

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

**Application Number:** 23/0630/FUL

**Grid Ref:** E: 315216  
N: 289382

**Community Council:** Kerry Community

**Valid Date:** 10.05.2023

**Applicant:** Powys County Council

**Location:** Land Adjacent to Brynlywarch Hall School, Kerry, Newtown, SY16 4PB.

**Proposal:** Full planning application for a proposed replacement school, ancillary buildings, a MUGA, landscaping and associated works

**Application Type:** Full Application

### The reason for Committee determination

The applicant is Powys County Council and it is a major application.

### Consultee Responses

#### Consultee

#### Received

Welsh Government

22<sup>nd</sup> June 2023

1. I am writing to inform you the Welsh Ministers have been asked to call in the application referred to in the heading to this letter for their own determination.
2. Article 18 of the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 enables the Welsh Ministers to give directions restricting the grant of permission by a local planning authority. I am authorised by the Minister for Climate Change to issue such directions.
3. In exercise of this authority, I hereby direct Powys County Council, with effect from the date of this letter, not to grant planning permission for the development described in paragraph 4 of this letter without the prior authorisation of the Welsh Ministers.
4. The development is:
  - (a) that comprised in application no. 23/0630/FUL referred to in the heading to this letter; or
  - (b) any development of the same kind as that in the above application, which is proposed on any site forming part of, or includes the land to which the above application relates.

5. I issue this direction to enable further consideration to be given to whether or not the application should be referred to the Welsh Ministers for their determination.

6. The direction only prevents your authority from granting planning permission; it does not prevent it from continuing to process or consult on the application. Neither does it prevent it from refusing planning permission.

7. Your attention is drawn to article 31 of the above order which provides for the Welsh Ministers to vary or cancel this direction in respect of both the land and type of development covered.

8. I will ensure you are informed of the Welsh Ministers' decision on whether the application is being called in as soon as it is made.

9. A copy of this letter has been sent to Asbri Planning Ltd, agent for the applicant.

Powys Ramblers

14th Jun 2023

Powys ramblers wish to comment on this application please. He wish to strongly support the comments made by countryside services.

Mid & West Wales Fire & Rescue Authority

2nd Jun 2023

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

o The Fire Authority has no comment to make on access for fire appliances or water supplies.

o the Fire Authority has no objection to the proposed development and refers the Local Planning Authority to any current standing advice by the Fire Authority about the consultation.

The developer should consider the need to provide adequate water supplies and vehicle access for firefighting purposes on the site and general guidance on this matter is given in the attached Appendix and the following links:  
<https://www.water.org.uk/guidance/national-guidance-documenton-the-provision-of-water-for-firefighting-3rd-edition-jan-2007/>  
<https://www.ukfrs.com/index.php/promos/16847>

Furthermore, the applicant should be advised to contact the Local Authority Building Control Department, which is the responsible authority, when determining issues

concerning means of warning and escape, internal fire spread (linings and structure), external fire spread, access and facilities for the Fire and Rescue Service, in accordance with the 2007 version of Approved Document B (Wales).

Hafren Dyfrdwy

2nd Jun 2023

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

PCC-(M) Highways

19th Jun 2023

Wish the following recommendations/Observations be applied

Recommendations/Observations

We note the description of the application and the Design & Access Statement both state the proposed development is for a "replacement school". However, we further note that the existing school is not included in the redline application site, and there is no draft Unilateral Undertaking.

The Highway Authority (HA) are unable to accept a 'Trade-Off' of the movements from the existing school, as it appears that the extant use shall remain in place, and that the new school shall introduce new movements to the highway network.

We therefore seek clarity as to whether the development consists of a new or replacement school.

Environmental Protection

15th Jun 2023

I have concerns about the proposal to discharge the effluent from the sewage treatment plant into the proposed new surface water drainage system. NRW is the appropriate regulator for sewage treatment plant discharges, and I assume they will be providing their own comments, however, my understanding of an engineered swale is that it does not constitute a 'watercourse' for the purpose of treatment and dispersal of sewage effluent.

My concerns relate to the potential for public health issues to arise from effluent not being adequately dispersed by the swale, not receiving adequate treatment through the surface water soakaway, and for effluent to arise at the surface due to the local topography and proximity of the system to the road.

Public health issues have arisen in the past as a result of sewage overflows from the existing system, so this should be seen as an opportunity to get it right once and for all.

A sewage treatment plant should either discharge into a properly engineered foul drainage field or enter a running watercourse with adequate flow to properly treat and

safely disperse it.

Due to my concerns outlined above I would have to object to the application in its current form.

PCC-Rights Of Way Senior Manager      29<sup>th</sup> May 2023

Thank you for consulting Countryside Services on the above application.

It is noted that public footpath 217/103/1 is marked on the various plans, and it is briefly mentioned in the Planning Statement and Design and Access Statement.

The plans do not detail the width of the corridor along which the public footpath will run between the new boundary of the school and the existing boundary fence with the forestry site. The 'Landscape Masterplan' describes a 2.4m security weldmesh fence is to be erected on the new school site boundary with the public footpath.

Countryside Services is concerned that the continued use and enjoyment of the public footpath is maintained and not 'hemmed in' along a narrow corridor. Given a high fence will be erected along the public footpaths length we would recommend a wide-open corridor (minimum 5 metres) in which the public footpath runs.

We would also seek clarification on who will maintain the corridor after the development has taken place.

We would ask that any existing kissing gates are removed as they are not needed for stock control and that no new structures are installed across the public footpath. It is not clear from the plans if the public footpath will be affected by the construction of the proposed development and would seek clarification on this.

If the public footpath needs to be temporarily closed during construction, please contact us at the earliest opportunity to discuss.

Please see below for more general advice.

LDP Policy SP7 of the Local Development Plan recognises public rights of way as a strategic asset and development must not have an adverse impact on the asset or its operation.

LDP Policy DM13, criterion 9 is concerned that public rights of way or other recreation assets listed in Policy SP7 (3) are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.

You can access a digital interpretation of the Definitive Map using the link below. Please refer to the accompanying guide for access:  
<https://data.gov.uk/data/mappreview?url=https%3A%2F%2Fgeo.powys.gov.uk%2Fgeos>

erver%2Fopendata%2Fwms%3Frequest%3DGetCapabilities

PLEASE INCLUDE THIS SECTION AS AN INFORMATIVE IN THE EVENT OF A SUCCESSFUL PLANNING PERMSSION

In addition to the above, Powys County Council has a legal duty to 'assert and protect' public rights of way under the Highways Act 1980. Planning permission does not give legal consent to interfere or obstruct public rights of way that will be directly or indirectly affected by approved development.

- Development over, or illegal interference with, a public right of way, is a criminal offence and enforcement action will be taken against a developer who ignores the presence of affected public rights of way. This includes temporary obstructions such as rubble mounds, building materials, parked vehicles etc...
- Landscaping & Surfacing – Please seek advice before interfering or surfacing a public right of way.
- Structures on public rights of way – under s146 Highways Act 1980 it is the legal responsibility of the landholder to provide and maintain structures such as gates and stiles on public rights of way. If you are unsure what structure to install, please contact Countryside Services.
- New fencing or boundaries – If intending to create a boundary across a public footpath or bridleway, advice must be sought. A section 147 Highways Act 1980 license is required for a structure such as a gate to be installed across a public footpath or bridleway. We cannot authorise a structure across a Restricted Byway or Byway Open to All Traffic.
- Temporary closures – If the safety of the public cannot be guaranteed at all times during construction or that temporary obstruction of the public right of way may be necessary, consideration should be given to applying for a temporary closure of the public right of way. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required. This is a separate procedure for which a fee applies.
- Legal Diversion – If development will directly affect a public right of way and the affected public right of way cannot be appropriately incorporated into the development, the developer will need to seek advice from the council. No development can take place on a public right of way until a legal order is confirmed by the council. A legal public path order process typically takes at least 6 months. This is a separate procedure for which a fee applies. For more information, please discuss with Countryside Services at the earliest available opportunity.

PCC-Built Heritage Officer

20th Jun 2023

Background to Recommendation

Within the curtilage of Grade II listed Brynllwarch Hall

Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 11th edition 2021

Conservation Principles published by Cadw

TAN24

Managing Listed Buildings in Wales - Annexe to TAN24

Heritage Impact Assessments in Wales - Annexe to TAN24

Managing Conservation Areas in Wales - Annexe to TAN24

Setting of Historic Assets in Wales - Annexe to TAN24

Heritage Impact Assessments - Annexe to TAN24

Historic Environment Records

Local Development Plan

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 - Guardianship of natural, built and historic assets

LDP Objective 13 - Landscape and the Historic Environment

Comment

The proposal is to divide the grounds of the building and build a new school on the site.

The proposed site has historically been part of the gardens and 'parkland' of the house. It is divided, and has historically been divided, by trees from the main house and grounds.

There will be a minor negative impact on the setting of the property by the loss of this area, however, this is extremely small. The hall will retain enough ground around itself for its immediate and slightly wider setting to be intact.

Any structures that existed before 1948, and were in place in 1996 when the building was listed, will be considered curtilage listed. It is noted that some historic gates do exist on the site.

Details of any such structures and their retention/alteration should be highlighted now.

Recommendation

Further details

PCC-Ecologist

7th Jun 2023

Recommendation:

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 1km:

- o None

Non-statutory sites within 1km:

- o One or more Ancient Woodland (AW) sites are located within 1km of the development.  
An

AW site is located within the development boundary.

Records of protected and/or priority species identified within 1km? Yes

Comments:

The application is informed by the following information:

o Morgan, P. (Aug 2020) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. A Refresher

Ecological Survey Report. Just Mammals LLP.

o Morgan, D. (Dec 2020) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. A Refresher Ecological Survey Report. Just Mammals LLP.

o Morgan, D. (Nov 2022) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. A Refresher Ecological Survey Report. Just Mammals Limited.

o Dooley, G. (April 2023) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. A Refresher Ecological Survey Report. Just Mammals Limited.

o Dooley, G. (April 2023) Brynlllywarch Hall School, Kerry, Newtown, SY16 4PB. Biodiversity Enhancement Plan. Just Mammals Limited.

