



Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/0306/FUL

Grid Ref: E: 274278
N: 300674

Community Council: Machynlleth

Valid Date: 10.03.2021

Applicant: Heart of Wales Property Services on behalf of Powys County Council

Location: Land To North West Of Ysgol Bro Hyddgen, Machynlleth, SY20 8DR, ,

Proposal: Change of use of land to create a sports pitch and associated drainage works

Application Type: Full Application

The reason for Committee determination

The application is major development submitted by Powys County Council

Consultee Responses

Consultee

Received

Machynlleth Town Council

No comments received at the time of writing this report

PCC-Building Control

No comments received at the time of writing this report

Councillor Williams

19th Mar 2021

With reference to planning application 21/0306/FUL, I can confirm that I have viewed the plans and supporting papers and can further confirm my full support for such an exciting development for the benefit of the new school and communities of Machynlleth and the

Dyfi Valley.

PCC – Highways

The County Council as Highway Authority

Wish the following recommendations/Observations be applied
Recommendations/Observations

Thank you for consulting the Highway Authority on this matter. Clarification has been sought by the Highway Authority in regard to the proposed users of the new sports pitch. The agent has confirmed that the sports pitch will only be used by the existing high school and will not be open for community teams use. Therefore, based on the above, the highway authority has no objection to the development as proposed.

Hafren Dyfrdwy

23rd Mar 2021

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.

Natural Resources Wales

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 19/03/2021.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirements are met and the following documents are included within the condition identifying approved plans and documents on the decision notice. Otherwise, we would object to this planning application.

Requirement 1: Submission of a revised Flood Consequence Assessment (FCA).

Requirement 2: Submission of an amended block plan and general arrangement plans to clearly demarcate the retained access route (a minimum access width of 8m is required).
Plans and documents

- Bio-security Statement (reference: Vital-ysgol-field-Bio27-08-2020, Roe, S. (2020). Field to north of Ysgol Bro Hyddgen and Gasworks Lane Access Route, Machynlleth,

Powys. Vital Ecology. Unpublished.).

- An Extended Phase 1 Habitat Survey (reference: Vital-WLGL-EP1-17-08-2020, Roe, S. (2020) Field to north of Ysgol Bro Hyddgen and Gasworks Lane Access Route, Machynlleth, Powys. Vital Ecology. Unpublished.)
- Roe, S. (2021). Great Crested Newt Habitat Suitability Index Data Summary: Field North Of Ysgol Bro Hyddgen and gasworks Lane Access Route, Machynlleth, Powys. Vital ecology. Unpublished
- Roe, S. (2021). Combined Water Vole and Otter Survey: Field North Of Ysgol Bro Hyddgen and gasworks Lane Access Route, Machynlleth, Powys. Vital ecology. Unpublished

Flood Risk

The application proposes less vulnerable development for the creation of a recreational area. Our flood risk map, confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial outlines of the River Garsiwn No2.

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the FCA undertaken by WSP, dated February 2021, reference 8923-FCA-003 submitted in support of the application. We consider that the FCA fails to demonstrate that the risks and consequences of flooding can be managed to an acceptable level for the reasons explained below.

TAN 15, section 11.21 states that proposals for public open space, outdoor recreational uses and agricultural developments, are likely to be acceptable in all areas where there is a risk of flooding. However, ancillary buildings or structures required for these uses, which are subject to prior approval, may not be acceptable in accordance with section 7. Therefore, as with all other uses, the application of section 7 will be relevant where flooding is a risk to ensure that the consequences of flooding are considered acceptable and are capable of being effectively managed. It is our understanding that the site does not currently benefit from a planning use and this application seeks to give the site such a use. Paragraph 11.21 requires the application of TAN 15, section 7 and subsequently requires development to be carried out in accordance with Appendix 1 of the TAN (including paragraphs A1.14 and A1.15). We request that advice/ clarification is provided

by the LPA regarding the current and proposed use of the site. We also request the LPAs advice/ confirmation on where they consider the proposed development lies within the 'development types' set out in tables A1.14 and A1.15 of TAN 15, Appendix 1.

We note that the FCA has considered two hydraulic models (2011 and 2016 models) and have utilised the 2011 model for the purposes of analysing the flood risk proposed to the site, as it is considered to be the more conservative model. The 2011 model is deemed as an outdated model and is not suitable to be used today to form the basis for any FCA, we therefore recommend that a revised FCA is submitted with up-to-date flood estimates/ hydrology.

Requirement 1: Submission of a revised Flood Consequence Assessment (FCA).

Nonetheless, the FCA states that flood depths across the application site in the 1% (1 in 100 year) flood event plus climate change are in the range of 1m - 1.25m. The FCA also states that the rate of flood water rise in the 1% flood event plus climate change ranges between 0.28m/hr – 0.66m/hr with velocities on site predicted to reach 0.14m/s. Whilst section 11.21 of TAN 15 is noted, our advice is that the flood depths and velocity of floodwaters demonstrated within the supporting FCA, exceeds indicative guidance set out in TAN 15, A1.15 on what is considered tolerable conditions for different types of developments.

Furthermore, no flood management plan/ action plan has been submitted in support of the proposed development; therefore, it is considered that the FCA fails to demonstrate that the consequences of flooding are acceptable and are capable of being effectively managed.

