



Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: 21/1940/FUL

Grid Ref: E: 305479
N: 261732

Community Council: Llandrindod Wells

Valid Date: 12.11.2021

Applicant: Mr Steve Griffiths

Location: Land East Of Ithon Road, Llandrindod Wells, Powys

Proposal: Residential development comprising 79 residential units, formation of vehicular access, roadways and all associated works

Application Type: Full Application

The reason for Committee determination

The Application has been called in for committee determination by the Local Member due to concerns regarding loss of privacy and visual impact.

Consultee Responses

Consultee

Received

Town Council

13th Dec 2021

We fully support the comments made by Countryside Services.

The Council is encouraging residents to cycle or walk rather than drive short distances and well signed and easy to use rights of way can help in the regard. It would therefore be reasonable to assume that the greater use will be made of the rights of way on the boundaries of the development site, and those slightly further afield as well, when the large number of new residents move in. Against this background the developer could be required to help meet the extra costs of maintaining these rights of way as a result of increase use. Meeting the costs of good signage and self-closing gates in the area might be the most appropriate way to do this.

Additional Consultation Response

22nd Dec 2021

The above application was placed before Llandrindod Wells Town Council at its meeting

held on 21st December 2021 with the following outcome.

The Council supports the application and asks that consideration is taken into the following points which were fed back to Asbri Planning at the pre-planning stage.

We ask the Planning Committee to consider these points prior to making a decision on this application:

In line with the Council's Climate Emergency Declaration the following recommendations are made:

- We fully support housing developments that reflect the Green Agenda i.e, that there should be solar panels fitted as standard and that construction methods be evaluated against their carbon footprint to build and to maintain. This a recommendation for inclusion.
- If trees are removed to make way for construction, we request that two trees should be planted: appropriate carbon enriching varieties native to the area on a 'right tree right place' basis and either planted on site or within the town boundary
- We expect all heating systems be moved from carbon based oil and gas to methods such as air or ground source heat pumps.
- We expect stringent insulation standards should be applied to any construction for human habitation that ensures minimal use of energy.

The following comments were also agreed:

- This appears to be an overdevelopment of the site, dwellings appear to be crushed in.
- Also concerns over the size of the dwellings in relation to growing trend for home working.
- The proposed new access to the site placing additional pressure on the busy Ithon Road.
- There is no inclusion of a play area.
- Additional pressure to be placed on schools and concerns over the lack of school placements available.
- The existing infrastructure in Llandrindod Wells with regard to emergency, health and other services is already stretched. This is a major concern.

- Concern was expressed over the lack of street lighting on the approach road. Consideration needs to be taken on the installation of additional lighting.

PCC-Building Control

29th Nov 2021

Planning application 21/1940/FUL will require a building regulation application, should you require any further information please do not hesitate to contact me.

Ward Councillor

3rd Dec 2021

Due to the concerns raised by residents about this application I wish to exercise my right to call in this application for consideration by the planning committee,

Additional comments received

6th Dec 2021

Two planning reasons raised to myself have been loss of privacy and visual impact.

PCC - Contaminated Land

2nd Dec 2021

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

PCC - (M) Highways

10th Dec 2021

Existing and Proposed Trip Generation & Existing Road Network

This proposal is supported by the submission of a Transport Statement which considers the existing highway network characteristics in the vicinity of the site, including provision for cyclists, pedestrians and public transport, and the potential impacts on the network post-development. The projected vehicular movements generated by this proposal, the distribution of that traffic and the effects of such on the existing network is projected to have a "marginal impact" on the existing network during the more critical peak hour periods. The Highway Authority is satisfied that the conclusions contained within the Transport Statement are robust and that the potential impacts the site may have on the surrounding highway infrastructure is likely to be marginal. As such it raises no concerns in this regard.

Site Access

The site is to be accessed directly off the A4081, a new 40mph "buffer zone" has recently been installed along Ithon Road which covers the new access point. The newly developed frontage and introduction of the 40mph buffer should promote a street frontage

which should further help reduce speeds at this location. The proposed access allows suitable levels of visibility along the A4081. Internal roads serving the site are to incorporate a 20 mph Zone.

Active Travel

Comments have been provided by the councils Active Travel Officers, these comments include the following point:

- o Either side of the development there are shared use paths (one from the school to youth centre, one alongside Ithon Road) and both have been identified on the ATNM as in need of improvement. So with this development it would be expected to see connections to both and, as far as possible, improvements to those paths (at least the sections which meet the development link).

- o Whilst we appreciate the link within the development there is a lack of opportunity taken with regards the local network and would want to see a link from the end of the development paths to connect with the school which currently can only be accessed via a narrow footway on Ithon Rd

Furthermore, drawing number A122 shows a footway link between plots 59 and 60, however this leads to a dead end and does not connect to anything. A link to the existing footpath to the east of the application site should be provided.

Internal layout

Detailed longitudinal drawings have been submitted to demonstrate the appropriateness of the proposed internal highway layout in terms of gradients.

Most of the roads have straight sections, in excess of 50m, which is not conducive to restricting speeds to below 20mph. Horizontal deflections are preferable, but as the general layout makes this extremely restrictive, vertical deflections/ traffic calming will be necessary, either by tabletop junctions, or speed cushions.

The initial 10m of road 1 is shown at 1:30 which is acceptable, however R1 is shown to be extending some 260m. A raised table and priority junction where it connects to Road 2 is required which is around chainage 70. An appropriate gradient and raised table feature at this point (1:20) will be required. A similar feature at Road 4 should also be provided.

No vehicle turning head is provided alongside plot 29.

Car Parking Arrangements

This application site is adjacent to an earlier site along Ithon Road which provided appropriate levels of parking.

3.4.1 of the submitted Transport Statement states that 'Car parking at the proposed development will be provided in accordance with Powys's adopted Car Parking Standards 2017 for both residents and visitors.' However, the report goes on to say in point 3.4.4 that 'it is proposed to provide a total of 136 residential car parking spaces which is below the maximum provision'. This is considerably below the requirement of CSS Wales Parking Standards 2014.

Parking for the 1 and 2-bedroom properties are in line with CSS Wales however parking for properties with 3 and 4 bedrooms have a reduction of 1 parking bay each, resulting in an overall reduction of 27 parking bays throughout the site.

Furthermore, the Highway Authority notes absence of visitor parking bays for the development, however the internal site layout has been designed to 5.5m width with 2m footway on both sides. This is generally in line with CSS Wales and a 5.5m carriageway width does cater for on street visitor parking (See 8.3.21 MfS 1). There are numerous places within the site layout where visitors can park on-street.

On this basis, it has been concluded that the provision of visitor parking on-street is acceptable.

In light of the above the Highway Authority requests that parking for each dwelling is increased inline with CSS Wales. Whilst visitor parking can be catered for on road the reduction in dwelling parking in addition to this will lead to a sea of on road parking making passing for moving vehicles difficult and a detriment to highway safety. If a reduction is considered necessary by the applicant, it must be proven that they demonstrate sustainability in line with the requirements of the sustainability calculator within the CSS document.

Once this has been addressed further analysis of the parking areas will be carried out.

Highway Surface Water Drainage

The surface water drainage strategy for the roads within the site is duly noted. The suitability or otherwise of the scheme is a matter that needs to be determined by PCC Land Drainage Department before this application is determined. The applicant is advised that a suitable surface water adoption agreement must be in place before a road adoption agreement can be secured.

Furthermore, the following additional information will need to be submitted for

consideration:-

- o Full engineering drawings, showing carriageway and footway dimensions, bend radii, and internal junction visibility splays are required - need to show forward vis at R1 plot 24 & also Road 2 plots 70 & 71.
- o Swept path diagrams of the turning heads demonstrating adequate turning provision for a standard PCC refuse vehicle have been provided within the Transport Statement however the turning head provision is very short. More detailed drawings at 1:250 scale are requested.
- o The applicant has provided some indicative cross sections which are sufficient at this stage, however more detailed sections will be required at the engineering stage.
- o The engineering detail shown on the External works layout drawing is sufficient for planning purposes, however the applicant needs to detail both junction and forward vis chords.

Additional comments received

10th Jan 2022

The County Council as Highway Authority for the County Class I Highway, A4081Wish the following recommendations/Observations be applied

Thank you for consulting the Highway Authority on this matter.

Existing and Proposed Trip Generation & Existing Road Network

This proposal is supported by the submission of a Transport Statement which considers the existing highway network characteristics in the vicinity of the site, including provision for cyclists, pedestrians and public transport, and the potential impacts on the network post-development. The projected vehicular movements generated by this proposal, the distribution of that traffic and the effects of such on the existing network is projected to have a “marginal impact” on the existing network during the more critical peak hour periods. The Highway Authority is satisfied that the conclusions contained within the Transport Statement are robust and that the potential impacts the site may have on the surrounding highway infrastructure is likely to be marginal. As such it raises no concerns in this regard.

Site Access

The site is to be accessed directly off the A4081, a new 40mph “buffer zone” has recently been installed along Ithon Road which covers the new access point. The newly

developed frontage and introduction of the 40mph buffer should promote a street frontage which should further help reduce speeds at this location. The proposed access allows suitable levels of visibility along the A4081. Internal roads serving the site are to incorporate a 20 mph Zone.