Survey effort and methods employed in accordance with current national guidelines?  
Yes

The Preliminary Ecological Appraisal (2018) referred to in the cover letter from Asbri Planning doesn't appear to have been uploaded to PCC Planning. However, the PEA and the accompanying protected species surveys were submitted to the LPA in relation to the initial pre-application enquiry and these documents have been reviewed for the present application.

The development will predominantly impact areas of amenity grassland and species-poor semi- improved grassland; the two distinct areas separated by a coniferous hedgerow/tree-line extending between the north-eastern and south-western boundaries. Areas of mixed woodland and Ancient Woodland are located along the north and west of the site, and native hedgerows form the north- eastern, eastern and south-eastern boundaries. Conifer dominant woodland abuts the southwestern site boundary.

Protected species, priority species and habitats

The woodland, trees and hedgerows provided habitat for breeding birds, and commuting and foraging habitat bats. Mitigation measures were provided for vegetation clearance works to avoid impact to nesting birds and it's recommended that adherence to the measures is secured through a planning condition.

Survey of individual trees with potential roost features (including a pollarded ash on the southwestern boundary) found no evidence of roosting bats. The woodland will be retained within the proposed scheme but two small sections of native hedgerow will be removed to provide access. The submitted cover letter states that a Tree Survey Report



by ArbTS has been submitted which has not been uploaded to PCC Planning. Given the importance of hedgerow, trees and woodland within the site, appropriate tree protection measures will be required for the construction phase.

The adjacent school buildings support multiple bat species, including rarer lesser horseshoe bat and Nathusius' pipistrelle bats. Given the value of the development site for foraging and commuting Surveys in 2018 and 2022 confirmed the presence of hazel dormouse (European Protected Species) in the northern woodland and tree line/hedgerow along the north-eastern boundary. The Plan identifies retention of an existing pathway through the woodland to a small open area close to the new site boundary with the existing school. The main access to the school will be via the northeastern boundary. Security fencing 2.4m in height will be installed within parts of the woodland.

Clearance or cutting back of any vegetation, including trees, in these areas has potential to impact dormouse and a European Protected Species licence will be required for the development bats, controls on external lighting both during construction and operational phases will be necessary. The submitted Ecological Impact Assessment refers to a lighting plan that has been prepared for the development and provides additional measures required to lighting fixtures proposed close to the northern wooded area. Unfortunately, a lighting plan has not been submitted with the application and it's recommended that the lighting plan (amended as advised) is submitted for approval prior to determination. Alternatively, submission of the lighting plan should be secured through a planning condition.

Surveys in 2018 and 2022 confirmed the presence of hazel dormouse (European Protected Species) in the northern woodland and tree line/hedgerow along the north-eastern boundary. The Plan identifies retention of an existing pathway through the woodland to a small open area close to the new site boundary with the existing school. The main access to the school will be via the northeastern boundary. Security fencing 2.4m in height will be installed within parts of the woodland.

Clearance or cutting back of any vegetation, including trees, in these areas has potential to impact dormouse and a European Protected Species licence will be required for the development

The EcIA concluded that subject to implementation of the recommended mitigation measures the development would not be detrimental to the favourable conservation status of hazel dormouse.

Appropriate new habitat is required as compensation for the short sections of hedgerow lost to site access. The submitted Landscape Masterplan identifies that native mixed species hedgerow will be planted along the southwestern boundary connecting the northern wooded area and south-eastern hedgerow, which will provide compensation and

restore connectivity lost through clearance of adjacent woodland (not part of the development). Following pre-application discussions with NRW, the applicant is to submit a detailed Dormouse Conservation Plan to the LPA for approval prior to commencement of development. A Plan has not been submitted with the application and therefore it's recommended that submission of a Dormouse Conservation Plan is secured through an appropriately worded planning condition.

Surveys of three ponds within 500m, including the overgrown school pond, found no evidence of great crested newt presence. Surveys found no evidence of reptiles, otter, water vole or notable woodland or grassland fungi. Honey fungus was identified within the grassland (dependent on trees) and choice of trees for landscaping should consider resistance to the fungus. The site was considered suitable for badger but setts and evidence of confirmed activity were absent, although some paths through the site may have been due to badger. The site is also considered likely to be suitable for hedgehog. Mitigation measures to protect badger and small mammals during construction were provided. Access points with the security fencing will also be required and it's recommended that adherence to the mitigation measures is secured through a planning condition.

#### Invasive non-native species

Japanese knotweed, Montbretia and Rhododendron, were identified within the school grounds. Japanese knotweed and Montbretia are located outside of the development boundary but Rhododendron may extend into the northern woodland within the site. It's recommended that an eradication and management programme is implemented for all three species to prevent any further spread. Eradication of these plants outside of the development boundary would constitute habitat enhancement and would be very welcome.

It's recommended that a Biosecurity Risk Assessment is secured through an appropriately worded planning condition.

It's recommended that details of mitigation measures for protected and priority species, tree protection measures, and biosecurity measures are included within a Construction Environmental Management Plan (CEMP). Although a CEMP has been submitted this only refers to control of surface water run-off to avoid pollution, which is welcome, but should be expanded to include the above.

#### Landscaping

The proposed Landscaping scheme includes areas of mixed native tree and shrub planting, including species beneficial to dormice, and pollinator-friendly planting, all of which is welcome. Planting specifications and short-term aftercare measures have been

provided. Details of aquatic species to enhance the SuDS swales are also provided. Confirmation of likely water levels within the swales is advised. Potamogeton natans (broad-leaved pondweed) is suited to ponds but not areas likely to be dry for much of the year. Phragmites australis (common reed) and Typha latifolia (reedmace/bulrush) can be invasive within small, shallow ponds/boggy areas and are likely to require regular management (removal) every few years. If the swales will only be occasionally inundated the planting plan should be amended to reflect this.

Biodiversity enhancement:

The submitted Biodiversity Enhancement Plan includes details a number of welcome measures, including provision of nest cups for house martin, swift brisk, bat boxes, dormouse boxes and the new hedgerow along the southwestern boundary. A hibernaculum for reptiles and amphibians is also recommended. It's recommended that adherence to the Biodiversity Enhancement Plan is secured through a planning condition.

Further information required prior to determination:

- i. Tree Survey, by ArbTS (submitted via FileTransfer)
- ii. Amended External Lighting Plan (if available, it would avoid the need for a pre-commencement condition)
- iii. Confirmation of aquatic planting schedule details/swales water levels across the year

#### PCC-(N) Land Drainage

No comments received at the time of writing this report.

#### PCC-Schools Service

No comments received at the time of writing this report.

#### PCC-Countryside Services Manager

22nd May 2023

No comment on this one. As it's for recreational play anyway.

#### PCC-Outdoor Leisure & Recreation (North)

21st Sep 2023

With regards to the Planning Application Notification 23/0630/FUL

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 not got a play facility in the area, if any 106 contributions for play is available, then the offer should go to Newtown & Llanllwchaiarn Town Council who own and maintain the nearest public play facilities.

Natural Resources Wales (Mid Wales)  
DPAS

16th Jun 2023

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales on the additional information, which we received on 22 May 2023.

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to any planning permission granted:

Condition 1: No development shall commence until a Dormouse Conservation Plan has been submitted to and approved in writing by the Local Planning Authority.

Condition 2: Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority.

Condition 3: Any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

Documents:

o Dooley, G. (April 2023). Brynllwarch Hall School Kerry Newtown SY16 4PB.

Biodiversity Enhancement Plan. Just Mammals Limited.

- o Dooley, G. (April 2023). Brynlllywarch Hall School, Kerry, Newtown SY16 4PB: An Ecological Impact Assessment. Just Mammals Limited.
- o Dooley, G. (February 2023). Brynlllywarch Hall School Kerry Newtown SY16 4PB. Biodiversity Enhancement Plan. Just Mammals. (Unpublished)
- o Dooley, G. (February 2023). Brynlllywarch Hall School, Kerry, Newtown SY16 4PB: An Ecological Impact Assessment. Just Mammals Limited. (Unpublished)
- o Morgan, D. (November 2022). Brynlllywarch Hall School Kerry Newtown SY16 4PB. A Refresher Ecological Survey, Just Mammals Limited. (Unpublished)
- o Morgan, D. (December 2020). Brynlllywarch Hall School, Kerry, Newtown SY16 4PB: A Refresher Ecological Survey Report. Just Mammals Limited.
- o Morgan, P. (August 2020). Brynlllywarch Hall School Kerry Newtown SY16 4PB. A Refresher Ecological Survey, Just Mammals Limited. (Unpublished)
- o Probert, R. (April 2018). Land at Brynlllywarch Hall School Kerry, Newtown, Powys Pre-Application Ecological Appraisal Report. Powys County Council. (Unpublished)
- o Fira Landscape Limited. (April 2023). Drawing number BLW-FIR-XX-XX-DR-L-00000, titled Landscape Masterplan, revision P05.
- o Fira Landscape Limited. (April 2023). Drawing number BLW-FIR-XX-XX-DR-L-000003, titled Tree and Hedge Planting Strategy, revision P00.

### Protected Species

We have reviewed the above ecological reports provided regarding this development proposal. We note that the reports provided have identified that dormice are present at the application site. We consider that the species is likely to utilise the site for foraging, dispersal, sheltering and breeding purposes.

A European Protected Species (EPS) licence will be necessary to facilitate the proposals.

Dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where dormice are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales (NRW), having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public

health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

ii. There is no satisfactory alternative, and

iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on the protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by your Authority:

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales / Apply for a protected species licence .

Development should not be commenced until the Applicant has been granted a licence by NRW pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us. We advise that any consent is subject to the imposition of conditions in respect of dormice. Provided this advice is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance

of the favourable conservation status of each of the local populations of dormice present at this site.

Condition 1: No development shall commence until a Dormouse Conservation Plan has been submitted to and approved in writing by the Local Planning Authority. The Conservation Plan shall include, but not necessarily be limited to:

(a) Submission of details and associated plans concerning dormouse avoidance and mitigation measures including clearance of individuals from working areas and relocation of features such as hedgerows. Submission to include proposed timescales and reporting requirements.

(b) Submission of further details concerning on-site retained and compensatory proposals including plans, extent, access, current and any proposed changes to tenure. Details shall clearly identify the extent of habitat to be lost, relocated, retained, enhanced and/or created. Submission to include timescales and reporting requirements.