If no further information is submitted, or a revised FCA fails to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we object to this application.

Please inform us, in accordance with paragraph 11.7 of TAN15, if you are minded to grant permission for the application contrary to our advice.

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Garsiwn No2, a designated "main river". Further advice and guidance are available on our website at:

http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk_activity-permits-information/?lang=en

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting

other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

NRW Asset Maintenance - River Garsiwn Access for Maintenance Works

We have reviewed the submitted Block Plan which includes an annotation which states 'access route/zone for routine maintenance of water course. Width and dimensions to NRW requirements' and we have the following comments.

We require assurances that NRW's access route for the Garsiwn ditches will not be compromised. We require access along the southern side of the 'main river' known as Garsiwn No2 to carry out essential maintenance. Machine works/ maintenance is undertaken off the southern side of the 'main river' and the northern boundary of the www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk Page 4 of 6 proposed development site. It is quite possible that the development will be compatible with retaining our access requirements for maintenance of the watercourses. Whilst an annotation is provided on the submitted block plan, it is currently lacking in detail.

Requirement 2:

Submission of an amended block plan and general arrangement plans to clearly demarcate the retained access route (a minimum access width of 8m is required).

Flood Risk Activity Permit

The Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Garsiwn No2, a designated main river. Further advice and guidance are available on our website at:

http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood_riskactivity-permits-information/?lang=en

Protected Sites – Special Area of Conservation (SAC)

The proposed development site is located adjacent to a main river (Garsiwn NO2) which is hydrologically connected to the Lleyn Peninsula and the Sarnau SAC.

From the information provided, NRW consider that the proposals may affect the Lleyn Peninsula and the Sarnau SAC. The application is located 3.86km of the SAC. NRW

have identified potential impact pathways to features of this site:

1. Pollution

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

1. Developer adheres to pollution prevention guidelines.

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

Protected Sites – Site of Special Scientific Interest (SSSI)

NRW consider the proposals have the potential to impact upon the Dyfi SSSI. Providing the impact pathways referenced above for the SAC are adequately addressed, NRW consider the features of the SSSI will also be adequately safeguarded.

Landscape

The development site is situated approximately 600m from the Snowdonia National Park, where the primary objective is the conservation and enhancement of natural beauty.

The proposal is unlikely to have an adverse impact on the Snowdonia National Park, provided no floodlighting is installed at the development site. From reviewing the submitted plans no floodlights appear to be shown.

We note that the proposal would cause some damage/ loss to existing hedgerows to the northeast and southwest in the 5m over-run area. We advise that replacement native species planting should be carried out. The statutory pre-application proposal included proposals for new hedge planting to the east and enhancements to tree screening from properties to the east. Planting proposals of native species tree and hedgerow planting should be included with the application and details required (by Condition if necessary), to aid the integration of the proposal with the surrounding landscape, which is visible from the nearby National Park.

Protected Species

We have reviewed the ecological reports submitted in support of the application in respect of Great Crested Newts (GCN) Water Vole and Otter.

We agree with the conclusions of the ecological reports and recommend that they are listed in a condition attached to any grant of consent identifying approved plans and documents.

Biosecurity Risk (Invasive Non-Native Species (INNS))

We have reviewed the following report: Bio-security Statement (reference: Vital-ysgol_fieldBio-27-08-2020, Roe, S. (2020). Field to north of Ysgol Bro Hyddgen and Gasworks Lane Access Route, Machynlleth, Powys. Vital Ecology. Unpublished.).

We note the presence of the invasive alien species – Himalayan Balsam. NRW advise that this report references and considers the implications of the Invasive Alien Species (Enforcement and Permitting) Order 2019.

We request that the following document is included in the condition identifying approved plans and documents on the decision notice for any grant of consent: Bio-security Statement (reference: Vital-ysgol-field-Bio27-08-2020, Roe, S. (2020). Field to north of Ysgol Bro Hyddgen and Gasworks Lane Access Route, Machynlleth, Powys. Vital Ecology. Unpublished.).

Other Matters

Our comments above only relate specifically to matters included on our checklist, 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 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. www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk Page 6 of 6 Advice for the Developer Works Near Watercourse and Pollution Prevention Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link: http://www.netregs.org.uk/environmental-topics/pollution-prevention_guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/ If you have any queries on the above, please do not hesitate to contact us.

Additional comments received 11th June 2021 -

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the

above, which we received on 14/05/2021. Further to our previous comments in our letter ref: CAS-141805-Q9X0 (dated 23/04/21) we offer the following comments.

We continue to have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding flood risk. If this information is not provided, we would object to this planning application. Further details are provided below.

Requirement:

Confirmation from the Local Planning Authority on their position as to where the proposed development fits within the 'Development Types' as set out in tables A1.14 and A1.15 of Technical Advice Note (TAN) 15, Appendix 1.

Flood Risk

Further to our previous response we note that a Flood Consequence Assessment ref: 8923- FCA-0003 dated May 2021 by WSP has been submitted alongside an accompanying Flood Management Plan (ref: RV2 dated May 2021).

In our previous response (ref: CAS-141805-Q9X0) we requested clarification from the Local Planning Authority regarding the current and proposed use of the site. A response was received which confirmed that the land is currently agricultural by its nature and the proposed development is for a sports pitch. Despite this no response has been provided as to the 'development type' as set out in tables A1.14 and A1.15 of Technical Advice Note (TAN) 15, Appendix 1.

