2 - Determination of the appropriate level of risk assessment

Where a proposal is considered to pose a potential 'intermediate to high' risk a more

detailed site investigation and risk assessment is required (a Tier 2 assessment). This must demonstrate that there is no impact on groundwater by hazardous substances and no adverse effect from non-hazardous pollutants. For further details the applicant is referred to Section 5.3 (c) of the Pollution Potential of Cemeteries', R&D Technical Report P223 (1999) guidance (this link out of date, but is still valid).

A Tier 2 assessment requires that baseline data be collected with respect to groundwater quality and quantity and we advise you Authority that these requirements are met prior to granting planning permission.

With reference to the guidance, this should include installation of a minimum of three monitoring boreholes (one up gradient and two close to the down gradient boundary of the site), monthly water level and quarterly groundwater quality monitoring over a 12-month minimum period, and the use of this data with a simple pollutant flux and water balance calculation to assess the potential risk to groundwater quality from the proposed woodland burial site.

A hydrogeological conceptual model must be produced, based on the information collected in the site investigation, that considers the likely pollutant loading source, potential pathways and potential receptors (including the underlying groundwater and possible discharge to surface water features). The assessment should show that no impact on groundwater will occur, or, at worst, that the impact would not amount to pollution as defined in the Environmental Permitting Regulations 2016.

We refer you to further guidance on the GOV.UK websitev. We will use this guidance to assess any new cemetery development and extensions to existing cemeteries under the planning regime.

We also refer you to the now withdrawn government guidance on assessing the groundwater pollution potential of cemeteries. This document continues to provide a useful overview of the process.

Foul Drainage

We understand that the development is in a sewered area, but it is proposed that foul drainage is to be discharged to a private sewerage system, package treatment plant (PTP).

In this instance, we are satisfied that sufficient information has been provided by the Applicant as part of this planning application to justify the use of a private sewerage system. The nearest sewage network is a pressurised system and therefore no connection can be made, as confirmed by Severn Trent Water in an email to the applicant.

We have considered this proposal in the context of the advice and guidance provided in

Welsh Government Circular 008/2018 and we raise no objections to the application against the matters in paragraphs 2.3-2.6 of that Circular.

The Applicant should be aware that to operate a private sewerage system, they 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. Paragraph 2.10 of Circular 008/2018 states that before a planning application is made, the applicant should discuss with NRW the proposed sewage disposal arrangements for the development. The information submitted in support of the application does not confirm whether the Applicant has carried out any preapplication consultation with NRW's permitting service in relation to an application for an Environmental Permit or exemption. We therefore advise that if the applicant has not undertaken consultation with our Permitting Team, they should do so at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the environmental permitting requirements.

Given that the site is considered unsuitable for SUDs infiltration methods, as indicated in the SuDs Assessment report dated October 2020 by Ceri Environmental Consulting Ltd, the applicant will have to demonstrate that disposal of foul effluent from the proposed package treatment plant would be effective at this location. When applying for a permit/ exemption, the developer will be asked to submit site specific porosity/ percolation testing results and calculations for the specific size of any proposed soakaway(s).

The Applicant should note that a grant of planning permission does not guarantee a Permit or exemption will be granted. Notwithstanding a grant of planning permission, a proposal may be deemed to be unacceptable (e.g. because the permitting application process identifies an unacceptable environmental risk or because there is a feasible connection to mains sewer).

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 Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Protected Sites

No statutory protected sites are present within a 2km radius of the proposal, as identified in the Preliminary Ecological Appraisal (PEA) Survey report submitted in support of the above application dated 25/09/2020 by Arbtech. Based on the information available,

which

indicates that the cremator's thermal input for the combustion process is 780Kw/hour, we do not consider that nitrogen emissions from the plant would affect protected sites beyond a 600m radius. Therefore, we do not consider an assessment of potential impacts on Sites of Special Scientific Interest and/or Special Conservation Areas is required.

Protected Species

We have reviewed the PEA report by Arbtech and we concur with its conclusions and

recommendations.

No European Protected Species (EPS) were found present within the area affected by the proposal although some potential for bat roosting was identified and confined to the trees within the mature tree line on the eastern boundary of the central field.

We welcome the recommendations for ecological enhancements made in the bat report and we do not consider that the development is likely to be detrimental to the maintenance of the population of any EPS species concerned at a favourable conservation status in its natural range.

As stated in the PEA, the use of artificial exterior lighting should aim at avoiding any areas of trees and hedgerows which are likely to be used by bats and wildlife in general as commuting and foraging corridors. We therefore advise you to design a scheme in line with 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)

If any EPS are found or seen during works, all work must stop immediately and advice sought from NRW before works can restart.

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 developer:

Permitting

From the information provided we would consider the proposed development to be an installation under the Environmental Permitting Regulations (England and Wales) 2010 part B and therefore it is likely that the crematorium will require a permit from the Local Authority.

The combustion process associated with the operation of the crematorium will produce nitrogen, in particular nitrogen oxides which have the potential to affect air quality in the area.

Air quality is a material consideration in the planning process and we advise you further discuss this matter with Powys Environmental Health.

We refer you to the IAQM guidance document for Land-use Planning & Development

Control: Planning for Air Quality and section 6.7 of Planning Policy Wales

We remind you that it is your responsibility to check the regulations (link to permitting advice and guidance provided below) and apply for the relevant permit if required.

Please refer to our website for more information about installations, permits an permissions.

You can also access the government website for guidance on the meaning of regulated facilities.

PCC-Ecologist 31st Mar 2021

Thank you for the opportunity to comment on planning application 20/2087/FUL which concerns an application for Construction of an all-new crematorium, including the erection of a crematorium building, change of use of land to provide a green burial site, creation of landscaped grounds to include a garden of remembrance, improved and new access arrangements, car parking area, sewage treatment plant and drainage and all associated works at Land at Ael Y Bryn, Aberhafesp, Newtown, Powys.

I have reviewed the proposed plans, aerial images as well as records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 2 records of protected and priority species within 500m of the proposed development with no records found for the site itself. Species recorded within

500m of the proposed development include bluebell and curlew. No statutory and no non-statutory designated sites were identified within 2km of the proposed development.

I have reviewed the Preliminary Ecological Appraisal Survey produced by Arbtech dated 25/09/2020 and consider that the survey methods and effort employed were in accordance with current National Guidelines. It is noted that the survey was undertaken in early autumn but it was considered that accurate assessment of habitats and presence/likely absence of protected species on site was not affected.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 15th September 2020 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- Improved grassland
- Hedgerow with scattered trees
- Scattered trees
- Deciduous plantation
- Post and wire fencing
- Ditch

The proposed development site was surveyed for its ability to support a number of protected and priority species including

- Amphibians (including great crested newt)
- Bats
- Reptiles
- Nesting birds
- Badger
- Otter
- Water vole

o Hedgehog

The site was also inspected for presence of non-native invasive species (none reported). The site comprises four fields of improved, managed grassland bordered by hedgerows, several with mature trees long their length. A birch plantation is located along the northern boundary of the site immediately north of the proposed crematorium building. A line of scattered hawthorn and blackthorn divides the two fields on the western part of the site. A line of mature oak trees alongside a ditch divides the eastern and central fields. Several of the oak trees were identified as having potential bat roosting features and all are to be retained within the proposed development. No evidence of protected or priority species was detected and the site was considered unsuitable for amphibians, reptiles, water-vole, and otter due to a lack of suitable habitat features. No evidence of badger or hedgehog was detected but the presence of suitable foraging habitat means that there was potential for both species to be present on the site. Hedgerows and trees on site were identified as habitat for nesting birds.

The proposed development is not considered likely to result in negative impact to priority or protected species or habitats subject to retention of all hedgerows, mature trees and implementation of precautionary measures to safeguard badger and hedgehog during the construction phase.

It is therefore recommended that submission of reasonable avoidance measures for badgers and hedgehog are secured through an appropriately worded planning condition.

The submitted plans identify that roadside hedgerows will be impacted to create both main and service entrances. It appears that 2-3 immature trees will require felling to secure the required highway visibility splays. The main macadam driveway to the crematorium is located close to mature oak trees at its northern end. The root zones of the trees are likely to extend beyond the tree canopy and may well be impacted permanently by excavation works.

Powys LDP Policy DM2 states that

Development proposals which would impact on the following natural environment assets will only be permitted where they do not unacceptably adversely affect:

2C. Habitats and Species of principal importance for the purposes of maintaining and enhancing biodiversity' as identified by Section 7 of the Environment (Wales) Act 2016. Hedgerows are included on this list and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichen and fungi.

3B. Local Biodiversity Action Plan Habitats and Species. Powys LBAP includes hedgerows under the Linear Habitats Action Plan: 'Linear habitats are important to a wide

variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'.

5. Trees, woodlands and hedgerows of significant public amenity, natural or cultural heritage.

Where impacts to hedgerows are identified and cannot be avoided, an appropriate compensation strategy will be required. Where possible, translocation of the existing hedgerow should be considered. However, it is acknowledged that translocation is not possible in some cases. Where this is the case, replacement hedgerow planting of a minimum length equivalent to the section of hedgerow to be lost, or improvement of retained hedgerows, will need to be identified to ensure that there is no loss of biodiversity as a result of the development. The translocation plan should include details of the timing of work, preparation works to the new site and of the existing hedgerow, translocation methodology and aftercare measures. The compensation plan should include details of the hedgerow(s) location, length and species. Species should be native and reflect the hedgerows present in the local area in accordance with the requirements of LDP policy DM4 and include an appropriate aftercare scheme.

It is, therefore, recommended that a Tree and Hedgerow Compensation Planting Scheme is secured through an appropriately worded planning condition.

With regard to the mature oak trees, it will be necessary undertake a detailed Arboricultural Impact Assessment (AIA) to confirm whether damage is likely to occur. The AIA should demonstrate compliance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations. Where impacts to trees are identified it will be necessary to identify suitable mitigation measures to avoid or reduce adverse impacts wherever possible, for example, through redesign and/or implementation of an approved Tree Protection Plan. Where trees are required to be removed to accommodate the proposed development, or access to the development, appropriate compensation will be required. Consideration will also be given to the potential for impacted trees to support roosting bats, European Protected Species. Undertaking an AIA after planning consent has been granted is not considered appropriate as it may not be possible to avoid impacts to trees without costly redesign of approved plans. The LPA is also required to ensure that the proposal will not result in a net biodiversity loss prior to granting planning permission.