(c) Submission of a Long-Term Site Management Plan (Minimum 25 years) that includes, but not necessarily be limited to:

- o Defined aims and objectives, including targets that can be used as key performance indicators for monitoring purposes;
- o Location, access Geographical Information System shape file illustrating the boundary of the defined ecology area;
- o Habitat maintenance and management prescriptions;
- o Surveillance, site liaison and wardening;
- o Details of the skills and competencies required by those undertaking any works or activities including whether they require European Protected Species licenses for the activities proposed;
- o Current and proposed changes to tenure of the ecology area (freehold tenure of the ecology area to be approved by the discharging Authority in consultation with NRW) to ensure appropriate control over the land is established and the effective targeted delivery of long-term actions;
- o Details of persons or bodies responsible for undertaking management and surveillance together with required skills and competencies; and
- o Reporting requirements associated with species surveillance and habitat management; and provision for periodic review mechanism for the Long-Term Site

Management Plan;

(d) Long-Term Site Monitoring and Surveillance Plan. Duration to accord with the Long-Term Site Management Plan. Provisions shall include, methodology, reporting requirements (including the submission of data to recognised recording schemes) and persons responsible for commissioning and undertaking surveillance.

(e) Details of timing, phasing and duration of construction activities and conservation measures.

(f) Timetable for implementation demonstrating that works are aligned with the proposed development.

(g) Ecological Compliance Audit, including key performance indicators (see below).

(h) Persons responsible for implementing the works.

If the plans are changed in ways that may affect the dormouse on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the dormouse population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

### Ecological Compliance Audit

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the LPA.

The purpose of the ECA is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The audit shall identify Key Performance Indicators (KPI's) that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

Condition 2: Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:



- o Details of the siting and type of external lighting to be used,
- o Drawings setting out light spillage in key sensitive areas,
- o Details of lighting to be used both during construction and/or operation.

We would refer to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018.

### Biosecurity

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. Ecological surveys have to date identified Montbretia, Rhododendron and Japanese Knotweed. In this case, biosecurity issues concern invasive non-native species (INNS) and disease. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

Condition 3: Any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- (i) Appropriate measures to control any identified Invasive Alien Species (IAS)/Invasive Non-native Species (INNS) on site; and
- (ii) Measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

### Foul Drainage

We have considered the 'Drainage Strategy, reference 22349, prepared by JUBB, dated 20 April 2023'.

We note that foul water is to be disposed of via a new package treatment plant discharging into a swale.

Applicants wishing to operate a private sewerage system will need either to apply to us for an environmental permit or register with us for an exemption from the permit requirement. Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our website.

If the private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found here. Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

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

Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

The developer should ensure there is sufficient space to install the drainage field as set out in BS 6297:2007+A1:2008.

#### Pollution of Controlled Waters

We consider that the controlled waters at this site are not of the highest environmental sensitivity, and no significant sources of potential contamination have been identified, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

This is based on our assumption that gross contamination is not present at this location. If, during development, gross contamination is found to be present at the site you may wish to re-consult us.

#### Other Matters

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

Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Advice for the Developer

#### Pollution Prevention and Manure Management

We understand this proposal will construct agricultural sheds/outbuildings for the school farm animals. Therefore, we would advise the Applicant that any manure produced should be managed (storage and application to land) in line with The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021 and Code of Good Agricultural Practice guidance.

Transition periods apply for manure management and further guidance is available in The Water Resources (Control of Agricultural Pollution) (Wales) Regulations 2021: guidance for farmers and land managers | GOV.WALES.

CPAT

22nd May 2023

Having consulted the information held within the Historic Environment Record I can confirm that there are no archaeological implications for the application.

We were consulted on the pre-application in February, and we only recommended the trees on the northwestern boundary are retained as they are likely to be part of the original parkland layout.

Cadw - Planning

No comments received at the time of writing this report.

Community Council

7th Nov 2023

Council notes C&ODR's comments regarding S106 monies in respect of planning application 23/0630/FUL - and wish it to be documented that Newtown and Llanllwchaiarn Town Council do not own or maintain the nearest public play facilities to the proposed replacement school site. Kerry Community Council own and maintain all of the play facilities within the village of Kerry and any potential S106 monies should be for the benefit of the residents/children of Kerry.

Natural Resources Wales (Mid Wales)

6th Nov 2023

DPAS

We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following conditions to

any planning permission granted:

Condition 1: Dormouse Conservation Plan

Condition 2: Ecological Compliance Audit Scheme

Condition 3: Lighting Design Plan

Condition 4: Biosecurity Risk Assessment

We also advise that based on the information submitted to date, the documents identified below should be included in the approved plans and documents condition on the decision notice. Without the inclusion of these conditions and documents we would object to this planning application.

Documents:

o Dooley, G. (April 2023). Brynlywarch Hall School Kerry Newtown SY16 4PB.

Biodiversity Enhancement Plan. Just Mammals Limited.

o Dooley, G. (April 2023). Brynlywarch Hall School, Kerry, Newtown SY16 4PB: An Ecological Impact Assessment. Just Mammals Limited.

o Dooley, G. (February 2023). Brynlywarch Hall School Kerry Newtown SY16 4PB. Biodiversity Enhancement Plan. Just Mammals. (Unpublished)

o Dooley, G. (February 2023). Brynlywarch Hall School, Kerry, Newtown SY16 4PB: An Ecological Impact Assessment. Just Mammals Limited. (Unpublished)

o Morgan, D. (November 2022). Brynlywarch Hall School Kerry Newtown SY16 4PB. A Refresher Ecological Survey, Just Mammals Limited. (Unpublished)

o Morgan, D. (December 2020). Brynlywarch Hall School, Kerry, Newtown SY16 4PB: A Refresher Ecological Survey Report. Just Mammals Limited.

o Morgan, P. (August 2020). Brynlywarch Hall School Kerry Newtown SY16 4PB. A Refresher Ecological Survey, Just Mammals Limited. (Unpublished)

o Probert, R. (April 2018). Land at Brynlywarch Hall School Kerry, Newtown, Powys Pre-Application Ecological Appraisal Report. Powys County Council. (Unpublished)

- o Fira Landscape Limited. (April 2023). Drawing number BLW-FIR-XX-XX-DR-L00000, titled Landscape Masterplan, revision P05.
- o Fira Landscape Limited. (April 2023). Drawing number BLW-FIR-XX-XX-DR-L000003, titled Tree and Hedge Planting Strategy, revision P00.
- o CEMP (Parts 1-4) by ISG. (June 2023) (following amendment as noted below)

### Protected Species

We have reviewed the above ecological reports and Dormouse Conservation Management Plan (By Just Mammals LTD dated October 2023). We note that the reports provided have identified that dormice are present at the application site. We consider that the species is likely to utilise the site for foraging, dispersal, sheltering and breeding purposes.

A European Protected Species (EPS) licence will be necessary to facilitate the proposals.

Dormice and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where dormice are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by NRW, having satisfied the three requirements set out in the legislation. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- ii. There is no satisfactory alternative, and
- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on the protected species on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied. Please note, for the purposes of providing advice at the planning application stage, our comments are limited to compliance with the third test only.

In line with the 'Dear CPO' letter issued by Welsh Government on 1st March 2018, we request that the following informative is attached to any planning permission granted by

your Authority:

Warning: An European protected species (EPS) Licence is required for this development.

This planning permission does not provide consent to undertake works that require an EPS licence.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a licence from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales / Apply for a protected species licence

Development should not be commenced until the Applicant has been granted a licence by NRW pursuant to Regulation 55 of the Conservation of Habitats and Species Regulations (2017) authorizing the specified activity/development to go ahead. Please note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us. We advise that any consent is subject to the imposition of conditions in respect of dormice.

#### Condition 1

We acknowledge the submission of the Dormouse Conservation Management Plan. Provided this plan is compliantly implemented, we consider that the proposed development is not likely to be detrimental to the maintenance of the favourable conservation status of each of the local populations of dormice present at this site. We advise you seek to secure the implementation of this via an appropriately worded condition.

If the plans are changed in ways that may affect the dormouse on this site, you would need a revised ecology report that takes account of such changes. Please consult us again if any updated or revised ecology report concludes that the proposal is more likely to have an adverse impact on the dormouse population and/or alters the detail or implementation of mitigation or compensation measures.

Please also note that any changes to plans between planning consent and the licence application may affect the outcome of a licence application.

#### Condition 2

We advise that any future consent includes the imposition of a condition that requires the submission and implementation of an approved ecological compliance audit (ECA) scheme to the satisfaction of the Local Planning Authority.

The purpose of the ECA is to evidence compliant implementation of all ecological avoidance, mitigation and compensation works, either proposed or subject to the provisions of reserved matters conditions. The audit shall identify Key Performance Indicators that are to be used for the purposes of assessing and evidencing compliant implementation of proposals.

### Condition 3

Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- o Details of the siting and type of external lighting to be used,
- o Drawings setting out light spillage in key sensitive areas,
- o Details of lighting to be used both during construction and/or operation.

We would refer to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat Conservation Trust (BCT), 2018.

### Biosecurity - Condition 4

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. Ecological surveys have to date identified Montbretia, Rhododendron and Japanese Knotweed. In this case, biosecurity issues concern invasive non-native species (INNS) and disease. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include:

- i. appropriate measures to control any identified Invasive Alien Species (IAS) /Invasive Non-native Species (INNS) on site; and
- ii. measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

## Environmental Management

We welcome the submission of a CEMP. We advise that the NRW emergency incident hotline number is included in this document to facilitate self-reporting of any environmental pollution incidents. Following this amendment we recommend that the CEMP is included on the approved plans and documents condition on the decision notice

## Other Matters

Our comments above only relate specifically to matters included on our checklist, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development.

Please refer to our website for further details.

## Advice for the Developer

### Private Sewage Treatment Systems

Applicants wishing to operate a private sewerage system will need either to apply to us for an environmental permit or register with us for an exemption from the permit requirement.

Septic tanks and small sewage treatment works that meet certain criteria may be registered as exempt.

A step by step guide to registering an exemption can be found on our website.

If the septic tank or private sewage treatment system is not eligible for an exemption, the Applicant will need to apply for an environmental permit, further details can be found here.

Should a permit be required further information may be needed as part of that application process. The Applicant is therefore advised to contact us for pre-application advice at the earliest opportunity to try to ensure that there is no conflict between any planning permission granted and the permit requirements. Further details on how to access our pre-application advice service can be found here.