In order for us to provide appropriate advice and formal comments on the FCA submitted this need to be confirmed before this matter can be considered further.

NRW Asset Maintenance - River Garsiwn Access for Maintenance Works

We have reviewed the submitted amended General Arrangement Plan (ref: 493-CTF-XX_ZZ-DR-L-0022 P03) and amended site plan (Block Plan) (ref: 493-CTF-XX-ZZ-DR-L-0024 P03).

The amended plans now clearly demarcate the retained access route and an 8-metre maintenance zone strip to the south of the River for emergency access and maintenance of the river. We are satisfied that our previous requirement has been met and recommend that the submitted plan is secured via a suitably worded condition.

Landscape

Further to our previous comments it appears that no further information has been

provided to address our points raised regarding proposals for new hedge planting to the east and enhancements to tree screening from properties to the east. We recommended that planting proposals of native species tree and hedgerow planting should be included with the application and details required (by condition if necessary), to aid the integration of the proposal with the surrounding landscape, which is visible from the nearby National Park. We will provide further comments if a landscaping/planting scheme is put forward.

Protected Sites – Special Area of Conservation (SAC)

The proposed development site is located adjacent to a main river (Garsiwn NO2) which is hydrologically connected to the Lleyn Peninsula and the Sarnau SAC.

From the information provided, we consider that the proposals may affect the SAC. The application is located 3.86km of the SAC. We have identified potential impact pathways to features of this site:

1. Pollution

The above pathways may not result in an adverse effect if the following measures are adhered to/ implemented:

1. Developer adheres to pollution prevention guidelines. No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by your authority or it has not been forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the site, we look forward to being re-consulted. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC. www.naturalresourceswales.gov.uk www.cyfoethnaturiolcymru.gov.uk Page 3 of 3

Other Matters

Our comments above only relate specifically to matters included on our checklist, 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 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.

Additional comments received 25th June 2021-

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 13/06/2021. Following our previous response ref. CAS-

150399-D8Q4 dated 11th June 2021 we offer the following comments.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

- General Arrangement Plan ref: 493-CTF-XXZZ-DR-L-0022 P03
- Site plan (Block Plan) ref: 493-CTF-XX-ZZ-DR-L-0024 P03

Flood Risk

Our flood risk map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial outlines of the River Garsiwn No2.

Your Authority has indicated that the development falls under general infrastructure within TAN 15 A1.14 and A1.15 and so is considered as less vulnerable development for the creation of a recreational area. Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified.

Therefore, we refer you to the tests set out in section 6.2 of TAN15. If you consider the proposal meets the tests set out in criteria (i) to (iii), then the final test (iv) is for the applicant to demonstrate through the submission of an FCA that the potential consequences of flooding can be managed to an acceptable level.

We have reviewed the revised FCA undertaken by WSP, dated May 2021, reference 8923- FCA-003 submitted in support of the application. Our advice to you is that the FCA demonstrates that flood depths in the 1 in 100 year event plus climate change event range between 0.5-1.25m in depth, and therefore exceed the tolerable conditions set out in TAN15 A1.14 and A1.15.

TAN 15, section 11.21 states that proposals for public open space, outdoor recreational uses and agricultural developments, are likely to be acceptable in all areas where there is a risk of flooding. However, ancillary buildings or structures required for these uses, which are subject to prior approval, may not be acceptable in accordance with section 7.

Therefore, as with all other uses, the application of section 7 will be relevant where flooding is a risk to ensure that the consequences of flooding are considered acceptable and are capable of being effectively managed. It is our understanding that the site does not currently benefit from a planning use and this application seeks to give the site such a use. Paragraph 11.21 requires the application of TAN15, section 7 and subsequently requires development to be carried out in accordance with Appendix 1 of the TAN (including paragraphs A1.14 and A1.15).

Whilst section 11.21 of TAN15 is noted, our advice to you, is that the flood depths demonstrated within the supporting FCA, exceeds indicative guidance set out in TAN15, A1.15 on what is considered tolerable conditions for different types of developments.

We note the submission of the Flood Management Plan submitted in support of the proposed development dated May 2021 and welcome the proposed measures within the document.

As it is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Flood Risk Activity Permit

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Garsiwn No2, a designated "main river". Further advice and guidance are available on our website at: http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk_activity-permits-information/?lang=enwww.naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk

Other Matters

Our comments above only relate specifically to matters included on our checklist, 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 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. If you have any queries on the above, please do not hesitate to contact us

PCC – Countryside Services

Thank you for the opportunity to comment on this application.

The applicant is advised that a public footpath Machynlleth 247/11/1 runs immediately adjacent to the southern boundary of the application site (to access a digital interpretation of the Definitive Map use the link below to view exact location of footpath).

It appears from the plans submitted that the proposed works will not affect the footpath but may we take this opportunity to inform the applicant of the points below which Powys County Council has a legal duty to 'assert and protect' public rights of way under the Highways Act 1980.

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- Landscaping & Surfacing – Please seek advice before interfering or surfacing a public right of way.
- New fencing or boundaries – If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure to be installed.
- Temporary closures – If the safety of the public cannot be guaranteed during construction, consideration should be given to applying for a temporary closure of the public right of way.