An Arboricultural Impact Assessment of the trees will be required prior to determination of the application to assess whether the proposal will result in loss or damage to the trees.

Careful consideration will need to be given to any external lighting of the proposed development, including during construction in the vicinity of trees with identified potential bat roost features (unless appropriately confirmed that the features are not suitable for

bats). Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

It is noted that considerable hard and soft landscaping is to be included as part of the potential development and it is appropriate for consideration to 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 to include proposed species mixes, planting and aftercare schedules.

It is, therefore, recommended that submission of a Landscaping Plan is secured through an appropriately worded planning condition.

Further comment will be provided once the required tree protection information is received.

Additional correspondence received 10th May 2021

I have reviewed the submitted Tree Survey Report and Arboricultural Impact Statement (inclusive of method statement and tree protection measures) prepared by Wye Valley Tree Services in accordance with BS 5837:2012. The survey identified the loss of three trees, deemed to be of relatively low value/undesirable to retain, and confirmed the impact to two hedgerows in order to accommodate access. The proposed formal access to the crematorium has been confirmed to be located outside of the sensitive root zone of the row of trees bisecting the site, which is to be welcomed. The tree line was identified as comprising several oaks with moderate or high arboricultural, landscape and conservation value; at least one tree is of veteran age. Appropriate tree protection measures were provided to safeguard the tree root zones during the construction phase, for example, from compaction by vehicles, plant and storage of materials and pollution.

It is, therefore, recommended that in addition to compensation measures for the two impacted hedgerows, adherence to the submitted tree protection measures during construction is secured through an appropriately worded planning condition.

Given the identified value of the trees and location of the trees within the landscape, it is recommended that consideration is given to long-term protection of the trees line through imposition of a TPO to guard against future loss or damage of the trees, which may be more appropriate than the imposition of a separate planning condition to that effect. The imposition of a TPO in accordance with *TAN 10 Tree Preservation Orders* does not mean that the landowner will not be able to undertake any necessary works, for example, those required for health and safety reasons. It is a means to ensure that any works required to be carried out are essential, limited and undertaken in a manner that will not accelerate decline of the trees where possible. There is also provision for appropriate replacement. It is considered that the use of a TPO will guard against incidental and unnecessary loss/damage to high value trees that may reasonably be expected to occur during the lifetime of the development.

It is, therefore, recommended that adherence to long-term tree protection measures is secured through a Tree Preservation Order, or an appropriately worded planning condition, in accordance with Powys LDP Policy DM4.

The provision of biodiversity enhancements through extensive soft landscaping has been identified and is welcome. It is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

It is, therefore, recommended that the identified biodiversity enhancement measures are secured through an appropriately worded planning condition.

Recommendation has been made previously regarding compensation for the impact to roadside hedgerows. However, it has since come to the notice of the LPA that netting specifically designed to exclude nesting birds has been placed over the relevant stretches of hedgerow to facilitate removal of the hedges during bird nesting season. This is considered presumptuous and wholly inappropriate given that a decision on the application has not yet been made. It also contradicts the advice provided to the applicant by their ecological consultant that recommended (in accordance with best practice) that hedgerow removal should take place outside of nesting season or that a thorough site check for nesting birds should be undertaken by an experienced ecologist prior to removal. The Chief Planning Officer in his letter of 6th June 2019 stated clearly that use of netting '*should only be considered as a last resort measure, after a full consideration of other alternatives and under exceptional circumstances only following the grant of planning permission*.' The Chartered Institute of Ecology and Environmental Management (CIEEM) also advocates against the use of netting, especially before the granting of planning permission, unless it has been installed by an appropriately experienced

ecologist, is subject to daily inspections (3 times per day ideally) and precautions are taken to ensure other wildlife is not adversely harmed. No evidence has been provided to the LPA to demonstrate that any of these measures have taken place or why use of netting is justified in contravention of expert advice and best practice. The applicant should also be mindful that the preference is for translocation of the hedgerow rather than replanting and the optimal time for this to increase the chances of success is autumn/winter making the need to use netting redundant. It is strongly advised that the applicant remove any such netting still in place immediately to avoid an adverse impact to biodiversity. If evidence of biodiversity loss clearly associated with the netting is identified prior to a decision being made, provision of compensation measures will be required.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions, in addition to the recommended Tree Preservation Order or alternative suitably worded planning condition:

Prior to commencement of development, including vegetation and ground clearance, a Reasonable Avoidance Measures Method Statement for badger and hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

The development shall be undertaken in strict accordance with the BS5837:2012 Arboricultural Report, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan for P/2158/20/FUL – proposed new Crematorium at Ael y Bryn, Caersws. The measures identified shall be adhered to and implemented in full and maintained thereafter.

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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and

maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Notwithstanding the details submitted, prior to commencement of development, a detailed landscaping and biodiversity enhancement 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 position. The approved scheme shall be implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/. The approved scheme shall be adhered to and be implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

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 next 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 on 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.

PCC-Contaminated Land Officer 11th Jan 2021

There are no recorded contamination issues associated with the subject site.

PCC-(N) Land Drainage 4th Feb 2021

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

All: Having assessed the Planning Application Ref 20/2087/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m2 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

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.

CPAT 7th Jan 2021

Thank you for the consultation on this application.

Having read through the submitted documents and plans it is clear that there will be no significant impact to any archaeology in the area of the proposed new crematorium buildings. The geophysical survey clearly shows that the central and eastern fields are largely devoid of archaeology other than two later post-medieval field boundaries or drainage ditches (geophysical anomalies i, j) which are of low archaeological significance.

The western fields are the most archaeologically sensitive primarily because of the north/south Roman road alignment (geophysical anomalies a, d, e) and the geophysical anomalies h,f and g (see Figure 18 in geophysical survey report). All of the latter must be avoided by a revised masterplan and landscape design layout which removes tree planting and other ground disturbance for pathways and seating from these features. With regard to the Roman road all tree planting and other features associated with the Garden of Remembrance should be sited at least 5 metres east of the eastern edge of the Roman road as shown on Fig.18 of the geophysics report. This is the most accurate interpretation of the Roman road route and should be used by the design team to ensure avoidance.

It will be impossible to avoid crossing the Roman road with the access from the west side. Although the intention here is just to strip the grass and put fine hardcore down the Roman road surface may be encountered immediately under the grass and we would therefore place a watching brief condition on any consent to ensure adequate monitoring

and recording take place here. The watching brief condition would be:

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs and will be completed in accordance with a written scheme of investigation, which has been approved in advance by the Local Planning Authority. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas,

Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk) After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record.

Reason: To secure preservation by record of any archaeological remains related to the Roman road which may be revealed during ground excavations for the western access to the consented development.

With regard to landscape impacts the photomontages, plans and models in the LVIA all show a well- designed and landscaped layout which makes use of a natural hollow for the main building to ensure a low profile on the hillside. Adequate screening is provided from the surrounding topography and by the use of appropriate new planting of native tree and hedge species. The landscape impact would therefore be minor and the impact on the setting of the scheduled monument to the north west is likewise minimal.

Cadw should still be consulted for their separate views though regarding the Caersws Basin registered landscape of special historic interest and the potential requirement for the impact of this scheme to be assessed via the ASIDOHL 2 process. They should also confirm that they have no issues relating to the setting of the scheduled enclosure to the north west. The Cadw contact would be Mr Neil Maylan via cadwplanning@gov.wales

We would therefore require a revision of the masterplan for the proposed development which clearly shows the Roman road preserved without any tree or shrub planting and with all features related to the Garden of Remembrance removed to the east of the Roman road.

Cadw - SAM 19th Jan 2021

Thank you for your letter of 31 December 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 monument listed in our assessment of the application below.

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

Assessment

Scheduled Monuments

MG001 Caersws Roman Site

MG017 The Moat Mound & Bailey Castle

MG051 Bron-Felin Mound & Bailey Castle

MG064 Gwyn Fynydd Camp

MG123 Wyle Cop Camp

MG161 Roman Earthwork NE of Caersws (revealed by aerial photography)

MG222 Caersws Roman Fort: Section of South Western Defences

MG242 Caersws Roman Fort and Vicus: section in southern part of vicus

MG243 Caersws Roman Fort and Vicus: section in SE part of vicus

MG244 Caersws Roman Fort: South-west corner defences

Registered Historic Landscape

HLW (P) 5 - Caersws Basin

A Heritage Impact Assessment and Desk Based Assessment prepared by Archaeology Wales has been submitted with the application. The revised assessment follows the appropriate methodologies and has concluded that the proposed development will have at most a very slight adverse impact on the settings of the above designated historic assets, except for scheduled monument MG064 Gwyn Fynydd Camp, which is located close to the northern boundary of the proposed development area. The assessment

considers that the proposed development would have a moderate adverse impact on the setting of the scheduled monument which would be significant if mitigation measures are not included in its design, to ensure that the significant views from the monument are preserved and that the impact of the proposed building and car parking in views from the monument are reduced by appropriate landscaping and planting.

The design of the development now includes appropriate landscaping and planting and also perpetuates the line of a Roman road, that may be a reason for the location of scheduled monument MG064, by including a clear corridor on the alignment of the road. These design changes will reduce the adverse impact of the proposed development on the setting of scheduled monument to slight and not significant.

Mid & West Wales Fire Service - Powys Command 14th Jan 2021

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.

The site plan of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with early on in any proposed development.

The developer should consider the need to provide adequate water supplies for fire fighting purposes on the site and general guidance on this matter is given in the attached Appendix.

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B.

The plan has been retained for record purposes but will be returned if you so request.

Ward Councillor

In accordance with planning protocol may I exercise my Power Of Call-In for Planning Application No: 20/2087/ful.

“ Construction of an all new Crematorium”.

Major concerns from residents in the immediate neighbouring properties, Comments from constituents in the nearby village of Caersws and general safety concerns over inadequate highway matters giving access to the application site.

These are the reasons why I have been requested to implement the Call-In.

Natural Resources Wales (Mid Wales) 22nd Mar 2021
DPAS

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales (NRW) about additional information on the above, which we received on 05/03/2021.