It is important to note that a grant of planning permission does not guarantee that a permit will be granted. A proposal may be deemed unacceptable either because of environmental risk or because upon further investigation, a connection to mains sewer



was feasible.

Applicants are encouraged to ensure they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

Community Council

14th Jun 2023

Response: Kerry Community Council **STRONGLY OBJECTS** to this application for the reasons stated below;

Points of note;

Kerry Community Council held an Additional Planning Meeting on 5th June 2023, which was well attended by local residents

There were 34 residents present plus three representatives from the school. Of this number 34 were opposed to the plans.

Details according to Asbri's Planning Statement

Site Location

2.1 The proposed new school is to be located on two greenfield sites which are in open countryside outside the defined settlement boundary of Kerry. One of the fields is the current sports field for the school and the other has been used for grazing sheep.

2.17 Currently the majority of vehicles use Common Road to access the existing school. The proposed travel route is via the B4368 and the Pentre hamlet via a narrow bridge.

The proposal to send all construction and school traffic via the above-mentioned route will involve the majority of vehicles travelling an additional two miles per trip to arrive at the new site entrance which is only 400m from the existing school entrance at the top of Common Road. Drivers can be requested to take this route but it is unenforceable.

It is claimed that there are 12 formal and informal passing places between the Pentre and the proposed new site. There is actually only one formal passing place. The informal places are residents' private frontages/driveways and they are not willing to accept this situation.

The narrow bridge at the junction of the B4368 and the C2012 regularly suffers damage necessitating repairs to be carried out by Powys County Council.

The owner of the trees to the west of the bridge states that he has not granted permission for them to be removed.

2.18 The site is bisected by a PROW (Ref 217/103/1) which separates the planning field

and adjoining field with the school.

Residents and Councillors expressed concern that the PROW is to be enclosed by a 2.4m high fence on the side adjacent to the proposed new site. It currently has a fence to the southern side. This raises concerns for public safety. The footpath features in a KCC published brochure and also in Kerry WI's book of 'Kerry Walks' published to celebrate the Millennium. It is a very well used walking route.

#### JUBB Travel Plan

5.2.10 The proposed scheme will bring a number of highways improvements.

5.2.11 The carriageway width on the C2012 is proposed to be widened to a minimum of 5.5m across the development frontage.

It is possible that the widening of this carriageway will allow vehicles to travel at greater speed. This section of the C2012 forms part of a local exercise route known locally as 'The Sawmills Loop'. There are no pavements and very few verges on this route. However, it is well used on a daily basis by residents as a circular route in their local area where they can enjoy the natural surroundings. It is used by children of all ages (including those in buggies), adults of all abilities, dog walkers, joggers, cyclists, horse riders and invalid scooter users. It should be noted that the B4368, which forms part of this route, is subject to the national speed limit and the addition of large construction vehicles during the building stage and the ongoing proposed increase in traffic on a daily basis raises road safety concerns.

5.2.12 It is proposed to redesign the junction layout to the south-west of the application site by removing the existing grassed island. This would then serve as an informal passing place.

No road junction should ever be promoted to a passing place.

#### JUBB Drainage Strategy

##### Runoff Destination

##### Foul Water Strategy

5.1.5 A package treatment plant is proposed to treat the foul water flows from the school before discharging into the northern swale and infiltrating through the ground.

There is a potential risk that should the package treatment plant fail to operate, the untreated sewage would be discharged into the swale causing damage to the environment and possibly to the adjacent residential properties.

4.2.1 The site surface water runoff will drain through infiltration, via swales and infiltration tanks.

There are to be two swales, one of these is proposed to be sited on a raised, sloping site directly opposite/above a residential dwelling. This is not acceptable due to the potential flooding risk.

## SUMMARY

KCC acknowledges the need for modern facilities for the students and staff but does not support the plans to build a new school on a greenfield site in a rural area with inadequate highways provision.

It is the Welsh Government's policy that brownfield sites should be re-purposed before greenfield sites are newly developed.

KCC and residents believe it should be possible to maintain the existing Grade II listed school building and that additional school buildings, to a modern standard, should be built on the area currently occupied by the two vacant houses, various outbuildings and demountables. This will allow the existing grass playing field to be retained for recreational activities.

KCC is concerned that the future of the Grade II listed Brynllwarch Hall is not being considered jointly with this application and that greater consideration should be afforded to the future of this historical Estate which is a significant part of Kerry's heritage.

In addition, if Brynllwarch Hall continues to be used for other purposes and/or is sold for development the access issues from either Kerry or the Pentre Bridge would be exacerbated further.

Powys County Council Planning to note that the Chair (KCC) & representatives from the community wish to attend/address the PCC planning meeting relevant to this application.

Please ensure that the meeting details are provided to the council in a timely manner and our consultee response is recorded against the application in the planning portal.

If you have any queries please do not hesitate to contact me

PCC-Building Control

22nd May 2023

Please be aware that a Building Regulations application is required for this proposal

Ward Councillor

No comments received at the time of writing this report.

PCC-Built Heritage Officer

No comments received at the time of writing this report.

PCC-(M) Highways

6th Nov 2023

The County Council as Highway Authority for the County Class III Highway, C2012

Wish the following recommendations/Observations be applied

Recommendations/Observations

In our response dated the 19th of June, we sought clarity as to whether the proposed school was a new or replacement school, some of the submitted documents refer to a replacement whilst others state new.

We noted that the existing school is not included within the redline application site, and we are not aware of any other application to change its planning use, nor has a unilateral undertaking been submitted.

It would normally be the case that the existing building would be demolished, therefore, allowing for the proposed trade, of movements. However, with the existing school not being included in the application site, we are unsure as to how such a tradeoff could be established.

The Highway Authority were reconsulted on the proposed development, however, we note that no additional detail has been submitted which clarifies the issues previously raised. We, therefore, seek clarity as to how the applicant proposes to 'tradeoff' the movements from the existing school to the replacement, and what the proposed new planning use at the existing school would be.

Community Council

7th Nov 2023

KCC's Response September 2023

2.17 Council reiterates its original response. The route through Pentre is not suitable for the increased amount of traffic. It is unrealistic to expect vehicles to travel an extra two miles per journey. This will equate to an additional 40 miles per week for the mini-buses; taxis and private vehicles. It is also unenforceable.

Pentre residents walk the C2012 to access

the village amenities including the village school, the only available bus route and village shop. There are no footways or level verges on the entire length of the C2012.

Council considers it inappropriate to enclose a PROW in a rural area. Widening it to

around 4m does not address concerns in respect of personal safety.

The Jubb drainage strategy report states: 'The site surface water run-off will drain through infiltration via swales and infiltration tanks.'

Council is not aware of a drainage field in the vicinity.

It should also be noted that during heavy rainfall such as the recent Storm Babet, the surface water was observed gushing off the proposed school site onto the C2012 opposite the property k/a Timberyard. This raises concerns that the two proposed swales would not be able to cope with the additional volume of water produced in storm conditions.

Council is aware that the existing buildings have been allowed to fall into disrepair and are no longer suitable for educational purposes.

Council supports the idea that the school should be housed in a purpose-built facility suitable for the 21st Century. However, this should also be in an easily accessible area with easy transport routes already in place, not in an area which would have detrimental effects on the local road infrastructure and on the safety of the Kerry residents who use the proposed travel route through Pentre as a walking route around the village.

Council notes that the Transport Assessment refers to the viability of Brynllwarch Hall being re-opened as a school and operating at the same time as the proposed replacement school.

NB. The Common Road/A489 junction carries a 'code red' status. Large parts of Common Road are single vehicle width with no formal passing places. Furthermore, the upper two-thirds of Common Road has no footways and in part is too narrow to accommodate safe pedestrian access.

Environmental Protection

30<sup>th</sup> Nov 2023

Foul drainage

The plans have been amended so that the effluent from the package sewage treatment plant will now discharge into a foul drainage field. The discharge to ground will require a permit from NRW. I have no objection to this proposal.

Noise

I am satisfied with the conclusions of the noise impact assessments for mechanical plant and MUGA that any impact on nearby residential properties will be low. However, this is dependent on the inclusion of an acoustic barrier fence for the MUGA – therefore it is

essential that this fence is included in the development.

Artificial light

I am satisfied with the lighting plan.

Construction period

I am satisfied with the measures outlined in the CEMP. I would recommend that a condition be attached to any planning permission granted, stating that development should proceed in accordance with these controls for the protection of amenity during the construction period.

I therefore have no objection to the application.

PCC-Rights Of Way Senior Manager

No comments received at the time of writing this report.

PCC-(M) Highways

15th Nov 2023

The Highway Authority (HA) acknowledges the email from the LPA dated the 10th of November 2023 which clarifies that the application is to be considered on the basis of a "replacement" school. We therefore wish to make the following comments.

Proposed Development

The HA have, as above, considered the proposed development on the basis of a replacement building for the existing school buildings located around 76m to the west of the application site.

The number of pupils is proposed to increase from 46 to 64, and the number of associated vehicle movements shall also increase, although this is not quantified in the application.

Two new accesses to the school is to be constructed onto the C2012 as shown on Drawing Number BLW-JUB-XX-XX-DR-C-000100 Rev P1.

Vehicle Routing

The applicant uses the A489/C2012 to the northwest of the application site and the B4368/C2012 to gain access to the existing school. They acknowledge the constrained nature of the C2012 (known locally as Common Road) to its junction with the A489, and the junction itself. In discussion with the HA, it has been agreed that minibuses serving the site shall gain access to the site from the east (B4368/C2012), thus prevent larger

movements along the residential area of Common Road and passing through the junction of the A489/C2012.

The HA acknowledges that parents and deliveries may continue to approach from the north along Common Road, and that the applicant would have no control over such, and that the surrounding highway network is open to all traffic.

#### Access

Drawing Number BLW-JUB-XX-XX-DR-C-000100 Rev P1 demonstrates that safe means of access to both the proposed main site access and pumping station/minibus parking area, are in accordance with Manual for Streets 2 and the All-Wales Common Standards Guide 2023, and that the vehicular access gates are set sufficiently back from the adjacent highway, therefore vehicles serving the site are clear of the highway whilst the gates are opened/closed.