The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

For advice, please contact Powys County Council Countryside Services with details of the development at:

rights.of.way@powys.gov.uk

01874 614057

PCC - Ecologist

Thank you for consulting me with regards to planning application 21/0306/FUL which concerns an application for the change of use of land to create a sports pitch and associated drainage works at land to north west of Ysgol Bro Hyddgen, Machynlleth.

I have reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 222 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 bat species; noctule and pipistrelle, hazel dormouse, swift, redstart, goldcrest and common lizard.

No statutory designated sites were identified within 500m of the proposed development. One non-statutory designated site was identified within 500m of the proposed development;

- Regionally Important Geodiversity Site (RIGS) – Ogof-fach road section approximately 390m from the proposed development

Having reviewed the location and nature of the proposed development in relation to the RIGS it is considered that the proposed development would not result in a negative impact to the RIGS and/or its associated features.

Preliminary Ecological Assessment

I have reviewed the Ecological Report produced by Vital Ecology dated August 2020. An Extended Phase 1 Habitat Survey has been undertaken to assess the potential of the development to impact any protected species presence or habitats of ecological value. The proposed development site and boundaries consisted of marshy grassland, improved grassland, hedgerows and ditch.

The proposed development site was assessed for its suitability to support a number of protected species including badger, water vole, otter, bats and birds. The report identifies that the proposed development site and adjacent habitat have potential to support otter, water vole, badgers, bats, birds, amphibians and reptiles. Further otter & water vole surveys were undertaken on 30th July 2020 and great crested newt surveys.

No signs of otter or water voles were observed during the further survey work and it was concluded that no further surveys were required.

Two ponds were identified within 250m of the proposed development. Each pond was assessed for their suitability to support great crested newts using a habitat suitability index (HSI). Pond/ditch 1 scored a low HSI (0.13 a poor score) and pond 2 also scored a low HSI (0.13).

It should be acknowledged that the HSI score cannot always be fully relied upon to confirm absence of great crested newts from waterbodies that score below average, however the areas surrounding the proposed development site do not look to provide favourable terrestrial habitat for great crested newts and a review of records of great crested newts identifies that the closest known record of GCN to the site of the proposed development is over 1km away.

No avoidance or enhancement measures have been identified as a result of the surveys

however I note that a biosecurity method statement has been submitted with the application in order to identify necessary measure to prevent the ingress of INNS onto the site from elsewhere.

It is recommended that adherence to the submitted Biosecurity Method Statement is secured through an appropriately worded planning condition.

Wildlife Sensitive Lighting Plan

Careful consideration will need to be given to any external lighting proposed to be erected on the proposed development. If external lighting is proposed then measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area. It is therefore recommended that a Wildlife Sensitive Lighting Plan taking into account the recommendations identified in the BCT and ILP guidance note <https://www.theilp.org.uk/documents/guidance-note-8-bats-and-artificial-lighting/> is secured through an appropriately worded condition.

Biological Enhancement

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It will therefore need to be demonstrated as to how the proposed development will incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development. These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

As the application has not indicated any proposed biodiversity enhancements I recommend that a condition is included to secure the submission of a biodiversity enhancement plan.

Further details regarding biodiversity and requirements associated with planning applications can be found in the Powys Local Development Plan (2011 to 2026) Supplementary Planning Guidance Biodiversity and Geodiversity (Adopted October 2018) which can be found at <https://en.powys.gov.uk/article/4907/LDP-Supplementary-Planning-Guidance-SPG>

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

The development shall be carried out strictly in accordance with the Biosecurity Method Statement produced by Vital Ecology dated August 2020. The identified measures shall be adhered to and implemented in full and maintained thereafter.

Reason: To comply with Powys County Council's LDP Policy 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's Policies LDP DM2 and DM7 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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

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

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

Resources Wales and the Council's Ecologist.

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

PCC - Environmental Protection

Thank you for the consultation in respect of this application. From an EP point of view my only concern would be on the impact on amenity of the nearest neighbour. I note that the pitch is not intended to be flood lit so operation will be limited to reasonable daylight. Given that no assessment of noise impact has been made, I would suggest that use of the pitch is limited until 8pm daily to ensure that the amenity of the neighbours is protected in the summer months.

PCC - Land Drainage

No comments received at the time of writing this report

Representations

Following the display of a site notice there has been one letter of public representation received objecting to the proposal. The main issues raised are as follows:

- Concerns regarding parking provision

A further representation has been received from Powys Ramblers, the response received is as follows:

Powys ramblers wish to comment on this application please.

"We wish to support the comments made by countryside services. In addition we think it is important to make sure that it is clear to all concerned where the exact route of the right of way is so can the applicant please be required to work with countryside services to help ensure there is sufficient signage."

Planning History

App Ref	Description	Decision	Date
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None

Principal Planning Constraints

Right of Way 247/11/1

Mineral Safeguarding Sand_Gravel

Listed Buildings in proximity

C2 Flood Zone

Y Plas Historic Parks and Gardens

Dyfi Estuary SPA

Lleyn Peninsula SAC

Sarnau SAC.

