

# Pecyn Dogfennau Cyhoeddus



Neuadd y Sir / County Hall, Llandrindod, Powys, LD1 5LG

Os yn galw gofynnwch am - If calling please ask for  
Carol Johnson

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## PWYLLGOR CYNLLUNIO, TRWYDDEDU TACSIS A HAWLIAU TRAMWY Dydd Iau, 14eg Mehefin, 2018

Mae croeso i chi siarad Cymraeg. Os ydych chi'n dymuno gwneud hynny, rhowch wybod i ni erbyn hanner dydd, dau ddiwrnod gwaith cyn y cyfarfod.

### PECYN ATODOL

1.	<b>COFNODION Y CYFARFOD BLAEOROL</b>	2
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I awdurdodi'r Cadeirydd i lofnodi cofnodion cyfarfod blaenorol y Pwyllgor a gynhaliwyd ar 24 Mai 2018 fel cofnod cywir.

(Tudalennau 1 - 8)

#### 1.1. Diweddariadau

Bydd unrhyw ddiweddariadau'n cael eu hychwanegu at yr Agenda fel Pecyn Atodol lle'n bosibl cyn y cyfarfod.

(Tudalennau 9 - 30)

2.	<b>PENDERFYNIAD AR APELIADAU.</b>	6
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I dderbyn penderfyniadau'r Arolygydd Cynllunio ar apelïadau.

(Tudalennau 31 - 36)

Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol

# 4.1

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

<b>Application No:</b>	P/2017/0764	<b>Grid Ref:</b>	294795.69 274076.13
<b>Community Council:</b>	St. Harmon	<b>Valid Date:</b>	<b>Officer:</b> 17/07/2017 Holly-ann Hobbs
<b>Applicant:</b>	Zephyr Investments Ltd, 11th Floor 200 Aldergate Street, London, EC1A 4HD.		
<b>Location:</b>	Bryn Titli Wind Farm, North of Rhayader, South of Llangurig, Powys.		
<b>Proposal:</b>	Section 73 application for variation of condition no. 6 and condition no's. 11-18 of planning permission R4297/D		
<b>Application Type:</b>	Application for Removal or Variation of a Condition		

### REPORT UPDATE

Further to the publication of the original Committee Reports, Members are advised that the following consultation response has been received by Development Management;

### Consultee Response

#### County Ecologist

Thank you for consulting me with regards to Planning application P/2017/0764 which concerns a Section 73 application for variation of condition no. 6 and conditions no.s 11-18 of planning permission R4297/D at Bryn Titli Wind Farm North of Rhayader, south of Llangurig, Powys (SN947740).

The site concerned with the application is within 54m of the Elenydd-Mallaen SPA and within 600m of the River Wye SAC as such an assessment of the project to determine whether there would a Likely Significant Effect to the SPA and SAC and or their associated features has been carried out.

The applicant has submitted a HRA Screening Report produced by BSG Ecology (reference 8773.01 BTE HRA\_APPR 29062017) dated 29<sup>th</sup> June 2017.

I have reviewed the HRA Screening Report and the assessment of Likely Significant Effect to the SPA and SAC which concludes that:

- There would be no likely effect on the River Wye SAC as a result of the proposed life extension of Bryn-Titli Windfarm
- Assessment of collision risk for features of the Elenydd-Mallaen SPA (merlin and red kite) concluded that there would No Likely Significant Effect to merlin or red kite populations as result of the proposed life extension of Bryn-Titli Windfarm either alone or in combination with other plans or projects.

NRW have also reviewed the information submitted and have stated in their response dated 26<sup>th</sup> September 2017 that they agree with the conclusion that the proposal to extend the life of the wind farm 'would not result in any significant impact on ornithology'.

In light of the information provided in the HRA Screening Report and associated ecological assessment reports as well as the comments provided by NRW in relation to the assessments I confirm that I agree with the conclusions that there would be:

- No likely effect on the River Wye SAC as a result of the proposed life extension of Bryn-Titli Windfarm
- No Likely Significant Effect to the Elenydd-Mallaen SPA merlin or red kite populations as result of the proposed life extension of Bryn-Titli Windfarm either alone or in combination with other plans or projects.