Localised widening to a width of 5.5m across the full developed frontage of the site to the County Class III highway. No engineering detail has been submitted with regard to the widening works, however, the HA consider that a condition can be attached to any consent given requiring the applicant to submit and have approved full details of the proposed construction.

Whilst the applicant has submitted details of a proposed Section 278 (Highways Act 1980), we advise that it is not possible for Powys County Council to enter into a legal agreement with itself, therefore, a Service Level Agreement shall be required for the off-site highway works.

The submitted Traffic Assessment (TA) proposes to utilise a formal passing bay shown on Page 21 (Plate 5.1), however, this is not a passing bay and the land to which it is constructed does not form part of the adopted highway network. This area is in very close proximity to proposed access to the pumping station and minibus parking area, therefore, the access when constructed shall act as an informal passing place to/from the main site access, furthermore, as above, the full developed frontage of the site is to be widened to 5.5m which includes this area. Therefore, whilst the applicant has suggested that the area shown in Plate 5.1, the HA do not consider it viable nor required, of the reasons given above.

The applicant at Page 22 of the TA (Plate 5.2) proposes to widen the existing passing bay on the County Class III. However, there is insufficient lateral highway width in this location to allow the passing bay to be widened. Furthermore, the passing bay has been recently constructed and signed off by our Streetworks section as being acceptable/fit for purpose. Therefore, we consider that no widening of the passing bay is required.

Plate 5.3 (Page 23) of the TA proposes to resurface the bellmouth of the junction of the C2012/U2850, therefore allowing the junction to act as an informal passing place. This approach has been accepted by the HA in their previous consideration of the site at Pre-Planning stage and we continue to offer support to the resurfacing of the junction. We note that the applicant has not submitted any detail of the proposed construction, however, as per the widening works, a negative condition could be attached to any consent given requiring the applicant to submit and have approved the proposed construction.

Figure 5.6 on Page 25 of the TA shows a swept path analysis of a full size Refuse Collection Vehicle (RCV). The drawing appears to be based on Ordnance Survey data rather than a topographical survey, we are mindful that the largest vehicle accessing the site is a LWB minibus wheelchair accessible vehicle and that the area is served by a satellite 7.5t RCV, therefore, we consider that the likely vehicle types can easily negotiate the bridge without fear of vehicles striking the parapet.

Sections 5.2.26 - 5.2.29 of the TA consider the junction of the B4368/C2012, concluding that 2.4 x 215m is available, and that improvement to the south would increase the visibility to 45 - 50m. We advise that Y distances reported in the TA are not achievable and in any case Manual for Streets 2 would be the relevant standard rather than the Design Manual for Roads and Bridges (DMRB). Narrow carriageway width and constrained horizontal alignment result in road speeds of around 20 - 25mph. The HA are undertaking works in this location, therefore, negating the need for the applicant to undertake works at the junction.

#### Active Travel

The proposed development is located around 550 - 600m from the development boundary for Kerry, and around 1km nearest footway on Common Road.

There is insufficient lateral highway width from the junction of the C2012/U4730 along Common Road to its junction with the U2847 to allow the construction of a footway compliant with the Active Travel Act Guidance 2021. Similarly, there is insufficient lateral highway width from the junction of the U2847 to the area to which the applicant shall widen on the C2012 for the construction of a compliant footway.

Whilst the applicant could construct footway across the site frontage, as they control the land, the HA is mindful that the application is for a 'replacement' school rather than a new school, and that the existing site does not have any pedestrian links to the village of Kerry.

As the HA have been instructed by the LPA to consider the application as a replacement for the existing school, we consider that the proposed development shall not increase the



demand for pedestrian, cycle or public transport links. However, during conversation with the LPA, they suggested including a condition restricting the use of the development to the alternative educational facility proposed, thus removing the availability of the development being used for more intensive uses under the D1 classification, given the sites location.

## Parking

The applicant has designed the car park in accordance with the CSS Wales Parking Standards 2014, however, we note that they have elected to over provide the number of parking bays. We also note that the applicant has included EV Charging bays in accordance with Policy 12 of Future Wales, and the EV Charging Strategy for Wales.

## Summary

The LPA clarified to the HA on the 10th of November 2023 that the application was to be considered on the basis of a replacement school, which the HA has done.

The applicant has proposed to route vehicles associated with the development along the B4368/C2012 to relief the amount of larger vehicles accessing the site via the A489/C2012 due to the constrained nature of Common Road and its junction with the A489. The proposed route is acceptable to the HA; however, we acknowledge that some vehicles attending site shall continue to use alternative routes.

The HA consider that sufficient mitigation is provided along the proposed route, in terms of the widening across the developed frontage and improvement to the junction of the C2012/U2850. The HA consider that these works should be completed to the commencement of any other works at the site, to allow vehicles associated with the construction phase to pass opposing vehicles on the County Class II highway.

Whilst Active Travel is a consideration of every application, especially those which have the potential to generate pedestrian, cycle and public transport needs, this application has been assessed as a replacement school. The existing school site does not benefit from any AT links and as such being a replacement school, the proposed development does not worsen the current situation.

The proposed development proposes a surplus of parking when considered against the CSS Wales Parking Standards 2014 and provided sufficient EV Charging bays.

The HA therefore considers that the proposed development is in compliance with policies DM13 (10) & T1 of the LDP, and pertinent highway guidance. We therefore recommend that the following conditions be attached to any consent given.

1. Prior to any other works commencing on the development site, detailed

engineering drawings for the carriageway widening of the C2012 across the full developed frontage of the site and resurfacing of the junction of the C2012/U2850, and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

4. No other development shall commence until the accesses have been constructed in accordance with the approved drawing BLW-JUB-XX-XX-DR-C-000100 Rev P1 so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

5. 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.

6. Before any other development is commenced the area of the accesses to be used by vehicles is to be constructed in full accordance with the approved highway drawing BLW-JUB-XX-XX-DR-C-000100 Rev P1, in suitably bound materials (or to a minimum 410mm depth comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material) for a distance of 12 metres from the edge of the adjoining carriageway.

7. Prior to first beneficial use of the development hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan BLW-PDA-XX-XX-DR-A-901000 Rev P15. The parking areas and turning areas shall be retained for their designated use for as long as the development hereby

permitted remains in existence.

8. A minimum 10% of the parking allocation secured under condition 6 above (min of 3 spaces) shall be constructed to incorporate Fast Charge electric vehicle charging points. See the EV Charging Strategy for Wales for further information.

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

10. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

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

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

PCC-Ecologist

28th Jun 2023

The report identifies that high value trees will be retained within the development and that removal of the conifer trees and eastern hedgerow can be mitigated for through compensatory planting. To ensure long-term retention of trees and woodland at the site it's recommended that adherence to the Tree Protection Plan and Arboricultural Method Statement is secured through an appropriately worded planning condition.

Please reconsult PCC Ecology should the information regarding external lighting details and the swale planting specification be provided.

## **Representations**

Following the display of a site notice, 12 public representations have been received at the time of writing this report. A summation of the points raised are detailed below:

- Affect Local Ecology
- Close to adjoining properties

- Conflict with local plan
- Inadequate access
- Increase danger of flooding
- Increase in traffic
- Increase of pollution
- Noise nuisance
- Out of keeping with character of the area
- Residential Amenity
- Outside of development plan
- Greenfield site
- Light pollution
- Drainage concerns
- Development too high
- Inadequate parking provision
- Loss of privacy
- Inadequate public transport provisions
- Elevated position

### Planning History

App Ref	Description	Decision	Date
---------	-------------	----------	------

None as per GIS

### Principal Planning Constraints

Ancient Woodland Within 50m of Listed Building Right of Way Mineral Safeguarding Sand_Gravel Cat 1	Restored Ancient Woodland Site Brynllwarch Hall School 217/103/1
--	--

### 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		National Policy

## Rural Communities

TAN11	Noise	National Policy
TAN12	Design	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
SP6	Distribution of Growth across the 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
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026

DM11	Protection of Existing Community Facilities and Services	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
DM15	Waste Within Developments	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
C1	Community Facilities and Indoor Recreation Facilities	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGLAN	Landscape SPG	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site lies outside the development boundary of Kerry as defined by the Powys Local Development Plan (2018). The site comprises an area of open land and playing fields associated with Brynllwarch Hall School. Brynllwarch Hall is a Grade II listed building and is located to the south-west of the proposed site. The large village of

Kerry is located approximately 145 metres north-west of the application site, separated by an area of ancient woodland. The application site seeks access onto the classified C2012 which runs northwards through Kerry.

Consent is sought for a proposed replacement school, ancillary buildings, a MUGA, landscaping and associated works.

The existing buildings associated with Brynllwarch Hall School are considered to be in very poor condition, categorised as Condition D. The existing school site comprises of 9 buildings built in the 19th Century and includes mobile classrooms dating from 2004. Since operating as a school, temporary accommodation has been provided in order to vacate parts of the original building which are no longer fit for purpose. Therefore, as part of the 21st Century Schools programme, it has been identified that a replacement school is required that will provide a brand new, purpose built school with 64 places in age-appropriate environments.

The proposed replacement school measures approximately 82 metres in length and 28 metres in width at its widest point reaching a height of approximately 7 metres. The building will comprise of classrooms, specialised rooms, offices, changing/wash/shower facilities, main hall, plant room and other associated educational spaces. The school will be constructed using a mixture of materials including timber rainscreen cladding, treated and stained along with aluminium framed windows and a colour coated metal seam roof incorporating solar panels. There will also be outdoor teaching canopies stretched over free-standing steel structures.

The site will also incorporate a MUGA pitch, parking areas and coach/mini bus drop-off areas along with extensive landscaping measures across the site, farm pens, polytunnel, workshops and other associated outbuildings.

### Placemaking and Wellbeing Goals

Future Wales emphasises that planning authorities should recognise the challenges facing their rural communities and set out policies to help address them. They should consider the role that housing, employment areas and home-working, health and social services, places of education, emergency services, shops and infrastructure can play in tackling these challenges and in helping create more sustainable places. Sustainable rural settlements are accessible places and well connected to the wider areas they serve.

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

PPW also promotes placemaking and states the following;

Productive and Enterprising places are those which promote our economic, social, environmental and cultural well-being by providing well-connected employment and economic development in pleasant surroundings. These places are designed and sited to promote healthy lifestyles and tackle climate change by making them easy to walk and cycle to and around, access by public transport, minimising the use of non-renewable resources and using renewable and low carbon energy sources.