Active Travel

Comments have been provided by the councils Active Travel Officers, these comments include the following point:

- Either side of the development there are shared use paths (one from the school to youth centre, one alongside Ithon Road) and both have been identified on the ATNM as in need of improvement. So with this development it would be expected to see connections to both and, as far as possible, improvements to those paths (at least the sections which meet the development link).
- Whilst we appreciate the link within the development there is a lack of opportunity taken with regards the local network and would want to see a link from the end of the development paths to connect with the school which currently can only be accessed via a narrow footway on Ithon Rd

Furthermore, drawing number A122 shows a footway link between plots 59 and 60, however this leads to a dead end and does not connect to anything. A link to the existing footpath to the east of the application site should be provided.

Internal layout

Detailed longitudinal drawings have been submitted to demonstrate the appropriateness of the proposed internal highway layout in terms of gradients. Most of the roads have straight sections, in excess of 50m, which is not conducive to restricting speeds to below 20mph. Horizontal deflections are preferable, but as the general layout makes this extremely restrictive, vertical deflections/ traffic calming will be necessary, either by tabletop junctions, or speed cushions. The initial 10m of road 1 is shown at 1:30 which is acceptable, however R1 is shown to be extending some 260m. A raised table and priority junction where it connects to Road 2 is required which is around chainage 70. An appropriate gradient and raised table feature at this point (1:20) will be required. A similar feature at Road 4 should also be provided.

No vehicle turning head is provided alongside plot 29.

Car Parking Arrangements

This application site is adjacent to an earlier site along Ithon Road which provided appropriate levels of parking.

3.4.1 of the submitted Transport Statement states that 'Car parking at the proposed development will be provided in accordance with Powys's adopted Car Parking Standards 2017 for both residents and visitors.' However, the report goes on to say in point 3.4.4 that 'it is proposed to provide a total of 136 residential car parking spaces which is below the maximum provision'. This is considerably below the requirement of CSS Wales Parking Standards 2014.

Parking for the 1 and 2-bedroom properties are in line with CSS Wales however parking for properties with 3 and 4 bedrooms have a reduction of 1 parking bay each, resulting in an overall reduction of 27 parking bays throughout the site.

Furthermore, the Highway Authority notes absence of visitor parking bays for the development, however the internal site layout has been designed to 5.5m width with 2m footway on both sides. This is generally in line with CSS Wales and a 5.5m carriageway width does cater for on street visitor parking (See 8.3.21 MfS 1).

There are numerous places within the site layout where visitors can park on-street.

On this basis, it has been concluded that the provision of visitor parking on-street is acceptable.

In light of the above the Highway Authority requests that parking for each dwelling is increased inline with CSS Wales. Whilst visitor parking can be catered for on road the reduction in dwelling parking in addition to this will lead to a sea of on road parking making passing for moving vehicles difficult and a detriment to highway safety. If a reduction is considered necessary by the applicant, it must be proven that they demonstrate sustainability in line with the requirements of the sustainability calculator within the CSS document.

Once this has been addressed further analysis of the parking areas will be carried out.

Highway Surface Water Drainage

The surface water drainage strategy for the roads within the site is duly noted. The suitability or otherwise of the scheme is a matter that needs to be determined by PCC Land Drainage Department before this application is determined. The applicant is advised that a suitable surface water adoption agreement must be in place before a road adoption agreement can be secured.

Furthermore, the following additional information will need to be submitted for consideration:-

- Full engineering drawings, showing carriageway and footway dimensions, bend radii, and internal junction visibility splays are required - need to show forward vis at R1 plot 24 & also Road 2 plots 70 & 71.
- Swept path diagrams of the turning heads demonstrating adequate turning provision for a standard PCC refuse vehicle have been provided within the Transport Statement however the turning head provision is very short. More detailed drawings at 1:250 scale are requested.
- The applicant has provided some indicative cross sections which are sufficient at this stage, however more detailed sections will be required at the engineering stage.
- The engineering detail shown on the External works layout drawing is sufficient for planning purposes, however the applicant needs to detail both junction and forward vis chords.

Additional comments received

16th Sept 2022

The County Council as Highway Authority for the County Class I Highway, A4081

Wish the following recommendations/Observations be applied
Recommendations/Observations

Thank you for reconsulting the Highway Authority (HA) on this planning application at "Land East of Ithon Road, Llandrindod Wells, Powys".

The HA provided its original response to this application on 22nd December 2021, and that response concluded that, fundamentally, the development was acceptable from a highway perspective. Based on the detail submitted, the HA were satisfied that the additional traffic generated by the development, could easily be absorbed on the existing network, and that the proposed means of vehicular access from the A481 county highway, was acceptable, subject to the imposition of appropriate conditions.

Notwithstanding the above, the HA did also raise a number of issues with regards to Active Travel provision, internal highway provision and off-street parking provision, and it is those outstanding matters which this response will seek to explore and address.

Active Travel (AT)

The initial feedback provided by our internal AT department, concluded that the development did not offer sufficient links to the existing AT network which adjoin the site.

To address that feedback, the applicant has extended the AT link to the south of the site, between plots 59 & 60. That link will now form a direct link with the existing public right of way, which runs along the eastern boundary of the site, and it will provide a more direct link to the adjoining high school and community facilities. The amended proposal has been shared with AT colleagues, who have confirmed that the revised proposals are now acceptable from an AT perspective.

Car Parking Arrangements.

The original site layout incorporated plot parking provision (off street), which was 27 spaces below the recommended levels stipulated within the adopted CSS Wales Parking Standards. Essentially the developer sought to reduce the parking provision for 3- & 4-bedroom properties, suggesting that just 2 spaces, instead of the recommended 3 spaces, would be acceptable. The HA opposed such a reduction in plot parking, as it had already agreed to visitor parking being accommodated on street and therefore, it was contended that a further reduction of 27 plot parking spaces (off-street), would undoubtedly result in significant levels of inconsiderate on-street parking across the site.

Following extensive discussions on this topic, the HA is pleased to note that a revised parking layout has been submitted by the applicant, as shown on Drawing A123 Rev R. The revised layout now provides plot parking (off street), which is in full accordance with the approved CSS Wales Parking Standards, and it notes, that the amended layout does not result in a reduction of dwelling numbers. Accordingly, the revised parking proposals are welcomed by the HA, and are now considered acceptable.

Internal Layout

Road Alignment

The HA did previously raise concerns about the proposed road alignment, as there are many straight sections of road with limited horizontal deflections, which would not naturally enforce the requisite 20mph design speeds. In response, the applicant has produced drawing S.7776-02 Rev A, which details the provision of "Raised Table" traffic calming features, at three separate locations across the site. Whilst these measures are not detailed on the General Arrangement drawing, the HA is satisfied that the provision of such can be incorporated into the scheme, and they would ensure that speeds are kept within the 20mph range. The HA is therefore satisfied that this matter can be addressed by the imposition of a suitable

condition.

Turning Heads

Whilst the additional swept path drawings submitted in support of the 3 turning heads are noted, the controlled simulated turning movements are nonetheless, extremely constrained, with vehicular body movements “oversailing” the adjoining footways at various locations.

The HA contends that there is very little merit in providing such constrained turning heads, when there is clearly space around each feature to lengthen them by circa 2metres. The HA will therefore recommend the imposition of a suitable condition to ensure that this matter is duly amended during the engineering approval stage.

Conclusion

The HA is satisfied that the revised submission, generally addresses the original concerns raised. It is therefore recommended that the following highway conditions be included within the decision notice, should this application be approved.

- No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
- No other development shall commence until the vehicular access has been constructed in accordance with approved drawing A122 Revision K so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

- Before any other development is commenced the vehicular access shall be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
- The gradient of the vehicular access 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.
- 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 A122 revision K. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
- No dwelling hereby approved shall be occupied before the estate road, footways and footpath links are constructed to an adoptable standard (to binder course level, including the provision of any salt bins, surface water drainage and street lighting) within each respective phase of the development and to the junction with the existing county highway.
- No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.
- 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.
- 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.
- Each private drive shall be surfaced in a suitably bound material, prior to the occupation of that dwelling and shall be retained as such for as long as the

development remains in existence.

- Notwithstanding the submitted details, within 10 days from the commencement of the development' detailed highway engineering drawings covering the highway works within the site, including the provision of appropriate turning heads, traffic calming measures in accordance with detail contained on submitted drawing S.7776-02 Rev together with appropriate signing, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details of construction.

PCC – Schools Service

No comments received at the time of writing this report.

PCC – Affordable Housing

No comments received at the time of writing this report.

PCC – Planning Policy

No comments received at the time of writing this report.

PCC – (S) Land Drainage

No comments received at the time of writing this report.

PCC – Countryside Services Manager

26th Jan 2022

With regards to the Planning Application Notification 21/1940/FUL – 79 dwellings at Land East of Ithon Road.

Powys County Councils Countryside & Outdoor Recreation Services (C&ODR) preferred situation would be for any developer to provide, manage and maintain their own fixed play facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

Powys County Councils, Countryside & Outdoor Recreation Service will only ask for a Section 106 contribution, if the proposed developer should/will not provide suitable play provision for their residents, under the LAP, NEAP & LEAP planning arrangements included in the Six Acre Standard as set out by the Fields in Trust.

To reiterate, if the developer decided not to provide adequate play space on their land, and if Powys County Council does have a play facility with fixed play equipment within a short distance (TBC), then the Countryside & Outdoor Recreation Service would seek a

monetary package to upgrade the Services nearest existing playing field or playground.

I would suggest on this occasion because PCC has got a play facilities in the area, if any 106 contributions for play is available, then the offer should go to Powys County Council, Countryside & Outdoor Recreation department who own and maintain the nearest public play facility.