## **Revised Conditions**

Conditions:

1. The development hereby permitted shall cease operation 33 years after the first export of electricity from the site.
2. Not less than 12 months before the expiry of the permission, a decommissioning and site restoration scheme shall be submitted to and approved in writing by the Local Planning Authority. The decommissioning and site restoration scheme shall include provision for the removal of all above-ground elements; the removal of turbine bases to 0.6m below ground level; and restoration of the disturbed areas. The decommissioning and site restoration must be completed in accordance with the approved scheme within the period set out in the approved scheme.
3. A Traffic Management Decommissioning Plan shall be submitted to and approved in writing by the Local Planning Authority prior to the decommissioning of the site. Thereafter, the development shall be undertaken strictly in accordance with the Traffic Management Decommissioning Plan as approved.
4. Not less than 6 months prior to the expiry of planning permission R4297D, an access scheme shall be submitted to and approved in writing by the Local Planning Authority. The access scheme shall include: a plan identifying the alternative waymarked route; provision for the replacement of the gate at the site entrance; and provision for the installation of a pedestrian gate on footpath 322 near T15. The access scheme shall be implemented as approved prior to the expiry of planning permission R4297D, i.e by 29th June 2019.
5. The rating level of noise emissions from the combined effects of the wind turbines hereby permitted (including the application of any tonal penalty and amplitude modulation (AM) penalty), when determined in accordance with the attached Guidance Notes, shall not exceed the values for the relevant integer wind speed set out in or derived from the table attached to these conditions and:
  - A) Within 21 days from receipt of a written request of the Planning Authority, following a complaint to it alleging noise disturbance at a dwelling, the wind farm operator shall, at its expense, employ an independent consultant and provide a written protocol to be approved by the Planning Authority. The protocol shall describe the procedure to assess the level and character of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Planning

Authority shall set out as far as possible the time or meteorological conditions to which the complaint relates and time or conditions relating to tonal noise or AM if applicable. Measurements to assess compliance with the noise limits shall be undertaken in accordance with the assessment protocol which shall be approved in writing by the Planning Authority.

B) Where there is more than one property at a location specified in the table attached to this condition, the noise limits set for that location shall apply to all dwellings at that location. Where a dwelling to which a complaint is related is not identified by name or location in the table attached to these conditions, the wind farm operator shall submit to the Planning Authority for written approval proposed noise limits selected from those listed in the table to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The submission of the proposed noise limits to the Planning Authority shall include a written justification of the choice of the representative background noise environment provided by the qualified Acoustician. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes shall not exceed the noise limits approved in writing by the Planning Authority for the complainant's dwelling.

C) The wind farm operator shall provide to the Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the protocol within 2 months of the date of the approval of the protocol by the Planning Authority unless otherwise agreed by the Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements and analysis, such data to be provided in a format to be agreed with the Planning Authority. Certificates of calibration of the equipment shall be submitted to the Planning Authority with the report.

D) Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 5 of the attached Guidance Notes, the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's initial assessment unless otherwise agreed by the Planning Authority.

6. In the event of the wind turbines failing to produce electricity supplied to the local grid for a continuous period of 9 months, then it will be deemed to have ceased to be required. The wind turbines and ancillary equipment shall be dismantled and removed from the site in accordance with a decommissioning scheme to be submitted to and approved in writing by the Local Planning Authority within 3 months of the cessation date.
7. The blades of all the wind turbines hereby approved shall all turn in the same direction.