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

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

The key principles for ensuring 'Right Development in the Right Place' according to PPW are as follows;

- i. Growing our economy in a sustainable manner – the planning system should enable development which contributed to long term economic well-being, making the best use of existing infrastructure and planning for new supporting infrastructure and services.
- ii. Making the best use of resources - The planning system has a vital role to play in making development resilient to climate change, decarbonising society and developing a circular economy for the benefit of both the built and natural environments and to contribute to the achievement of the well-being goals.
- iii. Facilitating accessible and healthy environments - Our land use choices and the places we create should be accessible for all and support healthy lives. High quality places are barrier-free and inclusive to all members of society. They ensure everyone can live, work, travel and play in a way that supports good physical and mental health.
- iv. Creating and sustaining communities - The planning system must work in an integrated way to maximise its contribution to well-being. It can achieve this by creating well-designed places and cohesive rural and urban communities which can be sustained by ensuring the appropriate balance of uses and density, making places where people want to be and interact with others.
- v. Maximising environmental protection and limiting environmental impact - Natural, historic and cultural assets must be protected, promoted, conserved and enhanced. Negative environmental impacts should be avoided in the wider public interest.

PPW provides guidance on the national sustainable placemaking outcomes and their



relationship to PPW themes and Well-being Goals. It is considered that the proposed development is in accordance with both the placemaking and well-being goals on the following grounds:

- The development will aid in the functioning of an existing educational facility to the benefit of the rural and wider economy.
- The development will assist in ensuring a fit for purpose educational facility for future generations and promotes the retention of the use in the locality to the benefit of a vibrant Welsh culture.
- The development is located close to existing transport networks.
- Impact on the environment and historic and cultural assets will be acceptable.
- The public right of way will be protected and maintained.
- The impact upon communities and local residents is considered acceptable.

### Principle of Development

Community facilities such as village halls and schools are essential to the social and physical wellbeing of the community and support the vitality and viability of our rural settlements. The LDP supports the provision of local facilities alongside improving access to existing facilities.

Policy C1 of the Powys Local Development Plan (2018) seeks to ensure that development proposals for community or indoor recreation facilities will be permitted where:

1. Proposals are within or adjoining a settlement identified in the strategic settlement hierarchy;
2. No suitable facility exists nearby which could appropriately accommodate the proposed use; and
3. The appropriateness and feasibility of multi-use has been considered.

The application site is located outside, but close to the settlement development boundary of Kerry which is categorised as a 'large village' under the Local Development Plan. The site is located adjacent to the existing, brownfield, school facility and connected to the settlement of Kerry by the classified C2012, separated by an area of Ancient Woodland. The site, being adjacent to the large village of Kerry benefits from public transport links to Newtown which forms part of the Bro Hafren Regional Growth Area with Kerry situated on the periphery of this area.

The planning agent has undertaken a sequential test to inform site selection and through this process has determined the site subject to this application to be the most appropriate for the proposed development. The other sites available for consideration have been assessed against a RAG status and have been discounted for various strategic reasons. Therefore, officers consider that due consideration has been afforded to the siting of the proposed school to ensure that adequate provisions for a modern teaching environment for Brynllwarch School is achieved.

Brynlywarch Hall School will remain given the buildings Grade II listing, along with the curtilage listed structures on site. However, a condition will be attached to any granting of planning permission that will control the use of the existing and proposed school site to operate as a single unit.

Given the above site and policy considerations, the proposed development is considered to fundamentally be in accordance with policy C1 with a principle for the proposed development considered compliant with the Local Development Plan (2018).

### Design and External Appearance

With respect to design and appearance, reference is made of Local Development Plan (2018) policy DM13. This policy indicates that development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources.

The proposed school will measure approximately 1730 sqm and will be single storey in height and therefore subservient to Brynlywarch Hall to the west. The school, being a functional development has been specifically designed to meet the needs of the users and deliver the service that it provides. Along with the school, the site incorporates several other facilities associated with the operation of the school, a MUGA pitch, farm pens, polytunnel, outbuildings and workshop. The development has been sympathetically designed to provide several sensory and stimulating uses to complement and enhance the proposed use of the site as an educational facility.

Officers note the design of the proposed school, being single storey, pitched-roof and timber cladded is typical of recent constructions throughout Powys. The use of cladding is seen as an appropriate material which will be stained to ensure the colour of the material does not bleach overtime. The various outbuildings proposed on the site will all be of similar construction, being timber rainscreen wall cladding, stained dark grey with artificial slate roofs. The proposed buildings are considered an appropriate design and given the finishing material will help blend into the surrounding areas of the site.

A close boarded timber acoustic fence measuring 1.8 metres will flank the north-eastern boundary of the MUGA whilst a 3-metre rebound sports mesh fence will encompass the MUGA. The sports mesh fencing is a typical addition to a MUGA pitch, whilst a height of 3 metres is relatively tall for a fence, given that it will be of mesh construction, it will allow sight and light to pass through and not provide a visual block to the surrounding area.

The site itself will be made secure by a 2.4 metre weldmesh fence boarding the site. This type of security fencing is now commonplace on school grounds to ensure safeguarding.

The proposed site incorporates the retention and provision of natural landscaping measures and swales to provide a visual contrast against the development features

across the site.

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

### Landscape and Visual Impact

Guidance within policy DM4 of the Powys Local Development Plan (2018), indicates that development proposals will only be permitted where they would not have an unacceptable impact on this environment and would be sited and designed to be sympathetic to the character and appearance of its surroundings.

According to LANDMAP the site is located in the MNTGMVS650 River Severn Flood plain aspect area which is described as a significant open valley / vale with a patchwork of medium to large field parcels many displaying established field boundaries of managed and overgrown hedgerows with numerous hedgerow trees. Predominantly arable farming with some lowland dairy farming. Settlements of varying sizes are prevalent from farmsteads to significant urban areas such as Welshpool and Newtown. Open skies dominate with woodland valley sides fringing the valley bottom. The area is evaluated as moderate in terms of visual and sensory aspect area.

With regards to the other elements of LANDMAP, it has been evaluated as follows:

Historic Landscape – Outstanding  
Landscape Habitats – Moderate  
Geological – Moderate

The proposed development will be visible from sensitive receptors including highways, public rights of way and residential properties in the locality. The application has been supported by a Visual Impact Assessment which has considered the developments impact on individual landscape elements and features; landscape character; and views, visual amenity and the people who view the landscape.

The landscape assessment concluded that the following landscape effects will result from the originally proposed development:

The site itself and its immediate setting:

'Medium adverse' at year 1  
'Slight adverse' at year 10

The landscape character of the wider area:

'Very low adverse' at Year 1  
'Negligible' by year 10

The scheme has been revised since the initial landscape assessment was undertaken with the position of the school amended and slight changes across the site. A revised Visual Impact Assessment has been undertaken to take into consideration these changes.

The revised Visual Impact Assessment has taken into consideration 7 key viewpoints as being representative of nearby receptors.

The original assessment found that the landscape effects resulting from the revised scheme will be negligible whilst the review has found that the visual effects resulting from the revised scheme will be negligible or slightly less adverse/slightly more beneficial as compared with the baseline of the existing assessment.

Officers consider that the additional landscape planting which has been incorporated across the site will help to assimilate the development into the surrounding landscape. The landscaping scheme will be secured by an appropriately worded planning condition attached to any granting of planning permission.

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

#### 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 closest residential properties to the proposed development are located along the eastern and south-eastern boundaries on the opposite side of the classified C2012, approximately 10 meters from the site boundary. The proposed layout of the development has located the school building centrally on site with areas of landscaping located to the south providing a buffer between the proposed building and existing residential properties. Again, to the east, whilst the proposed MUGA and associated fencing will be within 20metres of neighbouring properties, it is not considered the proposed development will have an adverse impact on the neighbouring properties in term of visual impact.

It is noted that neighbouring properties border the boundary of the site and given the sites intended use along with the MUGA pitch and outside areas, the application has been supported by noise impact assessments. Environmental Protection have been consulted on the proposed development in respect of noise and are satisfied with the conclusions of the noise impact assessments for mechanical plant and the MUGA which

identifies that any impact on nearby residential properties will be low. However, this is dependent on the inclusion of an acoustic barrier fence for the MUGA and it is therefore essential that this fence is included in the development. Officers therefore consider it appropriate to include a condition with any granting of planning permission that will ensure the acoustic fence is erected to reduce the impact of noise on neighbouring properties.

The application has also been supported by a Construction Environment Management Plan which Environmental Protection consider appropriate subject to a condition being attached to any granting of planning permission to ensure the development proceeds in accordance with the controls and measures specified within the report for the protection of amenity during the construction period. Officers consider the proposed condition to be reasonable and will therefore be attached to any granting of planning permission.

Consideration has also been given to the provision of artificial light on site with Environmental Protection also satisfied with the lighting plan submitted in support of the application.

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.

The proposed development relates to a replacement school on the site adjacent to the existing Brynlywarch Hall School. The existing school will remain in place given its listed status, however to ensure that a replacement of the use is transferred to the new site and not in addition to, an appropriately worded planning condition to control the use of the existing site in relation to the proposed development will be attached to any granting of planning permission. Given this restriction to be imposed, the following highway assessment reflects that of a replacement school.

The applicant has proposed to route vehicles associated with the development along the B4368/C2012 to relieve the number of larger vehicles accessing the site via the A489/C2012 due to the constrained nature of Common Road and its junction with the A489. The proposed routing is acceptable to the Highway Authority; however, it is acknowledged that some vehicles attending the site will continue to use alternative routes.

The Highway Authority considers that sufficient mitigation is provided along the proposed route, in terms of the widening across the developed frontage and improvement to the

junction of the C2012/U2850. The Highway Authority consider that these works should be completed prior to the commencement of any other works at the site, to allow vehicles associated with the construction phase to pass opposing vehicles on the County Class II highway and not cause a detriment to highway safety.

Whilst Active Travel is a consideration of every application, especially those which have the potential to generate pedestrian, cycle and public transport needs, this application has been assessed as a replacement school. The existing school site does not benefit from any AT links and as such being a replacement school, the proposed development does not worsen the current situation.