PCC – Ecologist

15th Dec 2021

Holding objection - further information is required

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 2km:

- o River Ithon Site of Special Scientific Interest (SSSI) - approximately 120m from development
- o Crabtree Green Meadow SSSI - approximately 445m from development
- o Llanfawr Quarries SSSI - approximately 890m from development
- o Gweunydd Coch-Y-Dwst SSSI - approximately 1.3km from development
- o Lake Wood SSSI - approximately 1.3km from development

- o Moorlands Pastures SSSI - approximately 1.4km from development
- o Bach-Y-Graig Stream Section SSSI - approximately 1.6km from development
- o Pentrosfa Mire SSSI - approximately 1.8km from development
- o River Wye Special Area of Conservation (SAC) - approximately 120m from development

Non-statutory sites within 2km:

- o Llanfawr Regionally Important Geodiversity Site (RIGS) - approximately 890m from development
- o Lake Park Local Nature Reserve (LNR) - approximately 890m from development
- o Gorse Farm Wildlife Trust Reserve (WTR) - approximately 1.4km from development
- o Pentrosfa Mire WTR - approximately 1.8km from development
- o Multiple Ancient Woodland (AW) sites are located within 2km of the development

Records of protected and/or priority species identified within 2km? Yes

Comments:

The application is informed by the following information:

- o Harris, A. (02 November 2021) Ecological Impact Assessment, Project: Land off Ithon Road, Llandrindod Wells, Version2. Ecological Services Ltd.
- o Harris, A. (25 May 2021) Great Crested Newt Survey, Project Title: Ithon Road. Ecological Services Ltd.
- o Lucocq, S. (28 October 2021) Arboricultural Report, Project Reference - ArbTS_394.7_IthonRoad. ArbTS Ltd
- o Asbri (April 2021) Pollution Prevention Plan. and to the east of Ithon Road (Phase 3, 4 & 5), Llandrindod Wells.
- o Whelan, MP. (09/04/2021) Construction Method Statement And Environmental Protection Statement, Llandrindod Phase 3. Hale Construction.

Ecology survey effort and methods employed in accordance with current national

guidelines? Yes

The Ecological Impact Assessment (EclA) builds on a previous survey submitted to inform 19/0021/FUL. The majority of the site comprises semi-improved grassland with a small area of bramble scrub and scattered trees present. A tree-line borders the western boundary and post and wire fencing forms the four remaining boundaries. The report identifies potential impacts to hedgerow, reptiles, nesting birds, bats and the River Ithon SSSI/ River Wye SAC. (The second version of the report documents changes to the proposed biodiversity enhancements only.)

There is potential for reptiles and nesting birds to be present on site and impacted by the proposal. Appropriate mitigation measures to avoid harm to reptiles and nesting birds during the construction phase have been provided and should be adhered to.

The EclA identified bat roosting potential on two trees along the western boundary and mitigation measures have been provided should either tree need to be removed. The Arboricultural Report identifies that several ash trees in poor health along the boundary will be felled and replaced and the remaining woody hedgerow sections pruned or re-laid. An oak tree at the new site access will be retained, which is welcome. In order to ensure that bats are protected during the tree works the mitigation measures should be clearly referenced within the Tree Protection Plan and Arboricultural Method Statement. It is noted that PCC Highways are yet to comment on the proposal. Should modifications to the access be required the Tree Protection Plan and Method Statement will need to be updated to reflect any further loss tree and/or any additional hedgerow length. Compensation planting will need to be adjusted accordingly.

The proposal will result in the confirmed loss of approximately 12m of hedgerow, a priority habitat; 9m for the vehicular access and 3m for pedestrian access along Ithon Road. Compensatory planting will be required and sufficient new hedgerow sections have been incorporated within the new development.

Assessment of a known pond approximately 125m from the development site identified that the pond is not suitable for breeding great crested newts and no evidence of their presence was detected.

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area. Any external lighting proposed will need to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be

found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>

Pollution prevention measures have been identified to protect the environment including the River Ithon SSSI/River Wye SAC. The approved measures will need to be secured through an appropriately worded planning condition. Adherence to measures within the Construction Environment Management Plan (CEMP) will also prevent negative impact to biodiversity including the river. It is not clear from the submitted Plant, Vehicle and Pedestrian Management Plan Llandrindod Wells Phase 3 Project where the welfare/office and car parking will be accommodated when Plots 31-16 are constructed. If it is proposed to use other adjacent land between the development and the river this must be identified.

Submitted information identifies that the development will connect to the main sewer network in accordance with planning circular 008/2018. Discharge will be to Llandrindod Well WwTW which is known to be fitted with phosphate removal technology. NRW's comments of 07/12/2021 identify that further information will be required from DCWW and the applicant to confirm that the WwTW can accept the additional wastewater volume and phosphate as well as that of other proposed connections and remain within the permitted limits.

In the absence of necessary information regarding either acceptable discharges to WwTW or approved measures to mitigate effects of phosphorus from the proposal, the LPA will be unable to undertake the legally required Habitat Regulations Appropriate Assessment (AA) and conclude with sufficient certainty that the proposal would not result in an adverse effect on the integrity of the River Wye SAC. Granting of planning consent in the absence of an AA, or where an AA concludes that an adverse effect on the integrity of the SAC cannot be ruled out, risks contravention of The Conservation of Habitats and Species Regulations 2017 (as amended), and would be contrary to Powys LDP Policy DM2, Planning Policy Wales, TAN 5 and The Environment (Wales) Act 2016.

Biodiversity enhancement:

A total of 14 integrated nest boxes and 4 bat tubes will be installed across the development, which is welcome. It is also proposed to plant additional hedgerow (part compensation) and a range of trees and shrubs beneficial to wildlife, as well as wildflower areas. The measures are welcome and sufficiently detailed Landscaping Plans have been provided.

Further information required prior to determination:

- i. Details regarding mitigation of phosphorous discharges to Llandrindod Wells WwTW from the current proposal and other proposed and consented-but-not-commenced

developments to inform a Habitat Regulations Assessment.

ii. Confirmation of whether additional land is required to accommodate works compound, contractor parking, etc. To include location details and any temporary/permanent surfacing requirements.

iii. A revised Tree Protection Plan and Arboricultural Method Statement to include reference to the bat mitigation measures identified within the EclA report and any highway access amendments.

Additional Consultation Response

1st Jun 2022

Recommendation:

No objection – subject to planning conditions and/or planning obligations

Policy background:

- Planning Policy Wales, Edition 11, 2021
- Technical Advice Note (TAN) 5
- Powys Local Development Plan 2011 – 2026:
 - DM2 – The Natural Environment
 - DM4 – Landscape
 - DM7 – Dark Skies and External Lighting
- Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- The Conservation of Habitats and Species Regulations 2017 (as amended)
- Environment (Wales) Act 2016

Comments:

Previous comments provided 14/12/2021.

I have reviewed the updated Arboricultural Report and welcome details of bat mitigation measures included on the Tree Protection Plan. It is recommended that adherence to the revised details is secured through a planning condition.

It is also confirmed that the existing area to accommodate contractors' car parking, works compound, etc. is expected to be sufficient for the entire construction phase.

I note the submission of revised Landscaping Plans and have no further comments to make.

DCWW have confirmed that in line with their current phosphate permit, there is capacity to accept foul flows and phosphate from the proposed development. However, the LPA has been advised by NRW that the permit for Llandrindod Wells WwTW has not been subject to Appropriate Assessment under the Habitat Regulations by NRW, nor assessed in line with the revised water quality standards for the River Wye SAC. Therefore, a Habitats Regulations Assessment (HRA) Test of Likely Significance has been undertaken to establish whether the proposed development could result in a likely significant impact

to the River Wye SAC and/or its associated features. The HRA screening concluded that a likely significant effect to the River Wye SAC and/or its associated features could not be ruled out. This conclusion was reached by assessing the proposed development in the absence of mitigation as required by recent CJEU ruling. An Appropriate Assessment of the application has, therefore, been undertaken to determine whether the proposed development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to inclusion of appropriate planning conditions the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objectives. I have attached a copy of the Habitat Regulations Appropriate Assessment report.

In accordance with the requirements of the Regulations, NRW as the Statutory Nature Conservation Body will need to be consulted to confirm that they are in agreement with the conclusion of the Appropriate Assessment.

The following condition must be applied to any consent to secure the proposed mitigation measures identified within the Appropriate Assessment (subject to NRW comment):

- 1) The development shall be undertaken strictly in accordance with the submitted Pollution Prevention Plan, Land to the east of Ithon Road (Phase 3, 4 & 5), Llandrindod Wells, by Asbri, dated April 2021 and Construction Method Statement And Environmental Protection Statement, Llandrindod Phase 3, by Hale, dated 09/04/2021. The measures identified shall be adhered to and implemented in full.

- 2) No dwelling hereby approved shall be connected to any means of foul disposal nor occupied for human habitation until certification is submitted to and approved in writing by the Local Planning Authority which confirms that Dwr Cymru Welsh Water has completed the planned AMP7 (2020-2025) to meet the revised JNCC water quality standards improvements to Llandrindod Wells WwTWS and holds a phosphate permit and is able to accept the foul flows from the development.

Subject to inclusion of the conditions above and below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions above and below is recommended

1. The development shall be undertaken in strict accordance with the mitigation, compensation and enhancement measures identified in Sections 4 and 5 of Ecological Impact Assessment, Project: Land off Ithon Road, Llandrindod Wells,

Version2, dated 02 November 2021, by Ecological Services Ltd. The measures identified shall be adhered to and implemented in full.