Dyfi SSSI

Snowdonia National Park

Regionally Important Geodiversity Site (RIGS) – Ogof-fach road section

Geological Conservation Review: Ynyslas

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales 2021 (11 th Edition)		National Policy
FWTNP	Future Wales: The National Plan (2040)		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN15	Development and Flood Risk		National Policy
TAN16	Sport, recreation and open space		National Policy
TAN18	Transport		National Policy
TAN24	Historic Environment		National Policy

DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Mineral Safeguarding	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026

Other Legislative Considerations

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

Officer Appraisal

Site Location and Description

The application site is located within the Town Council area of Machynlleth. The application site is located within the open countryside as defined by the Powys Local Development Plan (2018). To the north of application site is Gas Works Lane where maintenance and emergency vehicles will gain access to the site, also to the north is an existing Sewage Works. To the south of the application site is an existing Public Footpath and existing playing fields associated with the secondary school Ysgol Bro-Hyddgen in Machynlleth which is located to the south east of the application site. To the west of the application site is agricultural land and existing residential dwellings and to the east is agricultural land with existing residential dwellings beyond. Garswin Stream (which is defined as a Main River by Natural Resources Wales) flows east to west, through the northern portion of the site and an unnamed watercourse borders the southern and western boundary of the site.

The proposed sports pitch will measure approximately 116 metres in length and approximately 78 metres in width including overrun and deadball zones, which is acceptable standards for Welsh Club Rugby. Pedestrian access to the playing field is through the existing public footpath. A pedestrian gate will be introduced to the existing post and wire fence on the southern boundary. The proposal does not include any significant physical works to the site to implement the sport pitches with site levels to be kept as existing. The proposal also comprises improvements to the existing ground to facilitate better drainage of the fields. The agent has confirmed that the proposal will include rugby posts and has requested that details in relation to the size and scale, materials and finish of the rugby posts are conditioned.

Principle of Development

Policy C1 of the Powys Local Development Plan 2018 seeks to ensure that proposals for community or indoor facilities are within or adjoining a settlement identified in the strategic settlements hierarchy, and that no suitable facility exists nearby which could accommodate the use and the feasibility of multi-use has been considered.

TAN 16 states wherever possible sport and recreation facilities like rugby, football, and athletics stadia should be located in, or adjacent to town centres, on sites which can contribute to town centre vitality and viability and are accessible by a range of transport modes. Wherever possible, walking should be the primary means of access to such facilities, followed by cycling and the use of public transport, with private transport the least favoured option.

This application site is located adjacent to existing playing fields at Ysgol Bro-Hyddgen High School and is located outside the settlement boundary of Machynlleth which is classified as a town within the Powys Local Development Plan 2018. The proposed siting of the sports pitch is located adjoining the settlement boundary and there are no other suitable facilities within the town to accommodate the proposed use. The agent has confirmed that the sports pitch will not be open to general public or any other teams use. The existing school is likely to be subject to a comprehensive redevelopment in the near future and the proposed pitch would also enable integration with that development

at a future date. The proposed development would not be appropriate for multi-use given that the proposal is in connection with a Secondary School.

It is also noted the Powys LDP Open Space Assessment for Machynlleth identifies that there is an under provision of Designated Equipped Playing Space in Machynlleth.

In light of the above, officers consider that the proposed development fundamentally complies with policy C1 of the Powys Local Development Plan 2018.

Design and landscape impact

Policy DM4 of the Powys LDP states proposals for development will also be considered against the impacts they might have on the special qualities or purposes of the adjoining National Parks, and Areas of Outstanding Natural Beauty. When considering development in Powys under Section 62(2) of the Environment Act the Council have a duty to conserve and enhance the wildlife, natural beauty and cultural heritage and historic environment of the Brecon Beacons and Snowdonia National Parks.

With respect to design, specific reference is made to LDP policies DM4 and DM13. This indicates that development proposals will be required to demonstrate good quality design that complements and/or enhances the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. Development proposals must not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape.

The proposed sports pitch is to measure 116 metres in length and 78 metres in width including overrun and dead ball zones. The sports pitch will be finished with hard wearing amenity grass to the surface of the playing field pitch. The proposal also includes a new sliding timber entrance gate to the southern boundary by the existing public footpath.

As noted above the agent has confirmed that the proposal will include rugby posts and has requested that details in relation to the size and scale, materials and finish of the rugby posts are conditioned.

Officers consider that the proposed sports pitch is sited as such that the proposal would not have any unacceptable adverse impact upon the amenities enjoyed by the occupants of the nearest residential neighbouring properties. The proposal does not include any lighting under this application.

The proposed development is considered to be of a scale, height, mass, design and materials that complement and enhance the character and appearance of the existing buildings and of the surrounding area. In light of the above observations, Officers consider that the proposed development is in accordance with policies C1 and DM13 of the Powys Local Development Plan.

Reference is also made to LDP policy DM4 - Landscape. Having assessed the proposed site under LANDMAP, it was evident that evaluation of the site was classified as high. LANDMAP describes the area as a flat open lowland farmland closely associated with the course of the River Dovey, regular small to medium scale field patterns predominantly livestock and dairy farming in a picturesque landscape setting with rolling farmland rising steeply to the north and southern upland moorlands and mountains. Safe, settled with a high proportion of domesticity in its cultivated field pattern and incidence of settlements. Contains the transport routes of the west coast rail line and the A487(T) and A489(T) meeting at Machynlleth and the A470 heading north in the upper valley.

