

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 20/1314/FUL **Grid Ref:** E: 299115
N: 267747
Community Council: Ystradgynlais Community **Valid Date:** 21.08.2020

Applicant: Mr Matthew Morgan

Location: Land At Brynygroes Farm , Ystradgynlais, SA9 1LF

Proposal: Full planning application for residential development and associated works

Application Type: Full Application

REPORT UPDATE

PCC-(S) Highways – 27th January, 2022

The County Council as Highway Authority for the County Class I Highway, A4067

Wish the following recommendations/Observations be applied
Recommendations/Observations

Thank you for again re-consulting the Highway Authority (HA) on this planning application on land at Brynygroes Farm, Ystradgynlais.

This process follows the decision taken by members of the PROW Committee during its December 2nd meeting, to defer the application in order to allow the applicant further opportunity to address a number of unresolved planning issues, which included matters relating to highway provision. Such highway matters predominantly related to the inadequate levels of off-street parking provision within the site, and a number of other internal layout matters.

The HA notes and welcomes the additional highway information submitted by the applicant since the meeting, which includes amended detail that seeks to address the issues noted by members. In response the HA would comment on each matter as follows.

Parking Provision

The original layout considered by members, showed off-street parking provision to be 26 spaces below the recommended levels set out within the adopted CSS Wales Parking

Standards, although it was noted that the shortfall associated with plots 2 & 3 would have little effect on the main spine road.

In order to address this issue, the applicant has submitted a revised layout for the site, as shown on drawing R491P-03 Rev M, together with a revised parking schedule. The amended detail includes a number of subtle site layout changes, which have enabled an additional 16 off-street parking spaces to be provided. The changes now leaves the site, just 8 spaces below the recommended allocation. To further mitigate this relatively minor 8 space shortfall, the applicant has adjusted the house layouts and further improved the visitor allocation, so that the visitor spaces are largely, sited in close proximity to the affected plots. This arrangement provides compensatory parking for the affected plots, which should reduce any need to park on street.

The revised and improved parking allocation is therefore welcomed by the HA. The amended proposals are considered to largely accord with adopted policy, and as such, the previous highway concerns raised in regards to this matter, have been adequately addressed.

Moving on to the remaining highway issues that were previously raised, the HA comments as follows.

Vehicular access from existing Haul Road.

Whilst no additional information has been received in respect to this item at the time of writing this response, the HA has been advised that additional detail is being prepared and that revised drawings will likely be available before the matter is considered by the PROW Committee.

Notwithstanding the above, the HA has previously confirmed that this matter can be adequately controlled by the imposition of an appropriately worded highway condition. As such, an appropriate condition (condition 4) has been included in the attached list of highway conditions which is appended to this report.

Internal Layout

The revised site layout, as shown on drawing R491P-03 Rev M, now includes an appropriate vehicular turning head on the private road which serves plots 98-102. This feature is welcomed by the HA, as it allows vehicles to both enter and leave the road in a forward gear which reduces the need for vehicles having to reverse significant distances.

Whilst no additional information has been received to date in respect of the turning head provision for Roads 2 & 5 (at present refuse vehicles would be unable to turn if the adjacent car parking spaces are occupied), the HA has been advised that additional detail is being prepared and that revised drawings will likely be available before the matter is considered by the PROW Committee.

Notwithstanding the above, the HA has previously confirmed that this relatively minor matter can be controlled by the imposition of an appropriately worded highway condition. As such, an appropriate condition (condition 1) has been included in the attached list of highway conditions which is appended to this report.

Conclusion

The HA acknowledges and welcomes the revised site layout provided by the developer. The changes, clearly address the most fundamental parking concerns raised by the HA, which were also shared by members of the PROW Committee. As such, the HA is now satisfied that the amended proposals are acceptable, from a highway perspective, subject to the inclusion of the following highway conditions.

Suggested Conditions

1. Notwithstanding the submitted details, within 10 days from the commencement of the development a detailed suite of highway engineering drawings covering the highway works within the site, including those relating to the new culvert, provision of traffic calming measures, appropriate signing and turning head provision shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
2. Notwithstanding the submitted details, within 30 days from the commencement of the development a detailed suite of highway engineering drawings and a completed independent Stage 1 & 2 Safety Audit covering the off-site highway works along the frontage of the A4067 county highway, including the realigned access from the A4067, the active travel link from the A4067 into the site & the Toucan Crossing installation, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
3. The gradient of the access from the A4067 shall be constructed so as not to exceed 1 in 30 for the first 15 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.
4. The gradient of the internal haul road shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining estate road along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
5. No dwelling hereby approved shall be occupied before the off-site highway works detailed in condition 2 above, have been fully constructed to an adoptable standard to the written satisfaction of the LPA. Such works shall include the commissioning of the Toucan Crossing, completion of the realigned access and widened footway links alongside the A4067 and the construction of the active travel footway link from the A4067.
6. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on

the approved drawing R491P-03 Rev M. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence

7. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard, including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling, and to the junction with the existing county highway.
8. No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining A4067 carriageway. The area will be maintained to this standard for as long as the development remains in existence.
9. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
10. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
11. Each private drive shall be surfaced in a suitably bound material, prior to the occupation of each respective dwelling and retained as such for as long as the development remains in existence.