2. The development shall be undertaken in strict accordance with the Tree Protection Plan and Arboricultural Method Statement in the Arboricultural Report, Project Reference – ArbTS_394.7_IthonRoad, dated 26th January 2022 by ArbTS Ltd. The measures identified shall be adhered to and implemented in full.
3. The development shall be undertaken in strict accordance with the Planting Plan 1 of 3, Drawing no. 02.1; Planting Plan 2 of 3, Drawing no. 02.2 and Planting Plan 3 of 3, Drawing no. 02/3, by Fiona Cloke Associates. The measures identified shall be adhered to and implemented in full and maintained thereafter.
4. The development shall be undertaken in strict accordance with the Biodiversity Enhancement Layout, Drawing no. A150, Revision G, by Chamberlain Moss King. The measures identified shall be adhered to and implemented in full.
5. 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, including bats and otter, 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 LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informatives:

The following advice for the applicant is also considered appropriate

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.

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:

- *Intentionally kill, injure or take any bats.*
- *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:

- *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.

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 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.

Reptiles – Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

Additional Consultation Response

16th Aug 2022

Previous ecology comments provided 14/12/2021 and 01/06/2022.

Amended plans including landscaping and biodiversity enhancement details have been provided following revision to the site design. Having reviewed the documents it is advised that previous comments of 01/06/2022 and recommended planning conditions remain valid but conditions 3 and 4 should be amended to require adherence to the latest documents:

3. The development shall be undertaken in strict accordance with the Planting Plan 1 of 3, Drawing no. 02.1, Rev. B; Planting Plan 2 of 3, Drawing no. 02.2, Rev. B and Planting Plan 3 of 3, Drawing no. 02/3, Rev. B by Fiona Cloke Associates. The measures identified shall be adhered to and implemented in full and maintained thereafter.

4. The development shall be undertaken in strict accordance with the Biodiversity Enhancement Layout, Drawing no. A150, Revision J, by Chamberlain Moss King. The measures identified shall be adhered to and implemented in full.

PCC – Environmental Protection

27th Jan 2022

Environmental Protection would like to request the following information.

As phase 3 units 59 to 67 are adjacent to the all-weather pitches, which are floodlit, can the applicant advise what, if any mitigation measures have been undertaken and demonstrate that any light spillage from the floodlights will not cause nuisance to potential occupants.

Additional Consultation Response

2nd Sept 2022

Having considered the submitted documentation, including the recently updated Lighting design and its recommendations, Environmental Protection are satisfied that all concerns have been addressed withing the Construction Method statement.

I would suggest an addition to the working hours being,

No construction work to be undertaken on a Sunday or Bank Holiday.

Natural Resources Wales (Mid Wales) DPAS

7th Dec 2021

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

- o CEMP (document titled 'Construction Method Statement and Environmental Protection Statement Llandrindod Phase 3' by Hale dated 9/4/2021

Please note, without the inclusion of this document we would object to this planning application. Further details are provided below.

Foul Drainage - Habitat Regulations Assessment and phosphate sensitive catchment The application site is within the catchment of the River Wye Special Area of Conservation (SAC). On the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. As part of this package, we issued a Planning Position Statement, in which we advised that any proposed development that might increase the amount of phosphate (or phosphorus) within a river SAC catchment could lead to damaging effects to the SAC. Therefore, such proposals should be screened through a Habitats Regulations Assessment (HRA), to determine whether they are likely to have a significant effect on the SAC.

Section 7.18 'Phosphate' of the 'Planning Statement' by Asbri dated October 2021 confirms they have discussed connecting the proposed development to the mains sewer, and Dŵr Cymru Welsh Water (DCWW) have confirmed there is capacity to receive the additional foul flows to their system, which includes phosphate stripping. Provided that DCWW ratify by confirming they are currently and will with the addition of the

development continue to operate within the bounds of their extant permit, then the proposal is unlikely to increase the amount of phosphorus entering the catchment. We would advise that the development is considered alongside other proposals connecting to the identified wastewater treatment works (WwTW) to inform your HRA in-combination assessment. Provided that the in-combination assessment also confirm that the WwTW will remain to operate within its permit limits, then we are satisfied that the proposal is not likely to affect the integrity of the River Wye SAC.

Construction Environmental Management Plan (CEMP)

As stated above, the proposed development is approximately 127m from the River Wye SAC and River Ithon SSSI. We have reviewed the CEMP (document titled 'Construction Method Statement and Environmental Protection Statement Llandrindod Phase 3' by Hale dated 9/4/2021) submitted with this consultation.

We advise this document must be listed in the condition for implementation, should consent be granted. This is to ensure the proposed pollution prevention measures are implemented.

The work must take place in accordance with this plan, to protect the interests of the protected sites and to inform the HRA.

Protected Species

Great crested newts (GCN) and bats are protected under the Wildlife and Countryside Act 1981 (as amended) and the Conservation of Habitats and Species Regulations 2017 (as amended).

We have reviewed the document titled 'Great Crested Newt Survey', planning ref.

20/0132/PRE dated 25/05/2021. The report considers the potential impacts of the proposal on a pond located 125m away to the east of the application site in a small area of woodland.

The report assesses the pond and states it has a poor habitat suitability for GCN. The report concludes stating '...that GCN are not present within or directly adjacent to the proposed development site at the time of the survey.'

As such, we do not have concerns for the development of this site in terms of impacts on GCN species.

We have reviewed the document titled 'Ecological Impact Assessment' by EcoLocial

Services Ltd. version 2 dated 2/11/2021 submitted with this consultation. The report states 'No evidence of the presence of roosting bats has been found within the proposed site boundary. However 2 trees along the western boundary have been highlighted as having low potential for roosting use by bats due to the presence of ivy along the trunk.'

The recommendations made in section 4.4 of the report must be implemented, to avoid potential adverse impact on bat species. Your Authority must ensure that there is sufficient scope within any planning permission issued to allow the recommendations to be implemented. Care should be taken in the type and location of any external lighting. Should any external lighting be proposed, a light spillage scheme should be submitted and agreed to the satisfaction of the Local Planning Authority.

Surface Water Drainage

We advise the Lead Local Flood Authority must be consulted for their advice on matters of surface water drainage.

The surface water management scheme must consider the River Wye SAC and River Ithon SSSI protected sites, and how pollution to these protected sites will be prevented.

Geotechnical Survey Report

We have reviewed the document titled 'Phase 1 Desk Study Report Ithon Road Phase 3', Job No. 15867 by Terra Firma dated March 2021 submitted with this consultation.

We do not have any comments to provide on this report.

Additional Consultation Response

24th Jun 2022

Thank you for consulting NRW on a copy of the document titled 'Habitat Regulations Assessment Record' in relation to the proposal under reference 21/1940/FUL for 'Residential development comprising 79 residential units, formation of vehicular access, roadways and all associated works.' in relation to the River Wye/Afon Gwy Special Area of Conservation (SAC).

The document concludes, with the imposition of conditions, that the proposed development is unlikely to cause adverse effects on this SAC.

We have no further comments to provide.

WG – Highways Directorate

18th Feb 2022

I refer to your consultation of 25 November 2021 regarding the above application and

advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

The applicant must provide the following information to support this application or resubmit the application with the following details;

1) The applicant is required to submit a Transport Assessment to Welsh Government for review. This assessment should include an assessment of the cumulative traffic impact of both Phases 1 & 2, as well as the present Phases 3,4 & 5 upon the surrounding trunk road environment.

The assessment should also investigate the cumulative impact of pedestrian traffic that is generated by the overall development, identifying pedestrian routes, whilst reviewing both Active Travel and Road Safety provision along any such routes.

Additional Consultation Response

15th Jul 2022

Further to your last two emails dated 16th June in response to Welsh Government's present holding direction (attached), having reviewed the supplied information, I would advise as follows;

1. Whilst we retract our request for the submission of a full Transport Assessment, we will require further modelling data to demonstrate the distribution and impact of the 7% increase in traffic from the A4081 generated from Phases 1-5 upon the existing A4081 junctions with the A483 as well as Ddole Road Enterprise Park estate road's junction with the A483.

2. As regards Welsh Government's request that the cumulative impact of pedestrian traffic be investigated, and that both Active Travel and Road Safety provision along any such routes be reviewed, having reviewed the supplied information, I can confirm that we are content with the existing level of provision.

Additional Consultation Response

9th Aug 2022

I refer to your consultation of 16/06/2022 regarding the above planning application and advise that the Welsh Government as highway authority for the A483 trunk road hereby withdraws its holding direction, and as such, no longer wishes to issue a direction in respect of this application.

PCC – Outdoor Leisure & Recreation (South)

26th Jan 2022

Powys County Councils Countryside & Outdoor Recreation Services (C&ODR) preferred situation would be for any developer to provide, manage and maintain their own fixed play facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

Powys County Councils, Countryside & Outdoor Recreation Service will only ask for a Section 106 contribution, if the proposed developer should/will not provide suitable play provision for their residents, under the LAP, NEAP & LEAP planning arrangements included in the Six Acre Standard as set out by the Fields in Trust.

To reiterate, if the developer decided not to provide adequate play space on their land, and if Powys County Council does have a play facility with fixed play equipment within a short distance (TBC), then the Countryside & Outdoor Recreation Service would seek a monetary package to upgrade the Services nearest existing playing field or playground.

I would suggest on this occasion because PCC has got a play facilities in the area, if any 106 contributions for play is available, then the offer should go to Powys County Council, Countryside & Outdoor Recreation department who own and maintain the nearest public play facility.