**Reasons:**

1. In accordance with Section 91 of the Town and Country Planning Act 1990

2. In order to secure a satisfactory decommissioning and restoration of the site in the interests of the integrity of the landscape and visual amenity and biodiversity in accordance with Planning Policy Wales (Edition 9, November 2016) and Policies DM2, DM4 and RE1 of the Local Development Plan.
3. In order to ensure the safe flow of traffic on the highway network in accordance with policies DM13 of the Local Development Plan
4. In order to maintain and enhance the Public Rights of Way system in the vicinity of the development in accordance with Policy DM13 of the Local Development Plan
5. In order to secure a satisfactory means of noise measurement in the interests of safeguarding the residential amenity of local residents and to ensure the satisfactory monitoring of acoustic impacts in accordance with Technical Advice Note 11 Noise and policies DM13 and RE1 of the Local Development Plan.
6. In the interests of the visual amenity of the area in accordance with policies SP7, DM4 DM13 and RE1 of the Local Development Plan
7. In the interests of the visual amenity of the area in accordance with policies SP7, DM4 DM13 and RE1 of the Local Development Plan

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Case Officer: Holly-ann Hobbs- Principal Planning Officer  
Tel: 01597 827319 E-mail:holly.hobbs@powys.gov.uk



*The site is low lying and while certain recent developments by Welsh Water have demised the flood risk I do not think that this can be wholly discounted and if consent is granted for a limited development then the houses should be raised to prevent flood waters. My recollection is that this was debated in connection with another development in recent years in Beulah.*

*While there are vacant places in both Ysgol Dolafon C P School and Irfon Valley C P School both schools are in need of enhanced facilities and I feel that there should be a planning decision on the effect that both these schools should be affected by receiving a contribution.*

*I am copying this e-mail to Mr. Mike Thomas, clerk to Treflys Community Council and have asked that a member of the community council attends to give their further objections.*

*Please accept this e-mail as an indication that a speaker may attend.*

*County Councillor Tim Van-Rees (Colonel Retired) Elected Member for Llanwrtyd Wells & District"*

## **Officer Appraisal**

### Section 38 (6) of the Planning and Compulsory Purchase Act 2004

Members are advised to consider this application in accordance with Section 38 (6) of the Planning and Compulsory Purchase Act 2004, which requires that, if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, the determination must be made in accordance with the plan unless material considerations indicate otherwise.

### Flooding

The proposed development is not located within a C2 flood zone and therefore complies with local policies and Technical Advice Note 15.

### Affordable Housing

The original application B/05/0184 was granted consent subject to the signing of a S106 agreement that secured a level of affordable housing, since then a Section 73 application (P/2015/0039) was applied for and approved without the signing of a S106 application. Further to this permission was granted for the removal of the S106 agreement from the original application under the reference number VAR/2017/0007. As this application is for reserved matters and given that the original Section 106 agreement has been removed, no affordable housing can be secured at this stage of the planning process.

### Education

As this application is for reserved matters, an education contribution cannot be agreed at this stage and would have been considered during the outline planning application.

## RECOMMENDATION

Whilst this report forms an update to the original report, it is considered that the recommendation remains the same as set out in the original report.

### Conditions

1. The development hereby granted approval of reserved matters shall be begun before the expiration of two years from the date of this approval, or before the expiration of five years from the date of the outline planning permission whichever is the longer.
2. The development shall be carried out strictly in accordance with the plans stamped as approved on XX/XX/XX (drawing no's: 17/020/TCP04 B, JO1751/A1/001, 17/020/TCP14, 17/020/TCP15, 17/020/TCP13, 17/020/TCP12, 17/020/TCP11, 17/020/TCP10, 17/020/TCP08, 17/020/TCP02, 17/020/TCP07, 17/020/TCP06, 17/020/TCP05, 17/020/TCP01, 17/020TCP09A & 17/020/TCP03).
3. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwelling shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
4. Prior to commencement of development, a Landscaping and Management Plan shall be submitted to and agreed with the Local Planning Authority and shall be implemented in the first planting season of the following occupation of the development. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management to ensure good establishment and long term retention.
5. Prior to commencement of development a Tree and Hedgerow Protection Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.
6. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than 3 cars per dwelling as detailed on the approved drawing J01751/A1/001. The parking areas shall be retained for their designated use in perpetuity.
7. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
8. No building shall be occupied before the estate road carriageway and one footway shall be constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that building.
9. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
10. The area of each private drive/parking space shall be a minimum of 6m long and shall be metalled and surfaced in bituminous macadam, concrete, or block pavements, prior to the occupation of that dwelling and retained for as long as the development remains in existence.