The proposed development proposes a surplus of parking when considered against the CSS Wales Parking Standards 2014 and provides sufficient EV Charging bays.

The Highways Authority has therefore recommended conditions in respect of access, parking, EV charging points and drainage be attached to any granting of planning permission.

Officers consider the proposed conditions put forward by the Highway Authority to be appropriate and reasonable and will therefore be attached to any granting of planning permission.

In light of the above, and subject to the proposed conditions, 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 has reviewed the submitted information along with local records.

Statutory sites within 1km:

- None

Non-statutory sites within 1km:

- One or more site of Ancient Woodland (AW)
- Ancient Woodland site located within the development boundary

The proposed development will predominantly impact areas of amenity grassland and species-poor semi-improved grassland, separated by a coniferous hedgerow/treeline

extending between the north-eastern and south-western boundaries. Areas of mixed woodland and Ancient Woodland are located along the north and west of the site, and native hedgerows form the north-eastern, eastern and south-eastern boundaries. Conifer dominant woodland abuts the southwestern site boundary.

These areas provide habitat for breeding birds along with commuting and foraging habitats for bats. It is noted that mitigation measures have been provided in respect of vegetation clearance to avoid impacts to nesting birds and will be secured by condition with any granting of planning permission.

Survey work of individual trees with potential roost features found no evidence of roosting bats. Furthermore, the woodland will be retained within the proposed scheme with small sections of native hedgerow removed to provide access. Given the importance of hedgerow, trees and woodland within the site, appropriate tree protection measures will be secured throughout the construction phase by condition with any granting of planning permission.

The adjacent school building has been surveyed and supports multiple bat species with a presence of hazel dormouse also confirmed on site. Clearance or cutting back of any vegetation, including trees, in these areas has the potential to impact dormouse, therefore a European Protected Species licence will be required for the development.

Control on external lighting, both during construction and operational phases will be required. Reference has been made to a lighting plan within the submitted Ecological Impact Assessment, however a lighting plan has not been submitted with the application. It is therefore considered appropriate to attach a condition in respect of external lighting to be submitted prior to the commencement of development with any granting of planning permission.

The presence of hazel dormouse, a European Protected Species, has been identified in the northern woodland and tree line / hedgerow along the north-eastern boundary.

Consequently, the clearance or cutting back of any vegetation, including trees, in these areas has potential to impact dormouse and a European Protected Species licence will be required for the development. The submitted arboricultural assessment identifies that high value trees will be retained within the development and that removal of conifer trees and eastern hedgerow can be mitigated through compensatory planting. The Green Infrastructure statement submitted in support of the application outlines the strategy for the development which identifies that significant compensatory planting for tree and hedgerow will be undertaken on site. Furthermore, to ensure the long-term retention of trees and woodland at the site a condition will be attached to any granting of planning permission to ensure adherence to the Tree Protection Plan and Arboricultural Method Statement.

The Ecological Impact Assessment concluded that subject to implementation of the recommended mitigation measures the development would not be detrimental to the

favourable conservation status of hazel dormouse.

Surveys of 2 ponds within 500 metres of the site have been undertaken including the overgrown school pond. No evidence of great crested newts were found to be present and no other species of reptile, otter, watervole or notable woodland or grassland fungi. The site was considered suitable for badger, but setts and evidence or confirmed activity was absent. However, the site is also considered likely to be suitable for hedgehog. Mitigation measures to protect badger and small mammals during construction have been provided with the measures to be secured by an appropriately worded planning condition.

Several invasive, non-native species were identified within the school grounds and therefore a Biodiversity Risk Assessment will be secured by an appropriately worded condition attached to any granting of planning permission.

Furthermore, it's recommended that details of mitigation measures for protected and priority species, tree protection measures, and biosecurity measures are included within a Construction Environmental Management Plan (CEMP). Whilst a CEMP has been submitted in support of the application, this only refers to control of surface water run-off to avoid pollution, which is welcome, but should be expanded to include the above.

The proposed landscaping scheme includes areas of mixed native tree and shrub planting, including species beneficial to dormice, and pollinator-friendly planting, all of which is welcome. Planting specifications and short-term aftercare measures have been provided. Details of aquatic species to enhance the SuDS swales are also provided.

The submitted Biodiversity Enhancement Plan details several welcome measures, including provision of nest cups for house martin, swift brisk, bat boxes, dormouse boxes and the new hedgerow along the southwestern boundary. A hibernaculum for reptiles and amphibians is also recommended to be provided. Whilst a Biodiversity Enhancement Plan has been provided, further measures are considered appropriate and therefore further details will be secured through a planning condition.

A recommended condition in respect of an Ecological Compliance Audit has been suggested by NRW which seeks to evidence of the compliant implementation of all ecological avoidance, mitigation and compensation works. Given the extent of ecological works proposed, Officer's consider this to be a reasonable condition to ensure the measures are implemented appropriately.

Additionally, as raised by the Powys Ecologist a condition in respect of external lighting and biosecurity has also been recommended which will be attached to any granting of planning permission.

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



## Drainage

The original scheme proposed to utilise a package treatment plant that would discharge treated effluent to the swales on site. The proposal was objected to by Environmental Protection due to the potential of this method causing a public health incident, especially if the swales were dry. A revised scheme has been put forward which would now discharge treated effluent to a drainage field which is not objected to by Environmental Protection. Natural Resources Wales have been consulted, whilst not objecting, have acknowledged that an environmental permit or registration of exemption will be required. This is a separate procedure to the planning system.

The application area exceeds 100sqm and therefore SAB would be required. It is noted within the supporting information of the application that SAB Approval was granted for the scheme on 01/08/2023.

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

## Built Heritage

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

The Authorities Built Heritage Officer has been consulted on the proposed development given the site being within the curtilage of Grade II listed Brynlywarch Hall.

It is noted the proposed site has historically been part of the gardens and 'parkland' of the house and has historically been divided by trees from the main house and grounds.

There will be a minor negative impact on the setting of the property by the loss of this area, however, it is considered that the hall will retain enough ground around itself for its immediate and slightly wider setting to be intact.

It is confirmed that any structures that existed before 1948 and were in place in 1996 when the building was listed, will be considered curtilage listed. It is noted that there are historic gates do exist on the site and form part of the application site. Further confirmation has however been provided in respect of the kissing gates which will be retained and incorporated into the site layout of the development.

CPAT have also been consulted on the proposed development and having reviewed the Historic Environment Record have confirmed that there are no archaeological implications in respect of the proposed development.

Based on the above considerations, the Built Heritage Officer has raised no objection in respect of the proposed development. Officer's, considering the comments provided, do not consider the development will harm the Grade II listed Brynllwarch Hall.

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

### Rights of Way

Public footpath 217/103/1 runs along the western boundary of the proposed site and that of Brynllwarch Hall. It is noted concerns were originally raised by Countryside Services due to a lack of detail concerning the public footpaths corridor width and the 2.4 metre security fence that would be erected along the new schools site boundary. It was considered this may create a closed in and undesirable walking route.

Furthermore, it is noted that Countryside Services has recommended the existing kissing gates are to be removed as they will not be needed for stock control whilst no new structures should be installed across the public footpath. As detailed above in the Built Heritage section, the kissing gates are curtilage listed structures, therefore will remain in situ as part of the proposed development.

Revised details in respect of the public footpath have been provided for further consideration which details a 4-metre-wide public footpath and a repositioning of the fence line. Whilst this is not the suggested width of 5 metres by Countryside Services, it is a reasonable compromise and will provide a sufficiently wide corridor for the right of way to be enjoyed. Furthermore, no other structures other than the retention of the kissing-gates will be provided along the right of way. Given that the existing school and replacement school are both under the ownership of Powys County Council, any maintenance of the right of way, cutting back of vegetation will be undertaken by the Authority.

To ensure that no works impede or obstruct the right of way, a suitably worded informative note 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.

### 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.”*

Whilst the land is defined as agricultural on the ALC, the site has historically been part of the gardens and 'parkland' of Brynlllywarch Hall. The land has been used in connection with the school and community and has therefore not been used for agricultural purposes. Given the history of the site and its uses in connection with the school and community, the loss of 3a agricultural land in this instance is considered acceptable in relation to the proposed development.

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

### Minerals Safeguarding

The application site is located within a Category 1 Minerals Safeguarding Area. As such, consideration must be given to Policy DM8 of the Powys LDP (Minerals Safeguarding).

The proposed development seeks to provide a modern fit for purpose school and associated facilities adjacent to the existing facility. Given the community and social benefit, officers consider that there is an overriding need in the public interest for such a development at the location proposed. Whilst not included within the submission it would be possible for the minerals on-site to be extracted satisfactorily prior to the development taking place if the developer so wished. It is therefore considered the development would be acceptable in this regard, and compliant with the above policy criteria.

### Public and Comments

The application has been subject to advertisement by site notice and local press with 12 public representatives received at the time of writing this report, mainly objecting to the proposed development. Concern has been raised in respect of the location of the proposed development and the policy position of such a development along with access concerns. These points have been raised in the principle of development and highway section of the report. Public concerns in respect of ecology and neighbouring amenity have also been addressed in their respective sections of the report through consultee comment.

Officers consider the comments raised through public consultation have been addressed and taken into consideration for the recommendation made against this planning application.

## **RECOMMENDATION**

The recommendation would therefore be one of conditional consent.