Disability Powys

No comments received at the time of writing this report.

Welsh Water

15th Dec 2021

We can confirm capacity exists within the public sewerage network in order to receive the domestic foul only flows from the proposed development site. We can advise that Llandrindod Wells WwTW has a phosphate permit. This matter will need to be considered further by the local planning authority. No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharges from this site. **POTABLE WATER SUPPLY**

Dwr Cymru Welsh Water has no objection to the proposed development.

ASSET PROTECTION The proposed development site is crossed by public sewers with the approximate positions being marked on the attached Statutory Public Sewer Record. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times. No part of any building will be permitted within 3 metres either side of the centreline of the 225mm public sewer and 63mm rising main.

Our strong recommendation is that your site layout takes into account the location of the

assets crossing the site and should be referred to in any master-planning exercises or site layout plans submitted as part of any subsequent planning application. Further information regarding Asset Protection is provided in the attached Advice & Guidance note. **Surface Water Drainage** As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems - designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with the Local Authority, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Conditions No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: 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. 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. **Reason:** 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.

Advisory Notes The applicant is advised that some public sewers and lateral drains may not be recorded on our maps; some sewers 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. The applicant may also 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

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

Additional Consultation Response

24th Jan 2022

Thank you for the below query, I can confirm that there is capacity within the wastewater treatment works that has a phosphate permit, to treat this proposal of 79 dwellings.

CPAT

3rd Dec 2021

Information retained within the Regional Historic Environment Record indicates that the proposed new dwellings at the northern end of the site will be erected in an area where a single truncated Roman period cremation burial pit was found during prior evaluation trenching. Although the immediate area around the cremation was explored with an extended 4 x 5m trench no further cremations were found. It is possible though that other truncated cremation pits, or associated pyre bases, could be located in the wider area that was not stripped and we would therefore require further archaeological monitoring across the northern half of the development site during the early stages of site preparation and topsoiling operations. A strip/map/excavate methodology should be adopted for this watching brief.

Accordingly, we would recommend that an archaeologist is contracted to be present throughout the duration of initial site preparation and topsoiling works so that an adequate record of any archaeological features revealed can be made. This advice is in accordance with the guidance set out in TAN 24 (May 2017) and Planning Policy Wales (Feb 2021).

The archaeologist should be part of a recognised professional archaeological organisation working to the Standard and Guidance of the Chartered Institute for Archaeologists (CIFA) relating to an Archaeological Watching Brief. The archaeologist should be working in accordance with an approved written scheme of investigation (WSI)

and should preferably be part of a Registered Archaeological Organisation with the CIFA.

A suitable condition to facilitate the contracted watching brief is provided below:

Suggested planning condition to facilitate an archaeological watching brief:

The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the northern half of the development area so that an archaeological watching brief using a strip/map/excavate methodology can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, SY21 8RP

Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

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

I have attached a standard brief for this work and information on archaeological contractors that the applicant may wish to engage. Please forward all of this information to the applicants so that they are fully aware of the requirements.

Representations

Following the display of a site notice on 27/11/2021 and the publication in the local press on 10/12/2021, 3 public representations have been received at the time of writing this report. A summation of the points raised are detailed below:

- What renewable energy provision
- What capacity for schools, doctor, hospital, dentist
- Proposed bungalows are welcomed
- Support comments made by Countryside Services

Planning History

App Ref	Description	Decision	Date
19/0021/FUL	Residential development comprising of 55 units	Approve	05/04/2019
19/1073/DIS	Discharge of condition 19, 24 and 26 of planning approval 19/0021/FUL	Approve	23/09/2019
19/1292/DIS	Application to discharge conditions 21 and 28 of planning approval 19/0021/FUL	Approve	14/11/2019
19/1949/NM A	Application for a non-material amendment to planning approval 19/0021/FUL to vary condition 2 to allow for the replacement of plans	Approve	25/03/2020
19/0964/DIS	Application to discharge conditions 3 and 27 of planning approval 19/0021/FUL	Approve	16/10/2019
21/0338/DIS	Discharge of condition 25 of planning approval 19/0021/FUL in relation to lighting	Approve	06/04/2021
21/2234/DIS	Discharge of condition 16 of planning permission 19/0021/FUL (completion of carriageway)	Approve	18/01/2022

Principal Planning Constraints

LDP Development Boundary – Llandrindod Wells
LDP Residential Allocation – Ithon Road Llandrindod Wells
Phosphorous Welsh River SACs
Right of Way 110/22/1

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
---------------	---------------------------	-------------	-------------------

PPW	Planning Policy Wales (Edition 11, February 2021)	National Policy
NATPLA	Future Wales - The National Plan 2040	National Policy
TAN5	Nature Conservation and Planning	National Policy
TAN6	Planning for Sustainable Rural Community	National Policy
TAN11	Noise	National Policy
TAN12	Design	National Policy
TAN16	Sport, Recreation and Open Space	National Policy
TAN18	Transport	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	National Policy
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development

			Plan 2011-2026
DM15	Waste Developments	within	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure		Local Development Plan 2011-2026
H1	Housing Proposals	Development	Local Development Plan 2011-2026
H2	Housing Sites		Local Development Plan 2011-2026
H3	Housing Delivery		Local Development Plan 2011-2026
H4	Housing Density		Local Development Plan 2011-2026
H5	Affordable Contributions	Housing	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)		Local Development Plan 2011-2026
SPGLAN	Landscape SPG		Local Development Plan 2011-2026
SPGHE	The Historic Environment SPG		Local Development Plan 2011-2026
SPGRES	Residential Design SPG		Local Development Plan 2011-2026
SPGAH	Affordable Housing		Local Development Plan 2011-2026
SPGOBS	Planning Obligations		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 Llandrindod Wells and within the settlement development boundary of Llandrindod Wells which is defined as a Town by the Powys Local Development Plan (2018). The application site forms part of the housing allocated site P28 HA3. The application site is bound by the original phases to the north, with Llandrindod Wells High School playing fields to the east and the artificial pitch adjacent to the south with the High School to the south-east. Directly west is the classified A4081 in which the development seeks access upon with further agricultural land beyond to the west.

The site forms part of a large allocation for housing P28 HA3, which is allocated for 122 dwellings. The Northern section of the site has consent for 55 dwellings which has recently been completed.

Full planning permission is sought for a residential development comprising of 79 residential units, formation of vehicular access, roadways and all associated works. The proposed 79 units will comprise of the following mix:

- 22 x 1 Bed Walk up Flats;
- 4 x 2 Bed Bungalows;
- 2 x 3 Bed Adapted Bungalows
- 26 x 2 Bed House
- 19 x 3 Bed House
- 6 x 4 Bed House

Principle of Development

Powys Local Development Plan (2018) policy H1 seeks to ensure that housing development is appropriately located and suitable in scale and type to meet strategic policies SP1, SP3, SP5 and SP6. Housing development proposals are only permitted in defined towns and large villages where they are located on sites allocated for housing or on other suitable sites within the development boundary.

To ensure that housing development is appropriately located and suitable in scale and type to meet Strategic Policies, policy H1 of the Local Development Plan (LDP) states that housing proposals will only be permitted:

1. In Towns and Large Villages:

- I. On sites allocated for housing or on other suitable sites within the development boundary; or
- II. On sites forming logical extensions outside development boundaries for affordable housing in accordance with Policy H6.

Llandrindod Wells is defined as a town within policy SP5 with the site being wholly within the LDP housing allocation of P28 HA3 and entirely within the development boundary of Llandrindod Wells.

It is therefore considered the principle of residential development at this site complies with policies H1 and H2 of the Powys Local Development Plan (2018).

Density

Future Wales: The National Plan 2040 states that to support the economic and social success of our towns and cities new development in urban areas should aim to have a density of at least 50 dwellings per hectare. Policy 2 – Shaping Urban Growth and Regeneration – Strategic placemaking states that urban growth should be based on the following placemaking principles;

- Creating a rich mix of uses
- Providing a variety of housing types and tenures
- Building places at a walkable scale, with homes, local facilities and public transport within walking distance of each other;
- Increasing population density, with development built at urban densities that can support public transport and local facilities
- Establishing a permeable network of streets, with a hierarchy that informs the nature of development
- Promoting a plot-based approach to development, which provides opportunities for the development of small plots, including for custom and self-builders; and
- Integrating green infrastructure, informed by the planning authorities' Green

Infrastructure Assessment.

Policy H4 of the Local Development Plan states that all housing development proposals should seek to make the most sustainable and efficient use of land. The density guidelines set out in H4 will apply to all housing developments whether on allocated, windfall or exception sites. Land is a finite resource and policy H4 seeks to ensure the best and most efficient use of land, maximising the development potential of sites whilst conserving land resources for other uses.

For towns such as Llandrindod Wells, 27+ dwellings per hectare is recommended. The proposed site measures approximately 2.6 hectares and therefore a density of 70 dwellings would be required for the site. Given that 79 residential units are being proposed for the site, officers would therefore consider the proposed density of development put forward to be in accordance with LDP policy H4.

Affordable Housing

Proposals for new housing development of five or more dwelling units or on sites of 0.25ha and above will be required to make contributions towards the provision of affordable housing in accordance with Policy H5 of the LDP.

Llandrindod Wells falls within the Central Powys catchment area and therefore a 30% affordable housing contribution is required to be provided onsite by the proposed development.

The proposed development seeks to provide 60 affordable dwellings and 19 to be on the open market. Whilst additional affordable housing has been proposed as part of the scheme above what is required by policy H5, officers are only able to secure the 30% of the 79 dwellings to be for affordable housing by condition.