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 - Controlled waters: All burials in the cemetery shall be:

o a minimum of 50 m from a potable groundwater supply source;

o a minimum of 30 m from a water course or spring;

o a minimum of 10 m distance from field drains;

o no burial into standing water and the base of the grave must be above the local water table;

Groundwater

We have reviewed the additional information available on your website and in particular the 'Tier 3 Groundwater Risk Assessment; Land at Ael Y Bryn, Aberhafesp, Newtown, Powys, SY16 3HR - New Burial Ground. BOLD Environmental Ltd, Report reference: 3290_GRA 01, March 2021.

We consider this report to be satisfactory and we concur with its conclusions. However, we recommend that long term monitoring of groundwater levels and quality continues for the duration of the operational life of the burial area plus five years post closure to ensure protection of controlled waters and confirm the findings of the groundwater risk assessment. For details on the long-term monitoring please review the link below.

Cemeteries and burials: groundwater risk assessments - GOV.UK (www.gov.uk)

We recommend that condition 1 is imposed on any planning permission granted for the site to ensure all burials adhere to the minimum distances to protect controlled waters at this site.

Other Matters

Please refer to our response letter of 29/01/2021 (CAS-134060-X0Z5) for comments on foul drainage, protected sites and protected species.

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.

Community Council 21st Jan 2021

Thank you for giving Caersws Community Council the opportunity to comment on the above Planning Application.

Caersws Community Councillors have a number of concerns which they wish to raise and request a response to these as your earliest convenience.

Caersws Councillors would like to acknowledge that there are members of the local community who feel that there is a need for a crematorium within the locality and feel it would bring benefits to the area. Councillors acknowledge that benefits of this development for the immediate locality would be mainly the full time and part time job opportunities that it would bring. There would also be opportunities for local trades people during both the build and ongoing maintenance of the building. This development could also be positive to local businesses that may benefit from those visiting the crematorium

and requiring food and drink and possibly a place to stay.

The main concern for Councillors and local residents currently is regarding highways and whether the proposed development is located appropriately with consideration of the roads in this area and the impact the extra traffic will have on the local area. Caersws Community Council feels that there are issues currently with the roadways and this development will put extra strain on this as well as adding to the volume of traffic which has already increased recently following completion of the Newtown bypass. Powys County Council Highways Department are due to respond and Caersws Councillors will be interested to view their response.

Impact on the local landscape is a big factor and cause for concern to people locally. There is a concern that the local landscape will be negatively impacted by this large development which has a negative impact on those living in the immediate area along with those choosing to visit the area in order to enjoy the local landscape. Could this development have a negative impact on local tourism?

Councillors query whether there is a need for this type of development and would like to see further details and proof that there is indeed a need for such a development.

It has been raised on a number of occasions that consultation was not carried out widely enough for this development. It is understood that the mandatory level of consultation has been carried out by the developer, however Caersws Councillors wish to state that they feel that such a large and potentially contentious development should have been consulted on in a different way and across a much wider cross section of the community and wider community. Caersws Community Council will be trying to gain some more responses from the local community in order to try and bridge this gap.

Questions were raised with the developer at the pre-application consultation stage which both Councillors and residents feel were not fully answered, for example what the full height of the chimney would be above ground and whether a lower-than-average height above ground would have a negative impact on the fumes expelled, surely the fumes need to be raised as high above ground as possible. Caersws Community Council also request definitive figures on the general use of the site including cremations in order to have some idea of the number of visitors to the area and influence on traffic.

UPDATED 24/02/21

Caersws Community Council has sent some comments in relation to the above planning application but following further discussions in relation to the consultation carried out by

the applicant at the pre-planning application stage, Councillors felt that they needed to try and gather further opinion from the local community on the Crematorium proposal.

Following a request for comments on Facebook I can confirm that the following responses have been received due to both this poll and from members of the Community who decided to send their opinions to us:

Number FOR: 11

Reasons FOR: Great idea, good for the community, will cut the local carbon footprint for those travelling to a crematorium, great setting, needed for the area, cremations needed more and more as land available for burials reduces.

Number AGAINST: 9

Reasons AGAINST: Extra traffic on dangerous road, close to a dangerous cross roads, outside land designated for development and within a registered landscape of special historic interest, no route on foot, inconsistencies within application, unsuitable location.

The above notes show the general points raised for both for and against views towards the development. There have also been a number of comments made to a Councillor that the developers are reluctant to answer all questions posed.

Caersws Councillors are aware that there are mixed views within the community with many feeling that it is a good development for the area but many concerned about the location and the road being very dangerous.

Thank you for your consideration.

Environmental Protection 30th Mar 2021

Further to the updates from the applicant in respect of air quality, noise and foul drainage I am now in a position to provide positive comments in respect of the development. The additional receptor of the proposed holiday park has now been included in respect of noise and air quality assessments. In addition the location of the foul drainage field has been moved to a more suitable area.

In relation to noise I am satisfied that the correct assessment methodology has been

used in respect of BS4142 and has been correctly applied. My main concern was in relation to noise from plant operating on the site, however the applicant has demonstrated that modelled noise levels will fall below existing background levels. I agree that the impact of noise will be negligible and subsequently will not need further control.

The Air Quality Assessment has also been undertaken correctly and has assessed impacts at relevant receptors. The model that has been run demonstrates that Air Quality Objective levels will not be breached by the development and the impact on local receptors from the development has been described in accordance with guidance as negligible. Air quality therefore need not be a determining factor in this application. On a side note should the development gain consent then it would be regulated by a Part B Environmental Permit in respect of stack emissions.

In relation to foul drainage the applicant has identified a new site for the soakaway which has better quality soils. The percolation test for this area shows that the proposed system would work and have viewed the site I am satisfied with the proposal.

My only concern about the development is any potential effects from the construction of the site on the amenity of nearby neighbours, however this could be adequately controlled by condition. I would therefore request that a condition be applied to any consent granted requiring a construction management plan to be submitted, agreed and adhered to. The plan would need to cover the impacts and controls on noise, hours of operation of the site and dust as a minimum.

CPAT 2nd Feb 2021

Thank you for notice of the revised exclusion area around the Roman road and the removal of planting in the area of the geophysical anomalies in the north east corner of the development area. I can confirm that the new design plan successfully avoids any damage from planting and landscaping in the area of the Roman road. The outer boundary of the exclusion area on both sides of the Roman road will need to be marked out with temporary barrier fencing during construction to avoid accidental damage by building and landscaping contractors and a statement confirming this should be included in the application submission. It may also be worth including this as a condition of consent.

With regard to the crossing of the Roman road with the access track from the west the design team have always stated that this would entail minimal ground reduction with only the upper grass layer removed and a gravel surface laid for the track. An archaeological watching brief would still be required in case the Roman road surface is encountered immediately under the grass, or within the formation level of the new track surface. A

suitable condition is therefore included below:

Suggested planning condition to facilitate an archaeological watching brief

The developer shall ensure that a suitably qualified archaeological contractor is present during the

undertaking of any ground works in the development area associated with the western access track so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs and will be completed in accordance with a written scheme of investigation, which has been approved in advance by the Local Planning Authority. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas,

Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk) After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy to the National Monuments record, RCAHMW

Reason: To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.

With the above measures in place, we would have no objection to the proposed development at this location.

PCC-Ecologist

I have reviewed the submitted Tree Survey Report and Arboricultural Impact Statement (inclusive of method statement and tree protection measures) prepared by Wye Valley Tree Services in accordance with BS 5837:2012. The survey identified the loss of three trees, deemed to be of relatively low value/undesirable to retain, and confirmed the impact to two hedgerows in order to accommodate access. The proposed formal access to the crematorium has been confirmed to be located outside of the sensitive root zone of the row of trees bisecting the site, which is to be welcomed. The tree line was identified as comprising several oaks with moderate or high arboricultural, landscape and conservation value; at least one tree is of veteran age. Appropriate tree protection measures were provided to safeguard the tree root zones during the construction phase, for example, from compaction by vehicles, plant and storage of materials and pollution.

It is, therefore, recommended that in addition to compensation measures for the two impacted hedgerows, adherence to the submitted tree protection measures during construction is secured through an appropriately worded planning condition.

Given the identified value of the trees and location of the trees within the landscape, it is recommended that consideration is given to long-term protection of the trees line through imposition of a TPO to guard against future loss or damage of the trees, which may be more appropriate than the imposition of a separate planning condition to that effect. The imposition of a TPO in accordance with *TAN 10 Tree Preservation Orders* does not mean that the landowner will not be able to undertake any necessary works, for example, those required for health and safety reasons. It is a means to ensure that any works required to be carried out are essential, limited and undertaken in a manner that will not accelerate decline of the trees where possible. There is also provision for appropriate replacement. It is considered that the use of a TPO will guard against incidental and unnecessary loss/damage to high value trees that may reasonably be expected to occur during the lifetime of the development.

It is, therefore, recommended that adherence to long-term tree protection measures is secured through a Tree Preservation Order, or an appropriately worded planning condition, in accordance with Powys LDP Policy DM4.

The provision of biodiversity enhancements through extensive soft landscaping has been identified and is welcome. It is considered that the enhancements are appropriate to the proposed development and are in accordance with the requirements of Part 1 Section 6 of the Environment (Wales) Act 2016.

It is, therefore, recommended that the identified biodiversity enhancement measures are secured through an appropriately worded planning condition.

Recommendation has been made previously regarding compensation for the impact to roadside hedgerows. However, it has since come to the notice of the LPA that netting specifically designed to exclude nesting birds has been placed over the relevant stretches of hedgerow to facilitate removal of the hedges during bird nesting season. This is considered presumptuous and wholly inappropriate given that a decision on the application has not yet been made. It also contradicts the advice provided to the applicant by their ecological consultant that recommended (in accordance with best practice) that hedgerow removal should take place outside of nesting season or that a thorough site check for nesting birds should be undertaken by an experienced ecologist prior to removal. The Chief Planning Officer in his letter of 6th June 2019 stated clearly that use of netting '*should only be considered as a last resort measure, after a full consideration of other alternatives and under exceptional circumstances only following the grant of*

planning permission.' The Chartered Institute of Ecology and Environmental Management (CIEEM) also advocates against the use of netting, especially before the granting of planning permission, unless it has been installed by an appropriately experienced ecologist, is subject to daily inspections (3 times per day ideally) and precautions are taken to ensure other wildlife is not adversely harmed. No evidence has been provided to the LPA to demonstrate that any of these measures have taken place or why use of netting is justified in contravention of expert advice and best practice. The applicant should also be mindful that the preference is for translocation of the hedgerow rather than replanting and the optimal time for this to increase the chances of success is autumn/winter making the need to use netting redundant. It is strongly advised that the applicant remove any such netting still in place immediately to avoid an adverse impact to biodiversity. If evidence of biodiversity loss clearly associated with the netting is identified prior to a decision being made, provision of compensation measures will be required.