Advisory Notes

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

Note:

All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found in Section 1.5 of the Powys County Council Highway Design Guide.

Note:

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in

Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

PCC-(S) Highways – 28th January, 2022

The following is an updated highway response which should be read in conjunction with the previous, more comprehensive response provided by the HA, dated January 27th, 2022.

The HA has today received additional updated layout drawings and supporting information from the applicant. The submitted detail seeks to address an issue raised by the HA, in relation to the provision of adequate turning provision within the site, specifically those outside plots 43/44 and plots 77/78.

A revised layout drawing R491 P-03 Rev N has been submitted which includes modified turning head provision at the locations referred to above. The turning arms have been elongated and supplementary “Tracking Drawings” have also been provided to demonstrate that a refuse vehicle would now be able to turn freely, without causing conflict with any site features or allocated parking spaces. Whilst the revision has necessitated the relocation of 2 parking spaces, these have been satisfactorily accommodated elsewhere, without any reduction in parking provision.

The HA welcomes the additional detail, and duly advises that this matter is no longer a concern.

Whilst this is a relatively minor matter, two of the previously recommended highway conditions (1 & 6) will need to be amended to reflect the changes and updated drawing number. As such, it is recommended that the following conditions be updated accordingly.

1. Notwithstanding the submitted details, within 10 days from the commencement of the development a detailed suite of highway engineering drawings covering the highway works within the site, including those relating to the new culvert, provision of traffic calming measures and appropriate signing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
6. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing R491P-03 Rev N. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence

All other previously recommended highway conditions remain unaffected.

Officer Appraisal

Highway Authority's Response consideration

A safe access and parking are fundamental requirements of any development and LDP policy DM13 deals with highways issues.

The application was deferred at the 2nd December 2021 Planning Committee due to a number of issues, the majority of which have been addressed in the full committee report. The only outstanding issues included highways issues, and in particular the shortfall in off-street parking and inadequate turning heads within the internal road layout. A number of revised plans were submitted and therefore the above issues have been addressed as follows:

Off-street Parking

At the time of the previous committee, there was a shortfall of parking of 26 spaces as per the guidance given in the CSS Parking Standards.

Further amended plans were submitted, and additional off-street parking spaces (including visitor spaces) have been provided, which the Highway Authority is satisfied with and has recommended revised conditions to accommodate the amendments. Overall, this leaves just a shortfall of eight spaces which is considered by the Highway Authority to be acceptable. It is therefore considered that the off-street parking issue has been adequately addressed and is now in accordance with LDP policy DM13.

Internal road layout

At the time of the previous committee, the Highway Authority had concerns about the internal road layout, in particular because there were inadequate turning heads. Whilst these issues could have been dealt with post-determination via condition, the Highway Authority's would have preferred the issues to have been resolved prior to determination.

Amended plans were submitted and these have since been considered by the Highway Authority to be acceptable and the issues of the internal road layout are now considered to be satisfactory and in accordance with LDP policy DM13. Revised conditions have also been requested.

RECOMMENDATION

In light of the above, it is considered that the proposed application would result in a well-designed development that responds to local needs and is assimilated well within the locality. It is considered that all the elements that concerned members at the previous committee have now been resolved to the satisfaction of the consultees.

It is therefore considered on balance that the proposed development is in accordance with relevant planning policies and the recommendation is therefore 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: R491 P-01, R491 P-02, R491 P-03 N, R491 P-04, R491 P-05, R491 P-06, R491 P-07, R491 P-08, R491 P-09, R491 P-10, R491 P-12, R491 P-13, R491 P-14, , R491 P-15, R491 P-16, R491 P-17, R491 P-18, R491 P-19, R491 P-20, R491 P-21, R491 P-23, R491 P-24, R491 P-25, R491 P-26, R491 P-27, R491 P-28, R491 P-29, R491 P-30, R491, R491 -Schedule of Accommodation, RDS Landscape Plan, Topographic Survey (MW Surveys), C1537_C-SK07 Highway Long Sections Sheet 1 of 2 Rev A, C1537_C-SK08 Highway Long Sections Sheet 2 of 2 Rev B, Toucan Crossing v2-AT05, R491 POS Plan, Tree Survey by ArbTS LTD, Tree Protection Plan, Arboricultural Method Statement, Updated Ecological Survey by Fiona Elphick (21st July, 2019), Ecological Construction Method Statement.