Given that an appropriate level of affordable housing is to be secured on site the proposed development is considered to be in accordance with policy H5. An appropriate condition will be attached to any granting of planning permission to secure the appropriate level of contribution and that the dwellings remain as affordable in perpetuity.

Public Open Space

Provision for new Open Space will, subject to viability, be sought from all housing developments of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the Open Space Assessment for the locality and, depending on the individual circumstances, may be provided on or off site.

Current open space legislation (Guidance for Outdoor Sport and Play Beyond the Six

Acre Standard – Fields in Trust) advises that, developments of 10-200 dwellings are required to contribute towards the following; Local Area for Play (LAP), Locally Equipped Area for Play (LEAP) and Multi-Use Games Area (MUGA). In addition, LDP Policy DM3 does require that, subject to viability, open space will be sought from all housing developments of 10 or more dwellings.

The proposed development seeks to provide an onsite provision of recreation facilities within an area of landscaped public open space located on the southern side of the development site.

The scheme of on-site recreational facilities proposed accords with the Fields in Trust Standards for housing developments of 10 – 200 dwellings, comprising:

- A Local Equipped Area for Play (LEAP) – a 20m x 20m area of open space specifically designated to be provided with features including equipment for children who are beginning to go out and play independently close to where they live.

The LEAP is located within a large (approximately 0.1ha.) area of public open space that will provide significant recreational opportunities.

To ensure the recreational facility is managed and maintained, officers would consider it appropriate to impose a condition which will require further information in respect of maintaining the facilities and securing the recreational facilities in perpetuity. Furthermore, the condition will ensure the timing of the works is undertaken at an appropriate time of development.

Powys's Outdoor Leisure and Recreation Officer has been consulted on the proposed development with their preferred option being for the developer to provide, manage and maintain their own fixed play facilities either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council. Given the play provision is being secured on site with conditions attached to any granting of planning permission to secure appropriate implementation and maintenance, the scheme put forward is considered appropriate.

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

Design and Scale

The Powys Local Development Plan's (2018) policies H3 and DM13, TAN 12 and Planning Policy Wales (PPW) all refer to good design and how development proposals

should be of a good design and have consideration to the surrounding area. PPW refers to good design as having a relationship between all elements of the natural and built environment. Policy H3 states that housing development proposals must be of an appropriate scale and is supported by Policy DM13 of the Powys Local Development Plan which states that proposals must demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area.

Policy DM13 specifically states that proposals will only be permitted where development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing. The development must also contribute towards the preservation of local distinctiveness and sense of place. It states that, in terms of design, proposals will only be permitted where the following criteria are satisfied;

1. *“Development has been designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.*
2. *The development contributes towards the preservation of local distinctiveness and sense of place.”*

Further design-specific guidance is set-out within the adopted Residential Design SPG and TAN 12 (Design).

Consent is sought for a mixture of dwellings featuring flats, bungalows and two-storey dwellings. The range of housing types across the site is welcomed and will provide a benefit visually as the range of design will help break up the uniformity of a housing development site whilst also integrating with the adjacent housing developments. The varying mix of dwelling designs is welcomed and compliant with LDP policy H3 of the Powys.

The proposed development seeks to use materials which match the adjacent scheme, 19/0021/FUL with red and buff brick facades with blue/grey ridge tiles. The materials will also complement Holcombe drive whereby similar materials are used.

The indicative site layout details a main access with cul-de-sacs, consistent with other residential developments in the surrounding area. The dwellings have been appropriately orientated on site to provide natural overlooking to communal areas. The proposed development is considered to be a well thought out design making best use of the land available for the intended purpose and constraints. Areas for play have been suitably located for easy access with other informal areas of green space present across the site which help provide a visually interesting development.

In light of the above it is considered that the proposed development complies with

relevant planning policy.

Landscape

Policy DM4 seeks to ensure that new developments do not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys Landscape. The characteristics and qualities of the Powys Landscape are recorded in LANDMAP, the strategic evidence base to support landscape based design making in Wales. Development boundaries distinguish the towns and large villages from the open countryside which surrounds them.

With regards to Visual and Sensory, LANDMAP defined the area as being located within the Llandrindod Wells aspect area and is given a moderate evaluation. The justification for the evaluation is given as 'although potentially of high value the present condition and decline of the town centre, and the sprawling periphery, reduces the value to moderate'.

The site lies wholly within the development boundary of Llandrindod Wells, however will be a highly visible development on the approach into the settlement from the west. However, the application site is allocated for housing and will be seen against the backdrop of the existing housing in Llandrindod Wells.

Therefore, having taken into account the nature and scale of the development together with the information contained within LANDMAP, it is considered that the development will satisfactorily integrate into the landscape in accordance with Policy DM4 of the Powys Local Development Plan (2018).

Impact upon Neighbouring Privacy & Amenity

In considering the impact upon amenities enjoyed by occupiers of neighbouring properties, consideration has been given to the adopted Residential Design SPG and LDP Policy DM13 (Criterion 11).

The proposed development is not considered to offer any impact upon loss of daylight to any neighbouring dwellings, there are no properties that would be adversely affected when considering the 25 degree rule, which prohibits development that would exceed a line of 25 degrees taken from the nearest habitable room of adjoining existing properties. The proposal also complies with the 45 degree rule, where an angle of 45 degrees is measured in a horizontal plane and taken from the middle of the window of the nearest habitable room in any adjacent rooms. The proposed development is considered to be acceptable when considered against the above criteria.

The proposed development is also not considered to offer any adverse impacts to any neighbouring properties in terms of loss of privacy. The Powys Residential Design

Guide SPG states that there should be a minimum of 21 metres between directly facing habitable rooms on rear elevations. There are no properties directly facing the rear elevation within 21 metres of the property and therefore the proposal complies with this criterion. As stated above, the proposed development is considered to comply with the 45 degree rule and therefore the proposed development is considered acceptable when considered against the above criteria.

Environmental Protection have been consulted on the proposed development and initially requested further information in respect of the floodlighting on the adjacent all-weather pitch to demonstrate that light spillage from the floodlights would not cause a nuisance to adjacent occupiers.

Based on the additional information submitted, Environmental Protection are satisfied the Construction Method Statement submitted in support of the application addresses the concerns raised.

However, given the location of development being close to neighbouring properties, a working hours condition has also been recommended to be attached to any granting of planning permission.

Officers consider the proposed measures to be reasonable and appropriate with a condition being attached to any granting of planning permission.

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

Planning Obligations

Policy DM1 of the Local Development Plan seeks to ensure that planning obligations will be sought by agreement with applicants, where necessary, to ensure that:

1. The development provides for adequate infrastructure necessary to serve the proposal, and that satisfactory maintenance and / or restoration arrangements are achieved;
2. Significant adverse socio-economic and environmental impacts are addressed and mitigated;
3. Benefits are secured in the public interest to meet the additional demands of development proposals on local communities.

Where on-site provision or mitigation is not appropriate, off-site provision, or a financial contribution towards it, may be sought.

Should it be demonstrated that for viability reasons not all of the identified contributions can be reasonably required, priority will be determined on the basis of the individual

circumstances of each case.

No financial contribution has been requested by any consultee in respect of the proposed development. It is noted that whilst Schools Service have provided no comment on the application, a financial contribution was not required on the adjacent development under planning permission 19/0021/FUL.

Officers note that an equipped area of play has been provided on site which is addressed in the above section which will be secured by an appropriately worded condition within any granting of planning permission. Given that an appropriate level of on-site provision is to be provided a financial contribution has not been requested.

Furthermore, the development seeks to provide appropriate levels of affordable housing in accordance with LDP policy H5.

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

Highway Safety & Parking

Criterion 10 of LDP Policy DM13 states that development proposals should meet all highway access requirements (for transport users) and parking standards. This is reinforced by Policy T1 (Travel, Traffic and Transport Infrastructure) of the Powys LDP, which refers to the transport network implications of development, and the importance of highway safety in all development proposals.

Welsh Government Transport have been consulted on the proposed development and initially raised a holding direction in respect of the additional traffic flow that would likely lead to and impact upon the A483 trunk road and requested further information to be submitted. Additional information has been submitted which has been reviewed by Welsh Government who have subsequently removed their holding direction.

PCC Highways Officer was initially consulted on the proposed development and considered that, fundamentally, the development was acceptable from a highway perspective. Based on the detail submitted, the Highway Authority were satisfied that the additional traffic generated by the development, could easily be absorbed on the existing network, and that the proposed means of vehicular access from the A4081 county highway, was acceptable, subject to the imposition of appropriate conditions.

However, the Highway Authority did also raise a number of issues with regards to Active Travel provision, internal highway provision and off-street parking provision. Further information in respect of these matters has subsequently been submitted for further consideration.

In respect of Active Travel, the initial feedback from the Powys Active Travel department considered that the development did not offer sufficient links to the existing active travel networks adjoining the site. The applicant now proposes to extend the active travel link to the south of the site which will form a direct link with the existing public right of way which runs along the eastern boundary of the site which will provide a more direct link to the high school and community facilities. The revised proposal has been reviewed by Active Travel who have confirmed the proposal to be acceptable.

In respect of car parking, the original site layout provided 27 parking spaces below the recommended levels. This position was opposed by Powys Highways with extensive discussions undertaken with the appointed agent with a revised parking layout being submitted which provides plot parking in full accordance with the approved standards. The amended layout does not result in a reduction of dwelling numbers with the revised parking proposal considered acceptable.