The proposal does not comprise any physical works to levels and only the setting out of the pitches alongside drainage improvements. Visually the existing site is marshy grassland with a post and wire perimeter fence of approximately 1 metre height enhanced with native hedges on the west, north and eastern sides. The proposal will not significantly alter the appearance of the site with the main change relating to the setting out of the pitch. Visually the site will still appear as grassland and as such the impact to the character of the landscape is considered to be negligible. It is noted that to the south of the application site the existing sports pitches include goal posts and rugby posts and therefore the introduction of new rugby posts will not have a detrimental impact on the character and appearance and the landscape of the area.

The development site is situated approximately 600m from the Snowdonia National Park, where the primary objective is the conservation and enhancement of natural beauty. The proposal is unlikely to have an adverse impact on the Snowdonia National Park given its location adjacent to existing sports pitches and its siting is close proximity to existing built development.

Taking the above factors into account, it is not considered that the proposal would have an unacceptable adverse effect on the Powys landscape or Snowdonia National Park. Therefore, it is considered that the proposal complies with the relevant criteria of LDP Policies DM4 and DM13.

Highways Safety and Movement

LDP Policies DM13 and T1 indicate that development proposals should meet all highway access requirements, vehicular parking standards and demonstrate that the strategic and local highway network can absorb the traffic impacts of the development without adversely affecting the safe and efficient flow of traffic on the network or that traffic impacts can be managed to acceptable levels to reduce and mitigate any adverse impacts from the development.

As part of this application process the Highway Authority has been consulted and requested clarification regarding the proposed users of the new sports pitch. The agent has confirmed that the sports pitch will only be used by the existing high school and will not be open for community teams use. The Highway Authority raised no objection to the

proposed development. Maintenance and emergency vehicles will gain access to the site routed from the north of the site via Gas Works Lane. School pupils will access the pitch via the existing public footpath.

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

Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected important sites.

The PCC Ecologist reviewed the proposed plans, aerial images as well as local records of protected and priority species and designated sites within 500m of the proposed development. The data search identified 222 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 bat species; noctule and pipistrelle, hazel dormouse, swift, redstart, goldcrest and common lizard.

No statutory designated sites were identified within 500m of the proposed development. One non-statutory designated site was identified within 500m of the proposed development, Regionally Important Geodiversity Site (RIGS), Ogof-fach road section is approximately 390m from the proposed development.

The PCC Ecologist noted having reviewed the location and nature of the proposed development in relation to the RIGS it is considered that the proposed development would not result in a negative impact to the RIGS and/or its associated features.

The PCC Ecologist noted having reviewed the Ecological Report produced by Vital Ecology dated August 2020. The Ecologist noted the proposed development site and boundaries consisted of marshy grassland, improved grassland, hedgerows and ditch.

The Ecologist noted the proposed development site was assessed for its suitability to support a number of protected species including badger, water vole, otter, bats and birds. The report identifies that the proposed development site and adjacent habitat have potential to support otter, water vole, badgers, bats, birds, amphibians and reptiles. Further otter & water vole surveys were undertaken on 30th July 2020 and great crested newt surveys.

No signs of otter or water voles were observed during the further survey work and it was concluded that no further surveys were required. Two ponds were identified within 250m of the proposed development. Each pond was assessed for their suitability to support great crested newts using a habitat suitability index (HSI). Pond/ditch 1 scored a low HSI (0.13 a poor score) and pond 2 also scored a low HSI (0.13).

The PCC Ecologist acknowledged that the HSI score cannot always be fully relied upon

to confirm absence of great crested newts from waterbodies that score below average, however the areas surrounding the proposed development site do not look to provide favourable terrestrial habitat for great crested newts and a review of records of great crested newts identifies that the closest known record of GCN to the site of the proposed development is over 1km away.

The Ecologist noted no avoidance or enhancement measures have been identified as a result of the surveys however the Ecologist noted that a biosecurity method statement has been submitted with the application in order to identify necessary measure to prevent the ingress of INNS onto the site from elsewhere.

The PCC Ecologist recommended that adherence to the submitted Biosecurity Method Statement is secured through an appropriately worded planning condition.

The PCC Ecologist raised no objection to the development subject to the inclusion of a number of conditions regarding external lighting, biodiversity enhancement plan and to ensure the development in carried out in accordance with the Biosecurity Method Statement produced by Vital Ecology dated August 2020.

In light of the above and subject to the recommended conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Flood Zone

Natural Resources Wales has been consulted on the proposed development and noted NRW flood risk map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial outlines of the River Garsiwn.

NRW noted the Local Planning Authority has indicated that the development falls under general infrastructure within TAN 15 A1.14 and A1.15 and is considered as less vulnerable development for the creation of a recreational area.

NRW have reviewed the revised FCA undertaken by WSP, dated May 2021, reference 8923- FCA-003 submitted in support of the application. NRW noted the FCA demonstrates that flood depths in the 1 in 100 year event plus climate change event range between 0.5-1.25m in depth, and therefore exceed the tolerable conditions set out in TAN15 A1.14 and A1.15.