Therefore, should you be minded to approve the application I recommend inclusion of the following conditions, in addition to the recommended Tree Preservation Order or alternative suitably worded planning condition:

Prior to commencement of development, including vegetation and ground clearance, a Reasonable Avoidance Measures Method Statement for badger and hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

<u>Reason:</u> 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

The development shall be undertaken in strict accordance with the BS5837:2012 Arboricultural Report, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan for P/2158/20/FUL – proposed new Crematorium at Ael y Bryn, Caersws. The measures identified shall be adhered to and implemented in full and maintained thereafter.

<u>Reason:</u> 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 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the

translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Notwithstanding the details submitted, prior to commencement of development, a detailed landscaping and biodiversity enhancement 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 position. The approved scheme shall be implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/. The approved scheme shall be adhered to and be implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

In addition, I consider it would be appropriate to include the following informatives:

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 next 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 on 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.

Built Heritage 12th May 2021

Recommendation No Objection

<u>Background to Recommendation</u>

Designations

Within Caersws Historic Registered Landscape Pen bedw sub area.

In proximity to;

Scheduled Monuments
MG064 Gwyn Fynydd Camp

MG161 Roman Earthwork NE of Caersws
MG001 Caersws Roman Site
MG017 The Moat Mound & Bailey Castle
MG051 Bron-Felin Mound & Bailey Castle
MG123 Wyle Cop Camp
MG222 Caersws Roman Fort: Section of South Western Defences
MG242 Caersws Roman Fort and Vicus: section in southern part of vicus
MG243 Caersws Roman Fort and Vicus: section in SE part of vicus
MG244 Caersws Roman Fort: South-west corner defences

Listed Buildings identified in the search area.
Cadw ID 17553 Milestone outside Alebryn
Cadw ID 17559 Llwyn-y-brain
Cadw ID 16184 Llys Maldwyn Hospital
Cadw ID 15665 Rhydylan Mill
Cadw ID 17330 Milestone
Cadw ID 17546 Caersws Bridge
Cadw ID 17547 pen-y-Borfa fawr
Cadw ID 17548 Milestone S of Weig Lane
Cadw ID 17549 Engine Shed to the van Line
Cadw ID 17550 Dol-Aethnen
Cadw ID 17554 Gwyneiar with attached farm buildings
Cadw ID 17555 K6 telephone Kiosk
Cadw ID 17559 Llwyn y Brain
Cadw ID 7572 Maesmawr Hotel – grade ll*
Cadw ID Church of St Gwynog
Cadw ID 8697 Caersws railway Station
Cadw ID 8698 Signal Box at Caersws Railway Station

In proximity to

The site is within an historic registered landscape that has several scheduled monuments and numerous listed buildings, 2 of which are in proximity to the site.

My comments are in respect of the listed building only as Cadw are the appropriate body to comment on the setting of Scheduled Monuments.

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 11th edition 2021
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 the erection of a building to serve as a crematorium and the change of use of the land as a green burial site. The site is at a cross road junction between the B4568 and the B4569. The site will be around 13.55 hectares.

I note the submitted Historic Impact Assessment submitted by Archaeology Wales Report 1916, which identified that only 1 building was visible from the site Llys Maldwyn Hospital and whilst visible from the building itself was visible from areas within the development area. I would not disagree with that conclusion, and would not consider that the development on the land would harm the setting of Llys Maldwyn.

However there ae 2 listed buildings in proximity to the site which could be addressed further.

The proposed buildings would be sitred close to Cadw ID 17553 Milestone outside Alebryn, and in proximity to Cadw ID 17559 Llwyn-y-brain.

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 11th edition 2021 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."*

Cadw ID 17553 Milestone outside Alebryn included on the statutory list on 05/11/1996

The milestone is now located in the narrow road verge, under the garden hedge of 'Aelbryn', approx 1km E of the village centre.
A triangular fronted pillar of compact sandstone, erected c.1790 ch , bearing elegantly incised lettering, in part roughly overpainted in black, reading, on the left face: 5 / NEWT, and on the right 23 / MACH / CHYN / LLETH. The reversal of faces indicates the milestone has been relocated here from the opposite site of the road.

The milestone is included on the list as one of the few milestones surviving from the marking out of the mile points by the Turnpike Trust.

The milestone is considered to be at risk as a result of its siting in a highway verge is covered by ivy.

The boundary of the proposal would be 1 field away from the listed milestone. However it is noted that in that field there is an application for an access to a proposed development, and that the access has visibility splays.

Given that the milestone was sited (albeit on the other side of the road) to advise travellers on the road, it is not considered that the proposed development would affect the setting of this listed building.

Cadw ID 17559 Llwyn-y-brain included on the statutory list on 05/11/1996

The farmhouse is located on a river terrace above the River Severn valley, 3Km E of Llanwnog village, and is reached by a farm road by the side of 'Aelbryn' .

An early and major farmhouse on the rich valley lands, probably of C15 origin, largely rebuilt in the later C16, with minor later modifications. It contains evidence of a cruck built open hall house, of 3 bays, with large axial stack between bays 1 and 2, to which a fully timber framed 2-bay cross wing was added beyond the former parlour end, and at a later date, a further axial stack inserted.

Included as an important post-medieval farmhouse, much of which probably dates from before the Great Rebuilding in the Severn Valley, which retains much of its early character internally.

Access to the property is off the B4568 via an access road to the west of Aelbryn. Due to topography of the land the building is not visible from the B4568, and as such it is not considered that there will be intervisibility between the listed building and the proposed development. As such it is not considered that the proposed development would affect the setting of this listed building.

I note that the proposed building would be single storey and has been designed to emulate the form of the nearby scheduled monument Gwyn Fynydd Camp (MG 064), and

will also be located within an existing topographic depression in the landscape. The memorial garden would mimic field boundaries and patterns with hedgerows and tree planting, and that the green burial area will have a buffer of a curved planted bund.

I note the findings of the submitted Historic Impact Assessment, and acknowledging that the majority of the document addresses the setting of scheduled monuments and below ground archaeology and as such it would be Cadw and CPAT that comment on archaeological matters and the setting of Scheduled Monuments, in respect of the setting of listed buildings I would agree with the conclusions that the proposal would not be considered to harm the setting of listed buildings in the proximity.

As such I can confirm that I have no objections to the proposal.

In making this recommendation I am mindful of 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, and TAN24 and PPW 11.

Welsh Ministers

I am writing to inform you the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination. Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give Directions restricting the grant of permission by a Local Planning Authority.

I am authorised by the Minister for Housing and Local Government to issue such Directions and, in exercise of this authority, I hereby direct your Council, with effect from the date of this letter, not to grant planning permission in respect of:

(a) application no. 20/2087/FUL referred to in the heading to this letter; or
(b) any development of the same kind which is the subject of the application on any site which forms part of or includes the land to which the application relates, without the prior authorisation of the Welsh Ministers.

I issue this Direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination. The Direction prevents your Authority only from granting planning permission; it does not prevent the Authority from continuing to process or consult on the application. Neither does it prevent the Authority from refusing planning permission.

Your attention is drawn to Article 31 of the above Order which provides for the Welsh Ministers to vary or cancel this direction in respect of both the land and type of development covered. A copy of this letter has been sent to Alan Southerby Planning Ltd, agent for the applicant.

Representations

41 Public representation have been received at the time of writing this report.

33 Objecting / raising concerns and comments and 8 in support

The comments against the proposal can be highlighted as follows:

- Highway Safety, increase in traffic and data unreliable.
- No recognised need
- Impact to neighbouring residential properties
- Impact to scheduled ancient monuments
- Contrary to planning policy
- Within the open countryside
- Access to the site (cyclists and pedestrians)
- Considerable number of HGVs which use the road
- Why not located within Newtown
- Further consultation with residents within Caersws required
- Aberystwyth/Shrewsbury Crematorium within close location- is there a need?
- Traffic survey completed in October- question its accuracy.
- Impact from chimneys
- Impact to Roman Road
- Landscape does not reduce visual impact
- Light pollution
- Unsuitable drainage
- Farming practices in close proximity- impact to these uses
- Wildflower would not grow at application site
- Local impact upon tourism
- Destroy habitat for nesting ground birds
- Unauthorised netting of hedgerow.

The letters in support can be highlighted as:

- Shorter journey times
- Recognised need within Powys
- Huge benefit to population of Powys
- Shorter travel distances for families
- Overall support for the proposal

Planning History

App Ref	Description	Decision	Date

None for application site itself

Principal Planning Constraints

Historic Landscapes Register Caersws Basin
Scheduled Ancient Monument
Mineral Safeguarding Sand Gravel

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN8	Renewable Energy		National Policy
TAN10	Tree Preservation Orders		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy
TAN23	Economic Development		National Policy
TAN24	The Historic Environment		National Policy
SP2	Employment Growth		Local Development Plan 2011-2026

SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	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
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM14	Air Quality Management	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
NATPLA	Future Wales - The National Plan 2040	National Development Plan 2021

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

Cremation Act 1902

Officer Appraisal

Introduction

The application site is located within the Community Council area for Caersws and is located within the open countryside as defined by the Local Development Plan. This application site itself is currently defined as improved agricultural land classified as Grade 3b under the Agricultural Land Classification ALC.

To the north and east of the application site is agricultural land whilst it is of worth noting two planning applications currently pending to the east (20/1719/FUL and 20/1716/FUL) for a holiday park development.

To the south runs the B4568 County Highway in which the main entrance will be gained from and the C2065 runs adjoining the western boundary. An access is also sought from this highway as a service vehicles entrance.

Consent is sought in full for the construction of an all-new crematorium. The works proposed include:

- Erection of a crematorium building
- Change of use of land to provide green burial site
- Provision of car parking areas
- Sewage Treatment Plan

The proposed crematorium building will measure approximately 51 metres in length by 33.8 metres in width reaching a height of 4.9 metres to the ridge or 5.8 metres to the highest vent.

Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2017

Part 2 of the Town and Country Planning (Environmental Impact Assessment) (Wales)

Regulations 2017 reference lists of development and thresholds defining where a development proposal is EIA development. These are contained in Schedule 1 and 2 of the Regulations. Schedule 1 of the regulations lists where EIA is mandatory and Schedule 2 where development must be screened to determine if it is EIA development.

A screening opinion has been undertaken in accordance with the 2017 EIA to ascertain whether the proposal would be subject to the requirement for an Environmental Impact Assessment (EIA). It is concluded in accordance with Regulation 2(1) that an EIA is not required as ecological, transport, landscape and other site-specific issues can be appropriately assessed through the submission of separate reports accompanying the application.

Planning Policy Framework

There is no specific national planning policy guidance setting out the criteria which must be taken into account when assessing applications for new crematoria. Crematoria are not mentioned explicitly in Future Wales, Planning Policy Wales (PPW) or the adopted Local Development Plan (LDP). The application must therefore be considered and assessed on its own merits, and Future Wales, PPW and the LDP provide a policy framework within which to consider the development of a crematorium.

This application site is therefore defined as being located within an area of open countryside. PPW identifies that development within the countryside should be located within and adjoining settlements where it can best be accommodated in terms of infrastructure, access, habitat and landscape conservation. However, where new buildings in the open countryside are considered they must be strictly controlled and be of a scale and design that respects the character of the surrounding area.

Policy 1 of Future Wales confirms that the Welsh Government supports sustainable growth in all parts of Wales. Mid Wales and the Bro Hafren is identified as a Regional Growth Areas which will grow, develop, and offer a variety of public and commercial services at regional scale. It is noted that, development and growth in towns and villages in rural areas should be of appropriate scale and support local aspirations and need.

Communities in rural areas are strongly supported; the aim is to secure sustainable economic and housing growth which is focused on retaining and attracting working age population and maintaining and improving access to services.

PPW advises, “Supporting Infrastructure - Adequate and efficient infrastructure, including services such as education and health facilities along with transport, water supply, sewers, sustainable waste management, electricity and gas (the utilities) and telecommunications, is crucial for economic, social and environmental sustainability. It underpins economic competitiveness and opportunities for households and businesses to achieve socially and environmentally desirable ways of living and working.”

"…Development should be located so that it can be well serviced by existing or planned infrastructure. In general this will involve maximising the use of existing infrastructure or considering how the provision of infrastructure can be effectively co-ordinated to support development plans. Infrastructure choices should support decarbonisation, socially and economically connected places and the sustainable use of natural resources."

For Members' information proposals for new crematorium must have regard to the Cremation Act 1902. In addition to numerous requirements on the operation of such a facility, the Act places restrictions on the layout and siting of the crematorium.

In particular it is required that:-

"No crematorium shall be constructed nearer to any dwelling house than 200 yards (182.88 m), except with the consent, in writing of the owner, lessee and occupier of such house, nor within fifty yards of any public highway, nor in the consecrated part of the burial ground of any burial authority".

Whilst this is not a planning requirement it provides a useful indicator of the potential impact on amenity and having regard to the above Act.

- Need (Quantitative and Qualitative)

There are currently no crematoriums located within the County of Powys. Wales currently has 17 existing Crematoriums and all bar one, which is Aberystwyth Crematorium, are located to the north and south of the country. Across border, English Crematoriums are located within Hereford, Shrewsbury and Chester to name just a selection. These existing Welsh and English Crematoriums therefore currently serve the needs of the Powys population.

A feasibility assessment was submitted in support of the application. It is suggested that on average 77% of deaths in the UK go to be cremated. This means on average that over 1200 people yearly within Powys are cremated, all of which are currently travelling out of County.

Inspectors in previous appeal decisions have considered that an industry standard or rule of thumb has been applied whereby a funeral cortege should not have to undertake more than a 30-minute drive to access such a facility.

It is acknowledged that given the vast expanse of Powys, a single crematorium would be unable to meet all the need, and, in some instances, existing facilities may still be utilised by residents outside of County.

Based on population densities and drive times it has been identified that the Mid Powys region currently must travel over an hour's drive to the nearest crematorium whether within Wales or by going cross border. This data therefore resulted in the application being located within areas near Newtown an opposed to Brecon given that residents in

the Brecon Beacons are already served by Llwydcoed Crematorium and Ystradgynlais with Margam Crematorium.

Area	Drive Time from SY16 3HR	Population (2019) PSB
Machynlleth	36 mins	6291
Llanfyllin	40 mins	9144
Llanfair Caereinion	23 mins	6149
Welshpool & Surrounding	31 mins	18322
Newtown & Surrounding	13 mins	16856
Llanidloes	18 mins	6502
Rhayader & Llandrindod	34 mins	12821
Total		76085

(Powys Towns versus Drive Time. Extract from Report of feasibility need and operational activities by Powys Crematorium Ltd)

It is therefore considered in line with the information submitted that there is a recognised need within Powys for a Crematorium, especially within this Mid Powys region. This recognised need will therefore be weighed against all other material planning considerations and weighted accordingly.

<u>Site Location</u>

Future Wales and Planning Policy Wales (PPW) are the principal documents of the Welsh Government which set out the land use policy context for the consideration and assessment of the proposed development. PPW promotes sustainable development by ensuring that the planning system meets society's needs in a way that is consistent with overall sustainability principles.

It is recognised that due to the requirements of the Cremation Act 1902 and the need for an appropriate landscaped and tranquil setting for the facility, that by their nature new crematoria are almost inevitably developed in rural locations, away from large Towns and built-up areas which may impact on the tranquillity of the area and to those mourning.

As identified above there is an 'identified need' for such a facility within the Mid region of Powys.

The application site is located within an open countryside location and does not adjoin a settlement development boundary. The nearest settlement is Caersws (650 metres south) which is identified as a Large Village under the LDP. Newtown & Surrounding areas is a 13 minutes' drive, 5km to the east.

Villages are identified within the LDP as playing an important part of Powys' community life with some 31% of the population living in large or small villages. Large Villages are mostly smaller in population than towns and provide important local services to their

own and surrounding communities.

Concerns have been expressed over the location of the proposal, with Newtown being a more suitable location being identified as a 'Town' under the LDP.

Newtown has the largest 'Town' population within Powys and whilst appearing to be an obvious location for such a development. Consideration and reference has been given to the Cremation Act 1902 which states that a Crematorium shall not be constructed nearer than 200 metres to a dwelling-house. The need for an appropriate landscaped and tranquil setting for the facility in respect to those families using the facility means that by their nature new crematoria are almost inevitably developed in rural locations subject to appropriate consideration of the accessibility of the application site.

Specific reference was made by an Inspector to the type and nature of movements associated with a crematorium with it being concluded that:

"the nature of its use is not conducive to travelling by public transport, bicycle or on foot and the use of the private car is more likely. Moreover, mourners would either be travelling together as part of the cortège or would be more likely to car share with family and friends. As such, car occupancy levels would tend to be higher than for other forms of development. There would be some return visits to the gardens of remembrance by the bereaved, particularly where there have been interments involving the disposal of ashes with memorials".

Whilst the settlement of Caersws is approximately 600metres south of the application site, the site itself is not accessible by a footpath and no such provision is proposed as part of the application. The village is however within cycling distance and offers public transport routes such as a bus and railway line service.

It is understood that the developer is also in discussions with the Council, should this application be successful, to reinstate a bus route along the B4568, however as this is not existing it cannot be relied upon or be taken into consideration as part of this application.

PPW clearly sets out the objectives of the Welsh Government for transport, including reducing the need to travel by locating development within a sustainable location where there is good access by public transport, walking and cycling and reducing the length of journeys.

Whilst this application would, given its remote location, rely heavily on car-based travel it can be argued that in providing a Crematorium within this location, the first within Powys, it would in-fact reduce the length of journeys currently happening travelling to other crematoriums outside of the County and therefore providing a reduction in CO2 emissions.

Whilst the location of the site to nearby Towns and Large Villages is acknowledged and

supported, the accessibility of the application site needs to be carefully balanced when coming to a determination.

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.

A Transport Statement has been submitted in support of the application by The Hurlstone Partnership.

Concerns have been raised locally on the impact the proposed development will have on the increased use of a County Class II Highway.

Access is sought directly off the B4568 which connects to the A470 approximately 3km to the west of the application site through Llanwnog or via the B4569 through the settlement of Caersws. Otherwise, the B4568 west leads you directly into the Town of Newtown.

The proposed development proposes 95 parking spaces for visitors and staff, which exceeds the requirements of CSS Wales Parking Standards. The CSS standard specifies 1 commercial vehicle space (which would be provided in the service yard) and 1 space per 10 seats or 1 space per 8m2 of praying space. Which based on 200 people within the two chapels would equate to just 20 spaces. However, in this instance with 5 members of staff being required on site this would still leave 90 car parking spaces being available to members of the public.

When taking into consideration the worst-case scenario of 400 vehicle movements occurring during the network peak hours it is confirmed that the results reveal that queues and delays on all approaches to the application site would not reach unusual or unacceptable levels under the worst-case scenario assessed.

In concluding, the report it states that, *"it is apparent that capacity of the local road network should not be considered a constraint to the acceptability of the proposed development, as it is apparent that both the links and junctions would continue to operate well within normally accepted criteria even when assessed under artificially and unrealistically onerous conditions."*

The Powys Highway Authority have been consulted and whilst initially seeking further information regarding the regrading of highway verge they have since confirmed that they have no objections to the proposed development on highway safety grounds.

Concerns have been raised locally on the increased traffic movements and the impact this may have on local users of the Highway network. As evidenced above surveys

completed have provided evidence the highway network including nearest junctions would not result in unacceptable delays along the route.

In light of the above it is therefore considered that the proposed development does ensure the safe and efficient flow of traffic for all transport users in accordance with policy T1, DM13 and national planning policy.

Agricultural Land Classification

The land the subject of this application is classed as Grade 3b (Agricultural Land Classification) which is not regarded as the best and most versatile agricultural land.

Planning Policy Wales confirms that Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile and should be conserved as a finite resource for the future. Whilst there are both national and local policies which seek to protect the 'best and most versatile' agricultural land, this development does not require on the basis of its classification, formal consultation with Wales Government (Agriculture).