3 No surface water from any increase in the roof area of the building /or impermeable surfaces within its curtilage shall be allowed to drain directly or indirectly to the public sewerage system.

4 Prior to commencement of development, a detailed Construction Method Statement in respect of the control of noise and dust during the construction shall be submitted to the Local Planning Authority and shall be implemented thereafter as approved.

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

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

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

6 No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

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

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

7 No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

8 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures.

The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 7 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

9 The subject site is located in a former coal mining area and ground gas protection measures which meet, as a minimum, Characteristic Situation 2 (CS2)

specifications, as prescribed in BS8485:2015+A1:2019 'Code of Practice for the Design of Protective Measures for Methane and Carbon Dioxide Ground Gases for New Buildings', must be installed.

Appropriately qualified personnel as described in Ciria C735 must verify the installation and qualify the installer. The specification and verification methodologies, for the installation of the ground gas protection measures, must be provided in a Verification Plan (as described in Ciria C735) that is part of the Remediation Strategy and must be approved in writing, by the local planning authority, prior to the commencement of the development.

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

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

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11' and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

11 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

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

12 The development shall be undertaken in strict accordance with the following
i) Section 6 (Recommendations) and Ecological Construction Method Statement, Updated Ecological Survey, Land at Brynygroes, by Fiona Elphick, dated 21st July 2019

- ii) Landscape Masterplan, Drawing no. RS200613-01-03
- iii) Section 6.0 (Arboricultural Method Statement) and Appendix 4 (Tree Protection Plan), Arboricultural Report, by ArbTS Ltd, dated 21st June 2021
- iv) Proposed Access Arrangement & Culvert Works, Drawing no. C-SK13

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

13 Prior to commencement of development (including ground works and vegetation clearance), a Construction Environment Management Plan shall be submitted to the Local Planning Authority and approved in writing. The CEMP shall include but not be limited to the following:

- o Ecological Construction Method Statement
- o Pollution prevention plan
- o Biosecurity risk assessment
- o Tree protection plan
- o Lighting during construction phase
- o Ecological enhancement plan to include number, location and timing of implementation of reptile refugia; and timing of planting, site preparation and aftercare measures.
- o Roles and responsibilities

The approved measures shall be adhered to and implemented in full.

14 Prior to any works being undertaken to trees, a bat survey of affected trees shall be undertaken by a suitably qualified ecologist. The survey shall be undertaken in accordance with Collins, J. (ed) (2016) Bat Surveys for Professional Ecologists: Good Practice Guidelines (3rd edn.) The Bat Conservation Trust, London. Any works shall be undertaken in accordance with expert ecologist and arborist advice and European Protected Species license requirements where appropriate.

15 Access points to facilitate movement of hedgehog and small mammals shall be incorporated into all fencing forming any part of the site boundary or boundary between individual plots. A minimum of one access point comprising gaps of 130mm x 130mm (5" x 5") shall be installed along each fenced aspect of the boundary. If gravel boards are to be used, hedgehog friendly designs shall be used. The access points shall be maintained thereafter.

16 Prior to occupation of any dwelling a Welsh Language and Culture mitigation plan including details of mitigation measures and their implementation of measures shall be submitted to and approved in writing by the local planning authority. The measures to support the Welsh Language and Culture shall be implemented as approved.

17 Prior to commencement of development the development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex B of TAN 2 or any future guidance that

replaces it. The scheme shall include: i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 4 of housing units; ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing; iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)]; iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

18 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development for the Affordable Dwellings identified in Condition 18 above under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

19 Prior to the commencement of development a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the phasing of all housing and infrastructure including (but not limited to) phasing of open market/affordable dwellings, provision of public open space, provision of visitor car parking areas, landscaping/ biodiversity enhancements and associated infrastructure. Development must thereafter be completed in full accordance with the details as approved.

20. Prior to commencement of development a plan for the provision of children's play equipment in the play area shall be submitted for approval in writing by the local planning authority. Thereafter the scheme shall be implemented in accordance with the approved details.

21. Notwithstanding the submitted details, within 10 days from the commencement of the development a detailed suite of highway engineering drawings covering the highway works within the site, including those relating to the new culvert, provision of traffic calming measures and appropriate signing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

22. Notwithstanding the submitted details, within 30 days from the commencement of the development a detailed suite of highway engineering drawings and a completed independent Stage 1 & 2 Safety Audit covering the off-site highway works along the frontage of the A4067 county highway, including the realigned access from the A4067, the active travel link from the A4067 into the site & the Toucan Crossing installation, shall be submitted to and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

23. The gradient of the access from the A4067 shall be constructed so as not to exceed 1 in 30 for the first 15 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.

24. The gradient of the internal haul road shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining estate road along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

25. No dwelling hereby approved shall be occupied before the off-site highway works detailed in condition 22 above, have been fully constructed to an adoptable standard to the written satisfaction of the LPA. Such works shall include the commissioning of the Toucan Crossing, completion of the realigned access and widened footway links alongside the A4067 and the construction of the active travel footway link from the A4067.

26. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved drawing R491P-03 Rev N. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence

27. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard, including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling, and to the junction with the existing county highway.

28. No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining A4067 carriageway. The area will be maintained to this standard for as long as the development remains in existence.

29. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

30. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

31. Each private drive shall be surfaced in a suitably bound material, prior to the occupation of each respective dwelling and retained as such for as long as the development remains in existence.

Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 3 To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.
- 4 To safeguard the amenities of the locality in accordance with policy DM13, section 13 of the Powys Local Development Plan.
- 5 To safeguard the amenities of the locality in accordance with policy DM13, section 13 of the Powys Local Development Plan.
- 6 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 7 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 8 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 9 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 10 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 11 In the interests of land contamination and in order to accord with Local Development Plan policy DM 10.
- 12 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
- 13 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section

6 of the Environment (Wales) Act 2016.

14 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

15 To comply with Powys County Council's LDP Policies DM2, DM4, DM13 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 11, 2021), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

16 In the interests of the Welsh language and culture in accordance with Powys Local Development Plan (2018) policy DM12.

17 In order to control further development which has the potential to have adverse effects on the affordable nature of the dwellings hereby approved in line with policy H5 of the Local Development Plan and Planning Policy Wales.

18 In order to control further development which has the potential to have adverse effects on the affordable nature of the dwellings hereby approved in line with policy H5 of the Local Development Plan and Planning Policy Wales.

19 To safeguard the amenities of the locality in accordance with policy DM13, section 13 of the Powys Local Development Plan.

20. To safeguard the amenities of the locality in accordance with policy DM3 of the Powys Local Development Plan.

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

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

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

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

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

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

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

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

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

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

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

Informatives

1.Dwr Cymru

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption" - 7th Edition.

Further information can be obtained via the Developer Services pages of www.dwrcymru.com. The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

2. During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

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

4. 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 by phone at 0300 065 3000.

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017 (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 2017 (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.

5. Rights of way

- o 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...
- o Landscaping & Surfacing - Advice will need to be sought before interfering or surfacing a public right of way.
- o New fencing or boundaries - The developer will need to seek a licence for a new structure if intending to create a boundary across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- o Temporary closures - The developer can seek a temporary closure of a public right of way from the council if they feel the public may be at risk during development.

Legal Diversion - If development directly affects a public right of way, the developer will need to seek advice and apply for a legal diversion from the Council. No development can take place on a public right of way until a legal order is confirmed and the process may take at least 6 months. For more information please discuss with Countryside Services at the earliest available opportunity.

6. Groundwater

We refer you to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by NRW. In particular, Position Statement

G13 (Sustainable drainage systems) which applies to this development.

Advice on environmental considerations and the assessments needed to support your planning application can be found on our external website.

For advice on how to deal with possible land contamination on your development visit:
[http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/](http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/advice-for-developers/land-contamination/?lang=en)

[advice-for-developers/land-contamination/?lang=en](http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/advice-for-developers/land-contamination/?lang=en)

For advice on how to protect groundwater at your development visit:

<http://naturalresources.wales/guidance-and-advice/business-sectors/planning-anddevelopment/>

[advice-for-developers/protecting-groundwater/?lang=en](#)

Pollution Prevention

Responsibility for preventing pollution rests with those in control of the development. Pollution Prevention Guidance should be read by those carrying out the work. All works at the site must be carried out in accordance with the Guidance for Pollution Prevention and of particular importance to this application is GPP5 'Works in, near or over

watercourses' which is available at:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

If a pollution incident does arise the site must inform us immediately via our incident hotline.

7.Common Land

Please note Powys County Council is not the determining authority, the Planning Inspectorate in Wales is responsible for determining applications on behalf of the Welsh Minister. Application forms and guidance about how to make an application under Section 16 of the Commons Act 2006 are available on the Welsh Government website:

<https://gov.wales/commons-act-2006-apply-under-section-16>

The Registration Authority also recommends the reading of the Welsh Government 'Common Land Consents Guidance' that was published in August 2014. This document is available at the following link:

<https://gov.wales/common-land-consents-guidance>

Land Drainage Advisory

Any proposed alterations, interference or erection of any structure that affects an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be sought at: <https://customer.powys.gov.uk/article/4661/Ordinary-Watercourses-Applying-for-consent-for-works>

Highways

All major off-site highway works shall be subject to an agreement (supported by a road bond) under Section 278 of the Highways Act 1980. The design and detail required as part of a Section 278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 278 requirements can be found

in Section 1.5 of the Powys County Council Highway Design Guide.

Note:

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Sections 2.1 & 2.2 of the Powys County Council Highway Design Guide.

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