TAN 15 section 7 states if a development proposal in zone C1, or in C2 if it is defined as being of low vulnerability, meets the test outlined in section 6, the justification will be in the knowledge that those developments will flood and will need to be planned accordingly.

TAN 15, section 11.21 states that proposals for public open space, outdoor recreational uses and agricultural developments, are likely to be acceptable in all areas where there is a risk of flooding.

Therefore, as with all other uses, the application of section 7 will be relevant where flooding is a risk to ensure that the consequences of flooding are considered acceptable and are capable of being effectively managed. Paragraph 11.21 requires the application of TAN15, section 7 and subsequently requires development to be carried out in accordance with Appendix 1 of the TAN (including paragraphs A1.14 and A1.15).

NRW noted the submission of the Flood Management Plan submitted in support of the proposed development dated May 2021 and welcome the proposed measures within the document.

Having considered NRW comments it is noted the proposed development is part of a comprehensive redevelopment of the secondary school submitted by Powys County Council. It is therefore considered the location of the proposed development within a C2 flood zone is justified given its use as a less vulnerable development. It is therefore considered that the proposed development does comply with section 6 of TAN15 given that the development is part of the local authority strategy required to sustain an existing settlement submitted by Powys County Council. It is also acknowledged that a small section of the existing playing fields to the south are within a C2 flood zone.

As noted above section 11.21 states that proposals for public open space, outdoor recreational uses and agricultural developments, are likely to be acceptable in all areas where there is a risk of flooding. Having considered NRW comments and TAN15 advice in respect of recreational uses it is considered that the proposed development is acceptable. The submitted Flood Management Plan demonstrates that the proposal can be managed to mitigate potential flood risk to users as far as reasonably practicable. The Flood Management Plan submitted outlines the flood evacuation route in the unlikely event of unexpected flooding or in the event that Flood Warnings are received either through forecasting or from the Natural Resources Wales flood line, whilst the recreational land is occupied. The flood evacuation route from the site is through the gate to the south, following the pathway across the existing bridges to Ysgol Bro Hyddgen. The evacuation point is located on higher land, outside flood zones and therefore deemed appropriate. It is acknowledged that flood signage will be placed on the access gate to the field in the event of a flood. The Flood Management Plan submitted demonstrates that users of the recreational land in Machynlleth will not be exposed to an unacceptable level of flood risk and will not increase the level of flood risk elsewhere.

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

Neighbouring Amenities

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (SPG 2020) and LDP policy DM13 (Part 11). For developments of this nature considerations of impact on neighbour amenities should include noise and light impact.

PCC Environmental Protection officer has been consulted on the proposed development and noted that the pitch is not intended to be flood lit so the operation will be limited to reasonable daylight. The officer recommended that the use of the pitch is limited until 8pm daily to ensure that the amenity of neighbours is protected in the summer months.

In light of the above and subject to the recommended condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Public Footpath

PCC Countryside Services has been consulted on the proposed development and noted that a public footpath Machynlleth 247/11/1 runs immediately adjacent to the southern boundary of the application site (to access a digital interpretation of the Definitive Map use the link below to view exact location of footpath).

PCC Countryside Services noted from the plans submitted that the proposed works will not affect the footpath and raised no objection to the development subject to the inclusion of an informative note.

In light of the above and subject to the recommended informative note it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Agricultural Land Classification

Planning Policy Wales (11th edition, 2021) outlines national policy towards conserving Wales' Best and Most Versatile (BMV) agricultural land. Further guidance is provided in Technical Advice Note (TAN) 6, including the consultation arrangements with the Welsh Government included at Annex B. The Predictive Agricultural Land Classification (ALC) Map indicates that the application site for the playing field is classified as 'Poor quality agricultural land' (4). Planning Policy Wales (PPW) seeks to protect agricultural and grade 1-3a.

Given the classification of the application site, it is not considered that development on the proposed site would result in the loss of high grade agricultural land, compliant with Planning Policy Wales (11th Edition, 2021).

Mineral Safeguarding

Policy DM8 of the Powys LDP states Mineral Safeguarding Areas have been designated for sand and gravel, sandstone, limestone, igneous rocks and surface coal and these are shown on the Proposals Map.

Non-mineral development proposals within Mineral Safeguarding Areas will only be permitted where it can be demonstrated by the developer that:

1. The mineral resource is not of potential future value; or
2. The development is of a temporary nature and can be completed and the site restored to a condition that would allow for future extraction; or
3. The mineral can be extracted satisfactorily prior to the incompatible development taking place; or
4. Extraction would not meet the tests of environmental acceptability or community benefit as set out in National Policy; or
5. There is an over-riding need in the public interest for the development; or
6. The development is householder development and / or of a very minor nature such as extensions to existing dwellings, and associated development within the curtilage of the property.

The application site is located within a mineral safeguarded area designated for sand and gravel Category 1 Resource. The proposed development is in relation to a change of use of land from agricultural to a sports pitch and therefore considered the proposed development would not hinder any future extraction. It is also considered there is an over-riding need for the proposed development in association with the comprehensive redevelopment of the existing school.