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 Landscape and Visual Impact Assessment (LVIA) has been submitted in support of the application. The assessment has included a Zone of Theoretical Visibility (ZTV), Viewpoints and an assessment of landscape impacts.

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

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

The site itself is also located within the Caersws Basin (Historic Landscape Register).

With regards to Visual and Sensory LANDMAP describes the area as:

"*An extensive area of lowland agricultural land - and the upper level of the River Severn (Afon Hafren) valley, enclosed by a ring of higher ground giving a 360 view of upland encircling the viewer. The area is formed by the meeting of the three valleys carrying the Afon Carno, Trannon, Cerist and amalgamation into the Afon Hafren (River Severn) hence its broad flat bowl liked shape. Transport corridors are dominant in the area with the A489(T) and A470(T) meeting at Caersws. Wide angled views prevail with open skies and mid distance views to the surround higher ground."*

The area has been given a *moderate* visual and sensory evaluation it is confirmed as although the area is unusual in its topography it does not possess a particularly significant aesthetic or scenic quality. It is noted as being an area that is travelled through rather than a destination functional rather than aesthetic.

The LVIA has indicated some visual receptors which are likely to be affected by the proposed development. These are identified as, but not limited to, the B4568 and C2065 road network, The Severn Way National Trail and residential properties along the C2065.

The LVIA assessment by Land Studio concludes that the combined proposals would have an overall Slight/Moderate adverse effect on landscape and visual receptors, it recognises that through the proposed landscape design, the scale and form of building proposed and the sensitive use of materials, beneficial effects can be achieved which can offset the impacts of the proposed development on the existing site.

The application site is located within the open countryside as defined by the LDP. Policy DM4 seeks to ensure that new proposal in the open countryside must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

DM4 confirms that all proposals will need to:

1. Be appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity; and

2. Have regard to LANDMAP, Registered Historic Landscapes, adjacent protected landscapes (National Parks and Areas of Outstanding Natural Beauty) and the visual amenity enjoyed by users of both Powys landscapes and adjoining areas. Proposals which are likely to have a significant impact on the landscape and/or visual amenity will require a Landscape and Visual Impact Assessment to be undertaken.

The proposal will include the erection of a crematorium building, creation of a new

access track and car parking areas. There will then be landscaped grounds created surrounding the proposed building and a green burial site.

The proposed crematorium building will measure approximately 51 metres in length by 33.8 metres in width reaching a height of 4.9 metres to the ridge or 5.8 metres to the highest vent.

The building proposed will then be surrounded and incorporated by grass bunds to all external elevations. Other materials will then include grey cladding, timber soffits, glazing, natural slate walls with metal supports.

It is also acknowledged that the application site is located within the Caersws Basin which is a registered landscape of special historic interest. A Historic Impact Assessment (HIA) has been submitted in support of the application and Cadw have confirmed that they have no objection to the development in relation to scheduled ancient monuments. The HIA concluded that the impact to the registered historic landscape would be minor.

Whist acknowledging the rural nature of the application site, it is acknowledged the efforts and consideration given to reducing the visual impact of the building. All external walls will be bound by grass bunding with only the roof structure visible above, this design feature is considered to significantly reduce the visual impact from the proposed building. Additionally, all hardstanding areas and access track will be landscaped and a condition could be attached to any grant of consent to ensure its implementation and future maintenance. Car parking areas will be loose gravel whilst the main entrance access road will be laid with a buff coloured macadam surfacing to reduce the hardcore tarmac areas within the application site and thus aiding in reducing landscape and visual impact.

A full comprehensive list of landscape planting has been proposed which includes the retention of existing oak and hedgerow boundaries with a replacement hedgerow proposed either side of the proposed access. The site will introduce areas of native planting, wildflower meadows and native wetland planting throughout the application site. Open swales will also be incorporated into the landscape as well as natural stone footpaths which will connect different areas alongside natural informal walking paths which will be reinforced grass.

The site has been designed to retain the rural nature and feel of the application site. Retaining large areas of grassland and mature boundaries are to be maintained and incorporated into the proposed use.

In light of the above observations and notwithstanding the scale of the proposed development and its open countryside location within a registered landscape, it is considered that the proposed development, including ancillary structures, could be sensitively incorporated within the landscape subject to appropriate conditions securing the implementation and retention of existing and proposed landscaping. Subject to the

above, Officers consider that the visual and landscape impact associated with the proposed development can be appropriately managed and thereby safeguard the landscape in accordance with policies SP7, DM4, DM13 and E6 of the Powys Local Development Plan.

Residential Amenity

LDP policy DM13 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties are not unacceptably affected. Officers acknowledge the concerns raised by residents living in proximity to the site in respect of increased noise/disturbance from additional traffic generated by the proposal. It is acknowledged that there will be an inevitable increase in vehicular movements at this location, over and above that which currently exists.

The nearest residential properties to the application site are located off the C2065 which runs to the western boundary of the application site. There are three non-associated sensitive receptors located adjacent to this highway and adjoining the application site with a further two residential properties located along the B4568 to the south-easterly boundary of the application site.

The site boundary/main building has had regard to the Cremation Act 1902 criteria and is located in excess of 200 metres from residential properties and existing/proposed structural landscaping within the site will help to screen the development and form a buffer between the site and existing properties so that the impact on privacy/amenity can be safeguarded.

- Noise

A noise impact assessment has been submitted and consideration given to individual elements of the proposal. This includes:

- Noise from fixed plant/equipment
- Noise from additional traffic
- The noise impact from residual noise sources (mostly road traffic along the B4568)

The noise from fixed plant/ equipment at the proposed unit is predicted to result in a maximum noise rating level of 23 dB LAr,15mins at nearby residential properties. This is considered to be a very low noise level that may not even be perceptible to residents outside of their houses (and almost certainly imperceptible inside the properties).

In comparison and for Members' information it is below the representative daytime background noise level of 35 dB LA90, and the night-time target of 25 dB LA90.

The report concludes that noise from additional traffic (associated with the development) on to local roads should only have a negligible impact. The main access

road (the B4568) is already relatively busy, the increased number of vehicles is likely to only increase ambient noise levels by 0.1 to 0.6 dB outside nearby properties in a worst case hour.

Consideration has also then been given to the residual noise which is identified as mostly being from traffic along the B4568. This is to consider the impacts from outside the application site on the proposed development.

It was identified that there would be a low impact on the proposed development, with levels in the external remembrance gardens in the acceptable range. Noise levels may be fractionally high to achieve the proposed internal noise level limits for the Chapel spaces when windows are open – therefore, it has been advised that an alternative form of background ventilation (i.e. trickle vents or mechanical ventilation) should be provided so that IANL targets can be met whilst ventilating the space with the windows closed.

- Air Quality

Concerns have been raised by nearby residential properties on the required chimneys at the Crematorium. An Air Quality Assessment has been completed in support of the application by DustScanAQ dated January 2021.

The report identifies key pollutants from the development alongside road traffic, construction and stack emissions and considers them against three categories nuisance, loss of amenity and health impacts.

- Construction

The main consideration during the construction period is the dust emissions from the application site. It is noted that no demolition is required as part of the development and therefore the main operations will be earthworks and the construction of the building.

The overall risk to human health was considered to be negligible, with dust spoiling from construction activities considered to be low.

The Environmental Health Officer has requested that a construction management plan is conditioned as part of the development to ensure any potential effects from the construction of the site on the amenity of nearby neighbours are adequately controlled by condition. The plan would need to cover the impacts and controls on noise, hours of operation of the site and dust as a minimum.

- Human Health Impact/ Operational Phase

Modelling has been completed assessing key pollutants from the operational phase of the proposed crematorium.

The predicted Environmental Concentrations of all of the pollutants are considered to be

well within their respective air quality objectives.

The report therefore concludes that there are no significant adverse impacts on air quality in respect to key pollutants.

- Traffic Generation

The traffic generated from the site once in operation has the potential to impact locally on air- quality. It is advised that the level of traffic generated will be well below the screening level of 500 vehicles per day. The impact from traffic on air quality was therefore also assessed as being insignificant.

- Tourism Development

Additional information was also sought from the proposed development on pending applications which are currently with the Local Planning Authority for consideration adjoining the application site.

20/1716/FUL | Proposed holiday park development comprising 15 no holiday cabins, 20 no. holiday units, shared service and activity building, formation of vehicular access and roadways, installation of sewage treatment plant and all associated works. | Land At Ael Y Bryn Aberhafesp Newtown SY16 3HR

Consideration was therefore given to these potential receptors following concerns from the Environmental Health Officer.

It has been concluded that the proposed Crematorium does not give rise to any significant air quality impacts on human health receptors and is therefore fully compliant with national and local planning policy.

- Conclusion

The Environmental Health officer has been consulted and following receipt of the additional information in respect to the proposed holiday park has confirmed that they have no objection to the proposal based on potential impact residential amenities subject to an appropriately worded condition.

<u>Cultural Heritage</u>

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.

LANDMAP evaluates the area as being ‘outstanding’ in terms of Historical Landscape Value, it is described as an:

“Area of irregular fields occupying undulating land at the northern edge of the Caersws Basin Dominated by medieval and later agriculture with farms and houses, some earlier prehistoric elements (burial and ritual monuments) and later prehistoric defended settlements. The area is crossed by the main Roman road running north east from Caersws”

Listed Buildings within 1km:

Cadw ID 17553 Milestone outside Alebryn
Cadw ID 17559 Llwyn-y-brain
Cadw ID 16184 Llys Maldwyn Hospital
Cadw ID 15665 Rhydylan Mill
Cadw ID 17330 Milestone
Cadw ID 17546 Caersws Bridge
Cadw ID 17547 pen-y-Borfa fawr
Cadw ID 17548 Milestone S of Weig Lane
Cadw ID 17549 Engine Shed to the van Line
Cadw ID 17550 Dol-Aethnen
Cadw ID 17554 Gwyneiar with attached farm buildings
Cadw ID 17555 K6 telephone Kiosk
Cadw ID 17559 Llwyn y Brain
Cadw ID 7572 Maesmawr Hotel – grade ll*
Cadw ID Church of St Gwynog
Cadw ID 8697 Caersws railway Station
Cadw ID 8698 Signal Box at Caersws Railway Station

There are also noted being a number of listed building within the village of Llawnog 1.6km to the west of the application site.