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

## **Conditions**

1. The development shall begin not later than five years from the date of decision.
2. The development shall be carried out in accordance with the following approved plans and documents (Drawing no's):
  - 22030-BLW-PDA-XX-XX-DR-A-901000-P15 titled PROPOSED SITE PLAN
  - A Dormouse Conservation Management Plan prepared by Just Mammals Limited dated October 2023
  - Construction Environment Management Plan (Parts 1 to 4)
  - Noise Impact Assessment 6436/NIA2\_REV1 prepared by Hunter Acoustics dated 11/07/2023
  - MUGA Noise Impact Assessment 6436/NIA1\_REV2 prepared by Hunter Acoustics dated 24/04/2023
  - Drainage Strategy Report BLW-JUB-XX-XX-RP-000004 prepared by JUUB Consulting Engineers Ltd dated April 2023
  - BLW-MCP-XX-XX-DR-E-009000 Rev P02 titled External Electrical Services Layout
  - ZG-DWG-0002271782-EX3-R03-300523 titled External Lighting Plan
  - BLW-FIR-XX-XX-DR-L-000002 Rev P03 titled Landscape Fencing Strategy Plan
  - BLW-FIR-XX-XX-DR-L-000001 Rev P08 titled Landscape Masterplan
  - BLW-FIR-00-00-DR-L-5001 Rev P02 titled Planting Plan 1 of 4
  - BLW-FIR-00-00-DR-L-5002 Rev P02 titled Planting Plan 2 of 4
  - BLW-FIR-00-00-DR-L-5003 Rev P02 titled Planting Plan 3 of 4
  - BLW-FIR-00-00-DR-L-5004 Rev P02 titled Planting Plan 4 of 4
  - BLW-JUB-XX-XX-DR-C-000500 Rev P7 titled Proposed Drainage Layout Sheet 1
  - BLW-JUB-XX-XX-DR-C-000501 Rev P6 titled Proposed Drainage Layout Sheet 2

- BLW-JUB-XX-XX-DR-C-000511 Rev P5 titled Drainage Standard Details Sheet 2 of 2
- Q31 AQUATICS SPREADSHEET
- Arboricultural Report prepared by ArbTS - Arboricultural Technician Services Ltd dated 18<sup>th</sup> April 2023
- Pre-application Ecological Appraisal Report Produced for HOWPS dated April 2018
- Landscape and Visual Impact Assessment Supplementary Assessment prepared by Asbri Planning dated January 2023
- Landscape Appraisal prepared by Fiona Cloke Associates dated January 2020
- BLW-PDA-XX-XX-RP-A-000006-Rev P01 titled Design and Access Statement dated 21/04/2023
- BLW-PDA-XX-XX-DR-A-051004 Rev P04 titled Elevations, Sections and Axonometric View
- Geotechnical and Environmental Report prepared by Terra Firma job 17603 dated January 2023
- BLW-PDA-XX-00-DR-AR-051002 Rev P03 titled Ground Floor Plan
- BLW-PDA-XX-XX-DR-A-051005 Rev P03 titled Out Building Floor Plans & Elevations
- BLW-PDA-XX-01-DR-AR-051003 Rev P02 titled Roof Plan
- BLW-PDA-XX-XX-DR-A-051000 Rev P03 titled Location Plan
- BLW-JUB-XX-XX-DR-C-000600 Rev P6 titled Proposed Levels Sheet 1
- BLW-JUB-XX-XX-DR-C-000601 Rev P3 titled Proposed Levels Sheet 2
- BLW-JUB-XX-XX-DR-C-000510 Rev P1 titled Drainage Standard Details Sheet 1 of 2
- BLW-JUB-XX-XX-DR-C-000511 Rev P3 titled Drainage Standard Details Sheet 2 of 2
- BLW-JUB-XX-XX-DR-C-000610 Rev P2 titled Site Sections
- BLW-FIR-XX-XX-DR-L-000003 Rev P00 titled Tree and Hedge Planting Strategy
- Construction Environment Management Plan Appendix C
- Biodiversity Enhancement Plan prepared by Just Mammals Limited dated April 2023
- Ecological Impact Assessment prepared by Just Mammals Limited dated April 2023
- Refresher Ecological Survey prepared by Just Mammals Limited dated August 2020
- Refresher Ecological Survey prepared by Just Mammals Limited dated December 2020
- Refresher Ecological Survey prepared by Just Mammals Limited dated November 2022
- Heritage Impact Statement prepared by Anderton Planning and Conservation dated April 2023
- Nursery Stock Tree Schedule

- Semi Mature Tree Schedule
  - Shrub Schedule
  - Stage 2 Acoustic Design Report prepared by Mach Group dated 15/01/2021
  - Performance Specification prepared by Mach Group dated 15/01/2021
  - Environmental Noise Assessment prepared by Mach Group dated 01/12/2020
  - Planning Statement prepared by Asbri Planning dated April 2023
  - Transport Assessment prepared by Juub Consulting Engineers Ltd
  - School Travel Plan prepared by Juub Consulting Engineers Ltd
3. Prior to any works commencing on the development site, detailed engineering drawings for the carriageway widening of the C2012 across the full developed frontage of the site and resurfacing of the junction of the C2012/U2850, and all associated works, shall be submitted to and approved in writing by the Local Planning Authority.
  4. Prior to any works commencing on the development site, all Highway Improvements, referred to and approved in writing by the Local Planning Authority for Condition 3, shall be fully completed to the written satisfaction of the Local Planning Authority and shall be retained for their designated use for as long as the development hereby permitted remains in existence.
  5. No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
  6. No other development shall commence until the accesses have been constructed in accordance with the approved drawing BLW-JUB-XX-XX-DR-C-000100 Rev P1 so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
  7. 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.

8. Before any other development is commenced the area of the accesses to be used by vehicles is to be constructed in full accordance with the approved highway drawing BLW-JUB-XX-XX-DR-C-000100 Rev P1, in suitably bound materials (or to a minimum 410mm depth comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material) for a distance of 12 metres from the edge of the adjoining carriageway.
9. Prior to first beneficial use of the development hereby approved, provision shall be made within the site for the parking and turning of vehicles as detailed on the approved site plan BLW-PDA-XX-XX-DR-A-901000 Rev P15. The parking areas and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
10. A minimum 10% of the parking allocation secured under condition 5 above (min of 3 spaces) shall be constructed to incorporate Fast Charge electric vehicle charging points. See the EV Charging Strategy for Wales for further information.
11. Prior to first operational use of the development, the area of the access to be used by vehicles is to be finished in a suitably bound material (or 40mm depth bituminous surface course material) for a distance of 12 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.
12. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 12 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.
13. Any vehicular entrance gates installed within the application site shall be set back at least 12 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.
14. No surface water drainage from the site shall be allowed to discharge onto the county highway.
15. Prior to the first beneficial use of the MUGA, the acoustic fencing as detailed on plan BLW-FIR-XX-XX-DR-L-000002 Rev P03 titled Landscape Fencing Strategy

shall be installed. The measures identified shall be adhered to and implemented in full and be retained as approved for perpetuity.

16. The development shall be undertaken in strict accordance with the Construction Environment Management Plan (Parts 1 to 4). The measures identified shall be adhered to and implemented in full and maintained thereafter.
17. The development shall be undertaken in strict accordance with the Dormouse Conservation Management Plan prepared by Just Mammals Limited dated October 2023. The measures identified shall be adhered to and implemented in full.
18. Prior to the commencement of development, an Ecological Compliance Audit, including key performance indicators to evidence compliant implementation of all ecological avoidance, mitigation and compensation work shall be submitted to and approved in writing by the Local Planning Authority. The approved Ecological Compliance Audit shall be adhered to and implemented in full.
19. Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority. Full details of lighting shall be submitted to and agreed in writing by the Local Planning Authority. The lighting plan should include:
  - Details of the siting and type of external lighting to be used,
  - Drawings setting out light spillage in key sensitive areas
  - Details of lighting of to be used both during construction and/or operation

Development shall thereafter be carried out in accordance with the approved details.

20. Prior to the commencement of development, a Biosecurity Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority. The Biosecurity Risk Assessment shall identify:
  - appropriate measures to control any identified Invasive Alien Species (IAS)/Invasive Non-native Species (INNS) on site and;
  - Measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Development shall thereafter be carried out in accordance with the approved details.



21. No phase of the development shall commence until a Landscape Ecological Management Plan (LEMP) for the provision, management and maintenance of the landscape and ecological features for a specific phase of the development, has been submitted to and approved by the Local Planning Authority. The LEMP shall include:

- Details of habitats, landscape, environmental and ecological features present or to be created at the site.
- Details of the desired conditions of features (present and to be created) at the site.
- Details of scheduling and timings of activities.
- Details of short and long-term management proposals, monitoring proposals and maintenance operations of new and existing landscape, environmental and ecological features at the site to deliver and maintain the desired landscape and ecological conditions and functions.
- Details of monitoring of landscape and ecological features and required post construction monitoring.
- Details of replacement measures should any landscape or environmental features die, be removed or become seriously damaged or diseased within the lifetime of the development
- Details of management and maintenance responsibilities.
- Details of timescales, length of plan, the method to review and update plans (informed by monitoring) at specific intervals as agreed between interested parties.
- Mechanisms to be used for reporting.
- The LEMP must deliver all mitigation and enhancement requirements for the operational phase as referenced in the environmental statement and associated documents.

The LEMP shall be carried out in accordance with the approved details.

22. Notwithstanding the submitted information, prior to the commencement of development a Biodiversity Enhancement Plan shall be submitted to and approved in writing by the Local Planning Authority. The measures identified shall be adhered to and implemented in full and maintained thereafter.

23. The development shall be undertaken in strict accordance with the Arboricultural Report Including: Tree Survey Data & Tree Constraints Plan, Arboricultural Impact Assessment, Tree Protection Plan and Arboricultural Method Statement prepared by ArbTS. The measures identified shall be adhered to and implemented in full and maintained thereafter.

24. The development shall be undertaken in strict accordance with the mitigation and enhancement measures detailed within the submitted Ecological Survey Reports.

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

25. The existing and proposed school as detailed on drawing no. BLW-PDA-XX-XX-DR-A-051000 Rev P03 titled Location Plan shall operate as one school unit (D1 Class).

## 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. 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.
4. 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.
5. 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.
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. To protect the amenities of neighbouring residential property in accordance with policy DM13 of the Local Development Plan (2018).
16. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5:

- Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
17. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  18. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  19. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  20. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  21. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  22. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  23. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  24. To comply with Powys County Council's LDP Policies DM2 in relation to The Natural Environment and DM4 in relation to Landscape, and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  25. In order to ensure new development is controlled within the open countryside and to accord with Planning Policy Wales (11th Edition,2021)

## **Informative Notes**

Warning: A European protected species (EPS) License is required for this development.

This planning permission does not provide consent to undertake works that require an EPS license.

It is an offence to deliberately capture, kill or disturb EPS or to damage or destroy their breeding sites or resting places. If found guilty of any offences, you could be sent to prison for up to 6 months and/or receive an unlimited fine.

To undertake the works within the law, you can obtain further information on the need for a license from Natural Resources Wales on 0300 065 3000 or at Natural Resources Wales / Apply for a protected species license.

### 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](mailto: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.