11. The access road shall be at right angles to the trunk road carriageway for a distance of at least 25 metres from the trunk road boundary, over which it shall not exceed a gradient of 2.5% (1 in 40).

12. The minimum visibility distances available for vehicles emerging from the proposed access/junction shall be 120 metres in each direction at a height of 1.05 metres, measured to a point 0.26 metres above the nearer running edge of the carriageway of the trunk road. These visibility distances shall be available at a point 4.5 metres from the nearer running edge of the trunk road, measured along the centre line of the access road, and at all intervening points up to the running edge of the trunk road carriageway. The visibility splays so formed shall be free of any growth or obstruction which would interfere with the minimum visibility requirement.

13. The access road shall have a width of between 6.0 and 7.3 metres for the first 25 metres, with an entry and exit radii of 10.0 metres. The access shall be constructed to the requisite standards with either concrete or bituminous surfacing for at least the first 25 metres from the running edge of the trunk road carriageway.

## **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 the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies DM13 of the Powys Local Development Plan and the Councils Residential Design Guide.
4. In the interest of the protection and preservation of biodiversity in accordance with policy DM2 of the Powys Local Development Plan.
5. In the interest of the protection and preservation of biodiversity in accordance with policy DM2 of the Powys Local Development Plan.
6. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
7. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
8. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy DM13.
9. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
10. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
11. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
12. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.
13. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13.

## **Informative Notes**



Mae'r dudalen hon wedi'i gadael yn wag yn fwriadol



Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

To help us provide an efficient response please could you send all responses to [welshplanning@severntrent.co.uk](mailto:welshplanning@severntrent.co.uk) rather than to named individuals, including the STW ref within the email/subject.

### **Officer Appraisal**

When considering land drainage consideration is given to LDP policy DM6 and DM13. Policy DM6 states that satisfactory provision shall be made for land drainage in all development and this should include consideration of the use of Sustainable Drainage Systems (SuDS). Policy DM13 states that adequate utility services exist or will be provided readily and timely without unacceptable adverse effect on the surrounding environment and communities.

Severn Trent has been consulted in relation to drainage and have raised no objection in relation to the proposal, however have requested two conditions to be attached to any grant of permission. The conditions request that works shall not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and that the scheme is then implemented in accordance with the approved details before the development is first brought into use.

It has been considered that these conditions are not necessary as there is already drainage on site. The proposal does not involve the installation of any sinks, kitchens or WC and therefore it is considered that the proposal will not detrimentally increase the foul and surface water flows and therefore the conditions are not considered necessary in this instance.

Therefore, in light of the above it is considered that the proposal fundamentally complies with policies DM6 & DM13.

### **RECOMMENDATION**

Based on the information submitted with the application, consultation response and existing policy context, the recommendation to Members is one of conditional consent.

### **Conditions**

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the plans stamped as approved (drawing no's: P6015/26/1, P6015/26/2, P6015/26/5, P6015/26/6).

### **Reasons**

1. Required to be imposed by section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans approved by the Local Planning Authority in the interests of clarity and a satisfactory development.

### **Informative Notes**

## Building Control

A Building regulations application may be required for this development, please contact Building Regulations on 01874 612290.

## Biodiversity

### Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

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

### Bats - Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended)

It is an offence for any person to:

- Intentionally kill, injure or take any bats.
- Intentionally or recklessly damage, destroy or obstruct access to any place that a bat uses for shelter or protection. This is taken to mean all bat roosts whether bats are present or not.
- Under the Habitats Regulations it is an offence to:
- Damage or destroy a breeding site or resting place of any bat. This is an absolute offence - in other words, intent or recklessness does not have to be proved.

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2010 (as amended) that works to trees or buildings where that work involves the disturbance of a bat is an offence if a licence has not been obtained from Natural Resources Wales. If a bat is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist. You can also call the National Bat helpline on 0845 1300 228 or email [enquiries@bats.org.uk](mailto:enquiries@bats.org.uk).