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

Cultural Heritage

Local Development Plan (2018) policy SP7 seeks to safeguard strategic resources and assets in the County, whilst development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that 'In considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses'. The Barnwell Manor case the Court of Appeal made it clear that in enacting

s.66 (1), Parliament had intended that the desirability of preserving the settings of listed buildings should not simply be given careful consideration by the decision-maker for the purpose of deciding whether there would be some harm, but should be given "considerable importance and weight" when the decision-maker carried out the balancing exercise. Therefore, special regard must be given to the desirability of preserving listed buildings and their setting and any harm caused should be given considerable weight within the planning balance.

The proposed development site is located approximately 150 metres away from a number of listed buildings at the Plas (Plas Kennels, Plas boundary wall, Deildy and Gate and Gate Piers at Y Plas). Having considered the proposed development it is noted that intervening buildings and vegetation will block any views from the listed buildings to the application site. It is also noted that existing playing fields with sporting fixtures associated with the Secondary School are located between the application site and the listed buildings. It is therefore considered that the proposed development and any future rugby posts will not cause any harm to the setting of the listed buildings.

The boundary of the Plas Registered Park and Garden is approximately 160 metres south of the application site. Having considered the proposed development it is noted that intervening buildings and vegetation will block any views from the Plas Registered Park and Garden to the application site. It is also noted that the existing playing field at the Secondary School includes goal posts and rugby posts which are in closer proximity to the Plas Registered Park and Gardens than the proposed application site.

Officers therefore consider that the proposed development would not detrimentally impact the setting of the listed building and is in accordance with relevant planning policy and in particular LDP Policy SP7.

RECOMMENDATION

In light of the above and subject to the recommended conditions it is therefore considered that the principle of the development fundamentally complies with relevant planning policy and the recommendation is one of conditional consent.

Conditions

1. The development shall begin not later than five years from the date of this decision.
2. The development shall be carried out in accordance with the following approved plans and documents: Biosecurity Method Statement produced by Vital Ecology dated August 2020, 493-CTF-XX-ZZ-DR-L-0020 Rev P02, 493-CTF-XX-ZZ-DR-L-0021 Rev P02, 493-CTF-XX-ZZ-DR-L-0022 Rev P03, 493-CTF-XX-ZZ-DR-L-0023 Rev P02, 493-CTF-XX-ZZ-DR-L-0024 Rev P03, Flood Management Plan, 493-CTF-XX-XX-RP-L-0001, Drainage Strategy, 8923-FCA-003
3. The development shall be carried out strictly in accordance with the Biosecurity Method Statement produced by Vital Ecology dated August 2020. The identified

measures shall be adhered to and implemented in full and maintained thereafter.

4. No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife in accordance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). The development shall be carried out in accordance with the approved details.

5. Prior to commencement of development, a detailed Biodiversity Enhancement Plan shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

6. No sporting activities shall be undertaken on the sports pitch hereby permitted outside the hours of 07:30 to 20:00 Monday to Sundays.

7. The sports pitch hereby permitted shall be used for the sole use of Ysgol Bro-Hyddgen, Machynlleth.

8. Prior to commencement of development full details of the rugby posts including appropriately scaled drawing, materials and finish shall be submitted to and approved in writing by the Local Planning Authority. The works as approved shall thereafter be completed in full accordance with the details as approved.

9. Prior to commencement of development a plan indicating the positions, height, design, materials and type of boundary treatment to be erected shall be submitted to and approved by the Local Planning Authority. The boundary treatment shall be completed as approved prior to first use of the sports pitch.

Reasons

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

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

3. To comply with Powys County Council's LDP Policy 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

4. To comply with Powys County Council's Policies LDP DM2 and DM7 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 Part 1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

6. To safeguard the amenities of the neighbouring residential properties in accordance with Policy DM13 of the Powys County Council's Local Development Plan (2018).

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

8. To safeguard the character and appearance of the area in accordance with Policy DM13 of the Powys County Council's Local Development Plan (2018).

9. To safeguard the character and appearance of the area in accordance with Policy DM13 of the Powys County Council's Local Development Plan (2018) and to comply with Powys County Council's Policies LDP DM2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Biodiversity

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

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

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

Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000.

Countryside Services

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way.

This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...

- Landscaping & Surfacing – Please seek advice before interfering or surfacing a public right of way.
- New fencing or boundaries – If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure to be installed.
- Temporary closures – If the safety of the public cannot be guaranteed during construction, consideration should be given to applying for a temporary closure of the public right of way.

The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.

For advice, please contact Powys County Council Countryside Services with details of the development at:

rights.of.way@powys.gov.uk

01874 614057

Natural Resources Wales

Flood Risk Activity Permit

Please advise the Applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Garsiwn No2, a designated "main river". Further advice and guidance are available on our website at: http://www.naturalresources.wales/permits-and-permissions/flood-risk-activities/flood-risk_activity-permits-information/?lang=enwww.naturalresourceswales.gov.uk
www.naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk

Other Matters

Our comments above only relate specifically to matters included on our checklist, 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 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. If you have any queries on the above, please do not hesitate to contact us

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other 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. www.naturalresourceswales.gov.uk
www.cyfoethnaturiolcymru.gov.uk Page 6 of 6 Advice for the Developer Works Near Watercourse and Pollution Prevention Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and relevant PPGs. The developer should also take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages. For further guidance please refer to GPP 5 and relevant PPGs at the following link: http://www.netregs.org.uk/environmental-topics/pollution-prevention_guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/ If you have any queries on the above, please do not hesitate to contact us.