Schedule Ancient Monuments:

MG001 Caersws Roman Site
MG017 The Moat Mound & Bailey Castle
MG051 Bron-Felin Mound & Bailey Castle
MG064 Gwyn Fynydd Camp
MG123 Wyle Cop Camp
MG161 Roman Earthwork NE of Caersws (revealed by aerial photography)
MG222 Caersws Roman Fort: Section of South Western Defences
MG242 Caersws Roman Fort and Vicus: section in southern part of vicus
MG243 Caersws Roman Fort and Vicus: section in SE part of vicus
MG244 Caersws Roman Fort: South-west corner defences

Registered Historic Landscape:

HLW (P) 5 - Caersws Basin

- Scheduled Ancient Monuments

A Heritage Impact Assessment and Desk Based Assessment prepared by Archaeology Wales has been submitted with the application.

The revised assessment follows the appropriate methodologies and has concluded that the proposed development will have at most a very slight adverse impact on the settings of the above designated historic assets, except for scheduled monument MG064 Gwyn Fynydd Camp, which is located close to the northern boundary of the proposed development area.

The assessment considers that the proposed development would have a moderate adverse impact on the setting of scheduled monument MG064 which would be significant if mitigation measures are not included in its design.

Technical Advice Note 24: The Historic Environment explains that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

Cadw have considered the design of the development now includes appropriate landscaping and planting and also perpetuates the line of a Roman road, that may be a reason for the location of scheduled monument MG064, by including a clear corridor on the alignment of the road. These design changes have been considered as reducing the adverse impact of the proposed development on the setting of scheduled monument to slight and not significant. Cadw have therefore confirmed that they would have no objection to the proposal subject to securing the above mitigation.

As such it is considered that the proposed development would not harm the setting of nearby Scheduled Monuments and is therefore in accordance with Planning Policy Wales, Technical Advice Note 24 and policy SP7 of the Powys Local Development Plan.

- Listed Buildings

The Planning Authority is required to have special regard to the desirability of preserving listed buildings or their settings under section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

The closest listed building to the development is a milestone outside of Ael-y-Bryn directly adjoining the application site and Llwyn y Brain both Grade II listed buildings.

The milestone is included on the list as one of the few milestones surviving from the marking out of the mile points by the Turnpike Trust.

The milestone is considered to be at risk as a result of its siting in a highway verge.

The boundary of the proposal would be 1 field away from the listed milestone and consideration to the proximity of the proposed access and visibility splays has been considered.

Given that the milestone was sited (albeit on the other side of the road) to advise travellers on the road, the Built Heritage Officer considers that the proposed development would not affect or harm the setting of this listed building.

In relation to Llwyn-y-brain, the farmhouse is located on a river terrace above the River Severn valley, 3Km E of Llanwnog village, and is reached by a farm road by the side of 'Aelbryn'. It was included as an important post-medieval farmhouse, much of which probably dates from before the Great Rebuilding in the Severn Valley, which retains much of its early character internally.

Access to the property is off the B4568 via an access road to the west of Aelbryn. Due to topography of the land the building is not visible from the B4568, and as such it is not considered that there will be intervisibility between the listed building and the proposed development. As such it is not considered that the proposed development would affect or harm the setting of this listed building.

The Built Heritage Officer notes the findings submitted within the Historic Impact Assessment, in respect of the setting of listed buildings and agrees with the conclusions that the proposal would not be considered to harm the setting of listed buildings in the proximity.

As such it is considered that the proposed development, would not harm the setting of nearby listed buildings and is therefore in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990, Planning Policy Wales, Technical Advice Note 24 and policy SP7 of the Powys Local Development Plan.

- Archaeological remains - Roman Road

To the western boundary and within the application site boundary there are archaeological remains of an historic Roman Road.

Amended plans were received which revised an exclusion area around the Roman road and the removal of planting in the area of the geophysical anomalies in the north east corner of the development area.

CPAT were consulted and confirmed that the new design plan avoids any damage from

planting and landscaping in the area of the Roman road.

With regard to the crossing of the Roman road with the access track from the west the design team have always stated that this would entail minimal ground reduction with only the upper grass layer removed and a gravel surface laid for the track. An archaeological watching brief would still be required in case the Roman road surface is encountered immediately under the grass, or within the formation level of the new track surface.

CPAT have therefore recommended a suitable condition for a suitably qualified archaeological contractor to be present during the undertaking of any ground works in the development area associated with the western access track so that an Archaeological Watching brief can be completed. A further condition will also be attached to ensure that the exclusion area on both sides of the Roman road will be marked out with temporary barrier fencing during construction to avoid accidental damage by building and landscaping contractors.

Subject to the recommended conditions it is therefore considered that the archaeological features of the Roman road will be appropriately maintained and managed throughout the construction of operational use of the site.

- Cultural Heritage Conclusion

Having considered the potential impact of the proposed development on cultural heritage assets, it is concluded that the proposed will not have an unacceptable adverse impact on the setting of listed buildings, scheduled monuments and archaeological remains. In light of the above, Officers consider the proposed development to be in accordance with Section 66 Planning (Listed Buildings and Conservation Areas) Act 1990, policy SP7 of the Local Development Plan, TAN24 and Planning Policy Wales.

<u>Drainage/ Ground Water Protection</u>

The development proposes the installation of a new sewage treatment plant and soakaway. Following receipt of concerns from local residents of the permeability of the application site a site visit was conducted and additional information and amended plans were submitted.

The amended plans re-located the proposed soakaway system towards the southern boundary of the application site and provided new percolation tests for the amended location. The test holes were re-visited by the Environmental Health officer who confirmed based on the new information provided and the new site for the soakaway which has better quality soils the system would work and therefore removed his pervious objection to the proposed treatment plant and soakaway system proposed.

It is also drawn to Members’ attention that given the scale of the proposal a sustainable drainage scheme will also be required through the SAB process, which is a separate

determining body from the Planning remit who will consider surface water drainage amongst other matters relating to drainage.

Concerns have still been raised by third parties over the location of the new soakaway system however based on the information provided and site visit completed by a Senior Environmental Health Officer no further evidence has been provided by objectors which would question the information and challenge the evidence brought to the Local Planning Authority's attention.

Subject to SAB approval it is therefore considered that the proposed treatment plant and soakaway system are considered to be acceptable.

A Tier 3 Groundwater Risk Assessment – New Burial Ground by BOLD Environmental Ltd was submitted in support of the application.

NRW have reviewed the information and consider the report to be satisfactory and concur with its conclusions.

However, to ensure the long-term monitoring of groundwater levels and protection of controlled waters for the duration of the operational life of the burial area plus five years post closure, a condition has been recommended which will ensure all burials in the cemetery shall be:

• a minimum of 50 m from a potable groundwater supply source;
• a minimum of 30 m from a water course or spring;
• a minimum of 10 m distance from field drains;
• no burial into standing water and the base of the grave must be above the local water table

Subject to the appropriately worded condition it is therefore considered that the burial site can be appropriately managed to ensure that the proposed development will have no adverse effect on groundwater from hazardous substances and non-hazardous pollutants.

<u>Biodiversity, Ecology & The Environment</u>

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 proposed plans, aerial images as well as records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 2 records of protected and priority species within 500m of the proposed

development with no records found for the site itself. Species recorded within 500m of the proposed development include bluebell and curlew. No statutory and no non-statutory designated sites were identified within 2km of the proposed development.

A Preliminary Ecological Appraisal Survey produced by Arbtech dated 25/09/2020 was submitted in support of the application.

The report details the findings of a phase 1 habitat survey and a protected species habitat suitability assessment undertaken on 15th September 2020 as well as the results of an associated desk-based study. Habitats identified within and immediately adjacent to the proposed development site include:

- Improved grassland
- Hedgerow with scattered trees
- Scattered trees
- Deciduous plantation
- Post and wire fencing
- Ditch

The proposed development site was surveyed for its ability to support a number of protected and priority species including:

- Amphibians (including great crested newt)
- Bats
- Reptiles
- Nesting birds
- Badger
- Otter
- Water vole
- Hedgehog

The site was also inspected for presence of non-native invasive species (none reported).

- Protected/Priority Species

The site comprises four fields of improved, managed grassland bordered by hedgerows, several with mature trees long their length. A birch plantation is located along the northern boundary of the site immediately north of the proposed crematorium building. A line of scattered hawthorn and blackthorn divides the two fields on the western part of the site. A line of mature oak trees alongside a ditch divides the eastern and central fields. Several of the oak trees were identified as having potential bat roosting features and all are to be retained within the proposed development.

No evidence of protected or priority species was detected and the site was considered unsuitable for amphibians, reptiles, water-vole, and otter due to a lack of suitable habitat

features.

No evidence of badger or hedgehog was detected but the presence of suitable foraging habitat means that there was potential for both species to be present on the site.

Hedgerows and trees on site were identified as habitat for nesting birds. The proposed development is not considered likely to result in negative impact to priority or protected species or habitats subject to retention of all hedgerows, mature trees and implementation of precautionary measures to safeguard badger and hedgehog during the construction phase.

The Powys Ecologist therefore recommended that submission of reasonable avoidance measures for badgers and hedgehog are secured through an appropriately worded planning condition.

- Hedgerows/Trees

The submitted plans identify that roadside hedgerows will be impacted to create both the main and service entrances. It appears that 2-3 immature trees will require felling to secure the required highway visibility splays.

The main macadam driveway to the crematorium is located close to mature oak trees at its northern end. The root zones of the trees are likely to extend beyond the tree canopy and may well be impacted permanently by excavation works.

Additional information in the form of a Tree Survey Report and Arboricultural Impact Statement (inclusive of method statement and tree protection measures) prepared by Wye Valley Tree Services was submitted in support of the application.

The survey identified the loss of three trees, deemed to be of relatively low value/undesirable to retain, and confirmed the impact to two hedgerows in order to accommodate access. The proposed formal access to the crematorium has been confirmed to be located outside of the sensitive root zone of the row of trees bisecting the site, which is to be welcomed. The tree line was identified as comprising several oaks with moderate or high arboricultural, landscape and conservation value; at least one tree is of veteran age. Appropriate tree protection measures were provided to safeguard the tree root zones during the construction phase, for example, from compaction by vehicles, plant and storage of materials and pollution.