In respect of the internal layout of the site, the Highways Authority previously raised concerns in respect of the proposed road alignment. A revised scheme incorporating traffic calming measures was provided which Highways considered to be acceptable and will be secured by an appropriately worded condition.

The Highways Authority do note that whilst additional swept path drawings submitted in support of the three turning heads have been provided, they remain extremely constrained. It is considered this matter can be resolved by an appropriately worded condition attached to any granting of planning permission.

Given the level of detail provided, the Highway Authority have raised no objection to the proposed development subject to conditions in respect of parking, access, visibility, footpaths, finishing materials and engineering drawings being attached to any granting of planning permission. Officers consider the proposed conditions to be reasonable and appropriate to secure a satisfactory development and will be attached to any granting of planning permission.

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

Ecology & Biodiversity

With respect to biodiversity, specific reference is made to LDP Policy DM2 which seeks to protect, positively manage and enhance biodiversity and geodiversity interests, and safeguard protected important sites. This is supported by TAN 5 (Nature Conservation and Planning) and Planning Policy Wales (Edition 11).

The Powys Ecologist has been consulted on the proposed development and notes that there are a number of statutory and non-statutory sites within 2km of the proposed

development but none on the site itself. The application has been supported an Ecological Impact Assessment, Great Crested Newt Survey, Arboricultural report, Pollution Prevention Plan and a Construction Method Statement and Environmental Protection Statement.

The Ecological Impact Assessment (EclA) submitted builds on a previous survey submitted to inform 19/0021/FUL. The majority of the site comprises of semi-improved grassland with a small area of bramble scrub and scattered trees present. A tree-line borders the western boundary and post and wire fencing forms the four remaining boundaries. The report identifies potential impacts to hedgerow, reptiles, nesting birds, bats and the River Ithon SSSI/ River Wye SAC.

There is potential for reptiles and nesting birds to be present on site and impacted by the proposal. Appropriate mitigation measures have been put forward avoid harm to reptiles and nesting birds during the construction phase which will be required to be adhered to.

Bat roosting potential on two trees along the western boundary and mitigation measures have been provided should either tree need to be removed. The Arboricultural Report identifies that several ash trees in poor health along the boundary will be felled and replaced and the remaining woody hedgerow sections pruned or re-laid. An oak tree at the new site access will be retained, which is welcome. In order to ensure that bats are protected during the tree works the mitigation measures should be clearly referenced within the Tree Protection Plan and Arboricultural Method Statement. An updated Arboricultural Report has been submitted which details bat mitigation measures included within the Tree Protection plan which will be secured by an appropriately worded condition.

The proposal will result in the confirmed loss of approximately 12m of hedgerow, a priority habitat; 9m for the vehicular access and 3m for pedestrian access along Ithon Road. Compensatory planting will be required and sufficient new hedgerow sections have been incorporated within the new development.

Assessment of a known pond approximately 125m from the development site identified that the pond is not suitable for breeding great crested newts and no evidence of their presence was detected.

Confirmation has also been received that the existing area to accommodate the contractor's car parking, works compound etc is sufficient for the entire construction phase.

Careful consideration will need to be given to any external lighting of the proposed development. Measures will need to be identified to minimise impacts to nocturnal wildlife commuting or foraging in the local area. Any external lighting proposed will need

to demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/> Therefore an appropriately worded condition in respect of external lighting will be attached to any granting of planning permission.

In respect of biodiversity enhancements, 14 integrated nest boxes along with 4 bat tubes are proposed to be installed across the development site along with additional hedgerow, trees and shrubs along with wildflower areas. The measures proposed are welcomed and have been sufficiently detailed on the proposed plans which will be conditioned with any granting of planning permission.

Revised landscaping and biodiversity details have been provided following as revision to the site design which will be conditioned with any granting of planning permission.

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

River Wye Phosphate Sensitive Catchment Area

The proposed development is located within the catchment of the River Wye Special Area for Conservation (SAC). In accordance with NRW's current planning advice, it is necessary to demonstrate that all proposed developments within the River Wye SAC catchment will not result in an adverse effect on the integrity of the River Wye SAC through further addition of phosphate to the SAC, either directly or indirectly. With regard to the current proposal, consideration has been given to the potential for additional phosphate associated with foul drainage to enter the River Wye SAC catchment.

The submitted information states that the development will connect to the mains sewer network in accordance with planning circular 008/2018. The discharge will be to Llandrindod Wells WwTW which is known to be fitted with phosphate removal technology.

Natural Resources Wales were initially consulted on the proposed development and requested further information that the WwTW can accept the additional wastewater volume and phosphate along with other proposed connections and remain within the permitted limits.

Confirmation has been received from Welsh Water that capacity exists within the wastewater treatment works and that the works have a phosphate permit.

The Local Planning Authority has been advised by NRW that the permit for Llandrindod Wells WwTW has not been subject to an Appropriate Assessment under the Habitat Regulations by NRW nor assessed in line with revised water quality standards for the

River Wye SAC.

The Powys Ecologist has undertaken a HRA screening which concluded that a likely significant effect on the River Wye SAC and/or its associated features could not be ruled out. An Appropriate Assessment of the application has also been undertaken by the Ecologist to determine whether the development would result in an adverse effect on the integrity of the national site network. The report concludes that subject to the inclusion of appropriate planning conditions the proposed development would not result in an adverse effect to the integrity of the River Wye SAC in light of its conservation objective.

Natural Resources Wales have been consulted on the HRA and Appropriate Assessment undertaken by the Powys Ecologist and have no further comments to make in respect of the outcome of the assessments.

Therefore, in light of the above and subject to appropriate conditions it is considered that the proposed development would not result in an adverse effect to the integrity of the River Wye SAC and complies with policy.

Loss of Agricultural Land

Paragraph 3.58 of Planning Policy Wales (Edition 11, 2021) relates to the quality of agricultural land, and states that:

“Agricultural land of grades 1, 2 and 3a of the Agricultural Land Classification system (ALC) is the best and most versatile, and should be conserved as a finite resource for the future.”

Paragraph 3.59 of PPW (Ed. 11) further states that;

“Land in grades 1, 2 and 3a should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable, or available lower grade land has an environmental value recognised by a landscape, wildlife, historic or archaeological designation which outweighs the agricultural considerations.”

The proposed residential development would be sited on an area of agricultural land. The Welsh Government's Predictive Agricultural Land Classification Map indicates that the area of the application site is graded as 3b which relates to '*moderate quality agricultural land*'. The proposed site is therefore not of a classification that is required to be conserved.

In light of this, it is noted the development would not result in the loss of the best and most versatile agricultural land, and the proposal is therefore compliant with planning policy.

Rights of Way

Policy DM13 Criterion 9 of the Powys Local Development Plan (2018) requires that public rights of way are to be enhanced and integrated within the layout of the development proposal.

The public right of way 110/22/1 runs along the northern boundary of the site whilst right of way 110/20/21 runs along the eastern boundary. It is noted from the proposed plans that right of way 110/22/1 to the north of the site has been clearly identified and is unaffected by the proposed development.

Right of way 110/20/1 is located outside of the application site boundary running along the boundary of the playing fields and will not be directly impacted by the proposed development.

It is noted that provision has been made within the proposed site plans to connect the site to these existing routes which is welcomed.

Given the close proximity of the development to the rights of ways, officers would consider it appropriate to include the standard rights of way informative with any granting of planning permission.

Cultural Heritage

Policy SP7 of the Powys Local Development Plan (2018) 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.

CPAT have been consulted on the proposed development whereby records indicate that the proposed new dwellings at the northern end of the site will be erected in an area where a single truncated Roman period cremation burial pit was found during prior evaluation trenching.

Whilst the immediate area around the cremation was explored with an extended 4 x 5m trench no further cremations were found, however it is considered possible though that other truncated cremation pits, or associated pyre bases, could be located in the wider area that was not stripped. CPAT have therefore recommended that an archaeologist is present on site to undertake a watching brief which will be secured by an appropriately worded condition with any granting of planning permission.

Officers consider the proposed condition to be reasonable and appropriate and will therefore be attached to any granting of planning permission.

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

Public Comments

Comments have been raised in respect as to the capacity for schools, doctors, hospital and the dentist to deal with the additional requirements associated with the increase in housing. It should be noted that the proposed development is an allocated housing asite within the adopted Local Development Plan (2018) with the site's inclusion having been assessed to deliver the required growth for the town of Llandrindod Wells.

In respect of renewable energy, it is noted that the scheme has included the provision of solar panels. It should also be noted that Welsh Government has recently undertaken a consultation in relation to the energy efficiency element of building regulations (known as Part L of the Building Regulations). Building regulations are set to make sure minimum standards are met and, whilst Powys County Council can only apply the regulations in force at the time an application is submitted, developers may construct buildings with energy performance levels above those minimum standards, if they wish.

In respect of electric charging points, given that this is a domestic development there is no specific requirement for their provision as Future Wales seeks to secure their provision for non-residential development. However, private electric vehicles can be charged from domestic properties if required.