It is, therefore, recommended that in addition to compensation measures for the two impacted hedgerows, adherence to the submitted tree protection measures during construction is secured through an appropriately worded planning condition.

Given the identified value of the trees and location of the trees within the landscape, The Ecologist has requested that consideration is given to long-term protection of the tree line through imposition of a TPO to guard against future loss or damage of the

trees. Technical Advice Note 10 notes that whilst a tree may merit protection on amenity grounds it may not be considered expedient to protect it by means of a TPO for instance when the trees are under good arboricultural value or where there is little risk of them being felled.

In this instance, tree protection measures have been provided to safeguard the tree root zones during the construction phase and have been clearly marked due to retained as part of this application. A condition can be attached to secure compliance with these plans and therefore based on the above it is not considered that the trees are considered to be at risk as there are other appropriate measures in place to safeguard them.

- External Lighting Design

Careful consideration will need to be given to any external lighting of the proposed development, including during construction in the vicinity of trees with identified potential bat roost features. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area or woodland.

It is, therefore, recommended that submission of an External Lighting Design Scheme is secured through an appropriately worded planning condition.

- Biodiversity Enhancement

Section 6 under Part 1 of the Environment (Wales) Act 2016 introduced an enhanced biodiversity and resilience of ecosystems duty (the S6 duty) for public authorities in the exercise of functions in relation to Wales.

The S6 duty requires that public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems.

Extensive landscaping has been proposed throughout the entire application with soft and hard landscaping. Various areas of native planting, wildflower meadows and native wetland planting are proposed throughout the application site.

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.

The proposed tree and hedgerow planting as well as wildflower meadows will provide a foraging resource for a wide variety of nesting birds, invertebrates and small mammals and insects as well as a place of refuge once established.

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 Ecological Appraisals 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.

Mineral Safeguarding

The application site is located within an area for Category 1 Mineral Safeguarding. Policy DM8 of the LDP states that non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated by the developer that the development is in accordance with policy DM8.

Criteria 5) of policy DM8 states that's development will be permitted where:

5) There is an over-riding need in the public interest for the development

As identified above there is considered to be a recognised need for a crematorium with Powys and therefore the proposed development fundamentally complies with policy DM8. Furthermore, it is noted that the proposal could reuse the mineral resource within the proposed development to minimise the need to import minerals over long distances and reducing the need for importation of material, reducing CO2 emissions.

On this basis it is considered that the proposed development fundamentally complies with relevant planning policy.

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.

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 a service with a recognised need for 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 provides mature planting and areas of planting which are vital in the role of reducing the causes of climate change.

It has been recognised that there is a recognised need for a crematorium within Powys and the provision of such would therefore significantly reduce travel times for residents thus reducing CO2 emissions from vehicular movements.

RECOMMENDATION

It is acknowledged from the evidence provided through qualitative and quantitative research that there is a recognised need for a crematorium in Powys. The site the subject of the application is located within open countryside but is not classified as being high quality agricultural land.

Whilst the acceptability of development at this location is considered to be acceptable

with regards to highway access, landscape and ecological considerations, I do advise Members that the accessibility of the site via other means of travel should be appropriately considered and balanced when coming to a recommendation.

It has been acknowledged that there is currently no bus route provided to the application site or footpath provision. However, it is considered in this instance and on balance that the recognised need and reduced transport movements for residents would outweigh these concerns.

The recommendation would therefore be one of conditional consent.

Should Members resolve to approve the application then no decision shall hereby be issued until confirmation has been received by the Welsh Ministers in line with the received correspondence.

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 Plan 001 Rev E, Plan 002, Plan 003, 1920100 (proposed ground Floor Plan, lower floor plan, elevations, site plan, building sections, proposed south elevations, proposed roof plan, proposed block plan), Arboricultural Report, Arboricultural Impact Assessment, Arboricultural Method Statement and Tree Protection Plan dated 9th April 2021 by Wye Valley Tree Services, BS5837 Tree Survey dated 9th April 2021 by Wye Valley Tree Services, POWYS CREMATORIUM SOAKAWAY DESIGN and included plan (undated), Air Quality Assessment by DustScan AQ dated March 2021, Tier 3 Groundwater Risk Assessment; Land at Ael Y Bryn, Aberhafesp, Newtown, Powys, SY16 3HR – New Burial Ground Report ref.: 3290_GRA 01 Date: 04 March 2021, Noise Impact Assessment dated 22nd Dec 2020, Air Quality Assessment date January 2021 by DustScan AQ, Preliminary Ecological Appraisal Survey by Arbtech, Historic Impact Assessment and Desk Based Assessment by Archaeology Wales, Powys Crematorium LVIA Landscape and Visual Impact Assessment December 2020.

3 Prior to any other works commencing on the development site, detailed engineering drawings for the visibility improvements to the junction of the B4568/B4569/C2065 and associated works, shall be submitted to and approved in writing by the Local Planning Authority. Works thereafter shall be completed in full accordance with the details as approved.

4 Prior to any works commencing on the development site, all Highway Improvements, referred to above, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.

5 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.

6 No other development shall commence until the main access off the B4568 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.

7 Prior to the first beneficial use of the development the service access off the C2065 shall be 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 43 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.

8 All vehicular movements associated with the development shall enter/exit the site via the main site access off the B4568 until such time as the service access as Condition 5 above has been constructed. Therefore, no access to the site shall be gained through the service access until such time as it has been constructed in accordance with the approved drawings.

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 Within 5 days from the commencement of the development the two field gates onto the B4568 shown on Drawing Number 001 Rev D shall be stopped up, in materials to be agreed in writing by the Local Planning Authority and the stopping up shall be retained for as long as the development is in existence.

11 Before any other development is commenced the area of the main 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.

12 Prior to the first beneficial use of the development hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan 001 Rev D. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13 Prior to the first operational use of the development the area of the main 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.

14 Prior to the first operational use of the development the area of the service 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, 60mm of bituminous macadam binder course material and 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. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

15 The gradient of the accesses 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.

16 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.

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

18 Prior to commencement of development, including vegetation and ground clearance, a Reasonable Avoidance Measures Method Statement for badger and hedgehog shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented in full.

19 The development shall be undertaken in strict accordance with the BS5837:2012

Arboricultural Report, Arboricultural Impact Assessment, Arboricultural Method Statement & Tree Protection Plan for P/2158/20/FUL - proposed new Crematorium at Ael y Bryn, Caersws. The measures identified shall be adhered to and implemented in full and maintained thereafter.

20 Prior to the commencement of development, a Hedgerow Replacement and Aftercare Scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall include a scaled drawing identifying the location of hedgerow translocation or replacement planting and a written specification clearly describing the translocation method and/or species, sizes, densities and planting numbers proposed, as well as aftercare measures. The approved scheme shall be implemented in full and maintained thereafter.

21 Notwithstanding the details submitted, prior to commencement of development, a detailed landscaping and biodiversity enhancement 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 position. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

22 Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be adhered to and be implemented in full.

23 All burials shall be:

- a minimum of 50 m from a potable groundwater supply source;
- a minimum of 30 m from a water course or spring;
- a minimum of 10 m distance from field drains;
- no burial into standing water and the base of the grave must be above the local water table;

24 Prior to the commencement of development a construction management plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Management Plan shall include details on the management of impact and controls over noise, hours of operation and dust as a minimum during construction. Development thereafter shall be completed in full accordance with the details as approved.

25 The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the development area associated with the western access track so that an archaeological watching brief can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs and will be completed in accordance with a written scheme of investigation, which has been approved in advance by the Local Planning Authority. A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, Powys, SY21 8RP Email: mark.walters@cpat.org.uk) After approval by the Local Planning Authority , a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and a copy to the National Monuments record, RCAHMW

26 Prior to any works commencing on site the outer boundary of the exclusion area for the Roman Road shall, on both sides, be marked out with temporary barrier fencing to avoid any accidental damage by building and landscaping. The fencing shall remain as such throughout the construction period.

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

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

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

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

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

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18 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

19 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

20 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016

21 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and

Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

22 To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM7 in relation to Dark Skies and External Lighting, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

23 To ensure the proposed development does not have an unacceptable impact on groundwater risk in accordance with Planning Policy Wales (Edition 11) and DM6 of the Local Development Plan (2018).

24 In the interests of amenity and a satisfactory development in accordance with polices DM4 and DM13 of the Powys Local Development Plan (2018), Technical Advice Note 12 and Planning Policy Wales (Edition 11, 2021).

25 To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development in accordance with policy SP7 of the Local Development Plan (2018).

26 To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development in accordance with policy SP7 of the Local Development Plan (2018).

Informative Notes

1 Advisory Notes

NOTE:THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;

1. Under Section 184 of the Highways Act 1980, it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for vehicular access works.

a. The need to avoid interference with and to make provision for the carrying of existing highway drainage under the access to the satisfaction of the Highway Authority.

b. The requirement of the Highway Authority for the Developer to ensure that no surface water is discharged onto the County Highway or, without prior approval, into the highway drainage system.

2. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain,

apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.

3. Under section 171 of the Highways Act 1980 it is a requirement that a licence is obtained from the Highway Authority, in addition to Planning Permission, for the creation of passing bays or highway re-alignment works.

4. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

5. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement.

Further advice on the above highway matters can be obtained from:

http://www.powys.gov.uk/en/roads-transport-parking/

street.works@powys.gov.uk
Street Works
Powys County Hall
Spa Road East
Llandrindod Wells
Powys
LD1 5LG
0845 6027035

2 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

3 Mid and West Wales Fire and Rescue Authority

I acknowledge receipt of the notification to the Mid and West Wales Fire and Rescue Authority in relation to the above application.
The site plan of the above proposal has been examined and the Fire and Rescue Authority would wish the following comments to be brought to the attention of the committee/applicant. It is important that these matters are dealt with early on in any proposed development.
The developer should consider the need to provide adequate water supplies for fire fighting purposes on the site and general guidance on this matter is given in the attached Appendix.

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B. The plan has been retained for record purposes but will be returned if you so request.

4 All: Having assessed the Planning Application Ref 20/2087/FUL, the SuDS Approval Body (SAB) deem that the construction area is greater than 100m2 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
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.

Case Officer: Gemma Bufton, Principal Planning Officer
Tel: 01597 827505 E-mail: gemma.bufton1@powys.gov.uk