RECOMMENDATION – Conditional Consent

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the approved plans and documents (drawing no's:
 - A162 titled Lighting Plan Overlay
 - LED Sports Floodlighting Design Report
 - 740 02.1 (1 of 3) Rev B titled Planting Plan 1 of 3
 - 740 02.2 (2 of 3) Rev B titled Planting Plan 2 of 3

- 740 02.3 (3 of 3) Rev B titled Planting Plan 3 of 3
- S.7776-07 Rev E titled Drainage Layout
- 740 04 titled LEAP Play Area Layout
- A161 Rev A titled Aerial View 2
- A160 Rev A titled Aerial View 1
- A159 Rev A titled Perspective View 2
- A158 Rev A titled Perspective View 1
- A157 Rev C titled 3 Bed House Elevations Type C (Market Sales)
- A156 Rev C titled 3 Bed House Elevations Type A & B (Market Sales)
- A155 Rev D titled 3 Bed House Types (Market Sales)
- A154 Rev C titled 2 Bed House Elevations Type C (Market Sales)
- A153 Rev C titled 2 Bed House Elevations Type A & B (Market Sales)
- A152 Rev E titled 2 Bed House Types (Market Sales)
- A150 Rev J titled Biodiversity Enhancement Layout
- A149 Rev J titled Boundary Layout
- A148 Rev I titled Phasing Plan
- A147 Rev E titled 2 Bed 4 Persons Bungalow – Elevations
- A146 Rev E titled 2 Bed 4 Person Bungalow – Plans
- A145 Rev E titled 2 Bed 3 Person Bungalow – Elevations
- A144 Rev E titled 2 Bed 3 Person Bungalow -Plans
- A143 Rev E titled Adapted Bungalow – Elevations
- A142 Rev E titled Adapted Bungalow – Plans
- A141 Rev E titled 1 Bed 2 Person Walk Up Flat – Elevations
- A140 Rev E titled 1 Bed 2 Person Walk Up Flat – Plans
- A139 Rev E titled 4 Bed 6 Person – Elevations
- A138 Rev E titled 4 Bed 6 Person – Plans
- A136 Rev F titled 3 Bed 5 Person Type C & D - Elevations
- A135 Rev F titled 3 Bed 5 Person Type A & B – Elevations
- A134 Rev F titled 3 Bed 5 Person House Type – Plans
- A132 Rev F titled 2 Bed 4 Person Type C – Elevations
- A131 Rev F titled 2 Bed 4 Person Type A & B – Elevations
- A130 Rev G titled 2 Bed 4 Person House Types – Plans
- A129 Rev F titled Ithon Road – Context Elevations
- A128 Rev G titled Street Elevations Sheet 4
- A127 Rev F titled Street Elevations Sheet 3
- A126 Rev F titled Street Elevations Sheet 2
- A125 Rev F titled Street Elevations Sheet 1
- A124 Rev H titled House Finishes Layout
- A123 Rev R titled External Finished Layout
- A122 Rev K titled Proposed Site Layout
- A121 Rev D titled Existing Site Layout
- A120 rev G titled Site Location Plan
- Transport Statement Rev B
- 7776-02 Rev A Road Alignment Layout

- T20.131-RCV Carry Distance
 - Swept Path Analysis of Turning Heads
 - 7776-03A LONGITUDINAL ROAD SECTIONS SHEET 1 OF 2
 - 7776-04A LONGITUDINAL ROAD SECTIONS SHEET 2 OF 2
 - 7776-10G EXTERNAL WORKS LAYOUT
 - 7776-11B SITE CROSS SECTIONS SHEET 1 OF 3
 - 7776-12B SITE CROSS SECTIONS SHEET 2 OF 3
 - 7776-13A SITE CROSS SECTIONS SHEET 3 OF 3
 - Affordable Housing Statement
 - Archaeological Field Evaluation Report
 - Archaeological Radio Carbon Dating Results
 - Phase One Desk Study Investigation Report
 - Ecological Impact Assessment dated 2nd Nov 2021 Version 2 prepared by Ecological Services LTD
 - Pollution Prevention plan dated April 2021 prepared by asbri
 - Drainage Strategy 23rd August 2021 prepared by Smart Associates Consulting Civil & Structural Engineers
 - Arboricultural Report, Project Reference - ArbTS_394.7_IthonRoad, dated 26th January 2022 by ArbTS Ltd
 - Geophysical Survey Report dated Nov 2017 prepared by SUMO Services Ltd
 - Construction Method Statement and Environmental Protection Statement dated 09/04/2021 prepared by Hale Construction
 - Plant, Vehicle and Pedestrian Management Plan prepared by Hale Construction.
3. 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 30% of housing units/bed spaces; 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.
4. The affordable dwellings shall have a maximum gross floor area of 115 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2,

part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwellings shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

5. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours: 0800 - 1800 hrs Monday to Friday, 0800 - 1300 hrs Saturday and at no time on Sunday and Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.
6. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
7. No other development shall commence until the vehicular access has been constructed in accordance with approved drawing A122 Revision K so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 120 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
8. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
9. Before any other development is commenced the vehicular access shall be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 10 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being

constructed.

10. The gradient of the vehicular access 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.
11. 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 A122 revision K. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
12. No dwelling hereby approved shall be occupied before the estate road, footways and footpath links are constructed to an adoptable standard (to binder course level, including the provision of any salt bins, surface water drainage and street lighting) within each respective phase of the development and to the junction with the existing county highway.
13. No dwelling hereby approved shall be occupied until the vehicular access is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.
14. 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.
15. 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.
16. Each private drive shall be surfaced in a suitably bound material, prior to the occupation of that dwelling and shall be retained as such for as long as the development remains in existence.
17. Notwithstanding the submitted details, within 10 days from the commencement of the development' detailed highway engineering drawings covering the highway works within the site, including the provision of appropriate turning heads, traffic calming measures in accordance with detail contained on submitted drawing S.7776-02 Rev A together with appropriate signing, shall be submitted to and

approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details of construction.

18. No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.
19. 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.
20. The developer shall ensure that a suitably qualified archaeological contractor is present during the undertaking of any ground works in the northern half of the development area so that an archaeological watching brief using a strip/map/excavate methodology can be conducted. The archaeological watching brief must meet the standards laid down by the Chartered Institute for Archaeologists Standard and Guidance for archaeological watching briefs.

A copy of the resulting report should be submitted to the Local Planning Authority and the Development Control Archaeologist, Clwyd-Powys Archaeological Trust (The Offices, Coed y Dinas, Welshpool, SY21 8RP

Email: mark.walters@cpat.org.uk Tel: 01938 553670). After approval by the Local Planning Authority, a copy of the report and resulting archive should also be sent to the Historic Environment Record Officer, Clwyd-Powys Archaeological Trust for inclusion in the regional Historic Environment Record and to the National Monuments Record, RCAHMW.

21. Prior to the commencement of development a scheme outlining the long-term management of the play area together with the timing of construction and completion in relation to the housing units hereby permitted shall be submitted to the Local Planning Authority. The scheme shall be implemented in accordance with the agreed details.
22. Within 3 months of the play area having been constructed, details to secure its future management and maintenance shall be submitted to the Local Planning Authority for its approval.

23. The development shall be undertaken in strict accordance with the mitigation, compensation and enhancement measures identified in Sections 4 and 5 of Ecological Impact Assessment, Project: Land off Ithon Road, Llandrindod Wells, Version2, dated 02 November 2021, by Ecological Services Ltd. The measures identified shall be adhered to and implemented in full.
24. The development shall be undertaken in strict accordance with the Tree Protection Plan and Arboricultural Method Statement in the Arboricultural Report, Project Reference - ArbTS_394.7_IthonRoad, dated 26th January 2022 by ArbTS Ltd. The measures identified shall be adhered to and implemented in full.
25. The development shall be undertaken in strict accordance with the Planting Plan 1 of 3, Drawing no. 02.1, Rev. B; Planting Plan 2 of 3, Drawing no. 02.2, Rev. B and Planting Plan 3 of 3, Drawing no. 02/3, Rev. B by Fiona Cloke Associates. The measures identified shall be adhered to and implemented in full and maintained thereafter.
26. The development shall be undertaken in strict accordance with the Biodiversity Enhancement Layout, Drawing no. A150, Revision J, by Chamberlain Moss King. The measures identified shall be adhered to and implemented in full.
27. 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, including bats and otter, 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.
28. The development shall be undertaken strictly in accordance with the submitted Pollution Prevention Plan, Land to the east of Ithon Road (Phase 3, 4 & 5), Llandrindod Wells, by Asbri, dated April 2021 and Construction Method Statement And Environmental Protection Statement, Llandrindod Phase 3, by Hale, dated 09/04/2021. The measures identified shall be adhered to and implemented in full.
29. No dwelling hereby approved shall be connected to any means of foul disposal nor occupied for human habitation until certification is submitted to and approved in writing by the Local Planning Authority which confirms that Dwr Cymru Welsh Water has completed the planned AMP7 (2020-2025) to meet the revised JNCC water quality standards improvements to Llandrindod Wells WwTWs and holds an environmental phosphate permit and is able to accept the foul flows from the development.

Reasons

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
4. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
5. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
6. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
7. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
8. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
9. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
10. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
11. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
12. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
13. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
14. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
15. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
16. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
17. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 - Transport.
18. 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.
19. 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.

20. To secure preservation by record of any archaeological remains which may be revealed during ground excavations for the consented development.
21. In order to secure adequate amenity space in accordance with policy DM3 of the Powys Local Development Plan (2018).
22. In order to secure adequate amenity space in accordance with policy DM3 of the Powys Local Development Plan (2018).
23. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
24. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
25. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
26. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
27. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
28. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
29. To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informative Notes

Natural Environment

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.

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.

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.

Reptiles - Wildlife & Countryside Act 1981 (as amended)

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

It is therefore an offence to:

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

The maximum penalty that can be imposed, in respect of each offence, is a fine of up to 5,000 pounds, six months imprisonment or both. In addition, these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016, which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern in the Powys LBAP. If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.