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Case Officer: Sara Robinson- Planning Officer  
Tel: 01597 827229 E-mail:sara.robinson@powys.gov.uk

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 1/05/18

gan Iwan Lloyd BA BTP MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 11/06/2018

## Appeal Decision

Site visit made on 1/05/18

by Iwan Lloyd BA BTP MRTPI

an Inspector appointed by the Welsh Ministers

Date: 11/06/2018

**Appeal Ref: APP/T6850/A/18/3196001**

**Site address: Wyeside Caravan Park, A470 from Wye View Terrace Rhayader to Junction with C1216 at Marteg Bridge, Rhayader LD6 5LB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Nathan Goodyear, The Camping and Caravanning Club against the decision of Powys County Council.
- The application Ref P/2017/0119, dated 25/01/2017, was refused by notice dated 13/12/2017.
- The development proposed is site upgrades and improvements comprising: conversion of 42 existing grass pitches to gravel hardstandings including one site manager's pitch, replacement of internal site access road and stone car park area, provision of a service point and motorhome service point, electric site access and egress barriers, provision of a bin storage area.

### Decision

1. The appeal is allowed and planning permission is granted for upgrade of existing pitches to gravel hardstandings, the replacement of a site access road and stone car park and other associated works at Wyeside Caravan Park, A470 from Wye View Terrace Rhayader to Junction with C1216 at Marteg Bridge, Rhayader LD6 5LB in accordance with the terms of the application, Ref P/2017/0119, dated 25/01/2017, and the revised plans submitted with it, subject to the conditions in the schedule below.

### Application for costs

2. An application for costs was made by Mr Nathan Goodyear, The Camping and Caravanning Club against Powys County Council. This application will be the subject of a separate decision.

### Procedural matters

3. The description of the development changed during the course of the application to "upgrade of existing pitches to gravel hardstandings, the replacement of a site access road and stone car park and other associated works". Revised plan Drawing No. WYE/000/17 Rev C: Proposed Layout was also submitted showing the conversion of 30 grass pitches to gravel hardstandings and a site manager's pitch together with internal access road, service area and motorhome point, electric site access, bin storage and landscaping. It is on the basis of these changes the appeal is considered. I consider that no prejudice would arise in dealing with the appeal this way.

4. Since the refusal of planning permission the Powys Local Development Plan (LDP) was adopted. The appeal is considered in relation to the LDP and the parties have been given an opportunity to comment on this change and identify the relevant policies and they have also had an opportunity to respond on each other comments in this appeal.

### **Main Issues**

5. The Council's refusal was based on an unacceptable intensification of the use of the caravan site within an unprotected flood zone, and the development's adverse effect on visual amenity.
6. The main issues are; whether the proposal would lead to intensification of the use of the site as a caravan site and whether the proposed development would be at significant risk of flooding, and the effect of the proposal on the character and appearance of the area.

### **Reasons**

#### *Intensification of the use of the caravan site and risk of flooding*

7. The appeal site is an established caravan and camping site on the banks of the river Wye in Rhayader. The appellant is an exempted organisation under Schedule 1(4) of the Caravan Sites and Control of Development Act 1960 (the 1960 Act). Part 5 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 1995 as amended, provides that the use of land as a caravan site in the circumstances referred to in Schedule 1 of the 1960 Act is permitted development not requiring express planning permission for the use of land and is also exempt from the requirement of obtaining a site licence.
8. The appellant advises that there is no restriction on the number of pitches, and the mix of tents/touring caravan pitches on the site. There is also no restriction on the period when the caravan/tenting site is open during the course of the year. The exempted organisation is only restricted by the spacing and density requirements of the site in relation to the Model Standards for touring sites under the 1960 Act. The appellant leases the land on a long-term basis from the Council.
9. The Council asserts that the site improvements would lead to all-year round use of the site, and claims that there is little use of the site during winter. Notwithstanding that prevailing site conditions and inclement weather may inhibit the intensity of the use, there are seemingly no controls over the use of the land from a planning point of view and the use of the site would be down to its present management. Given that it would be for the site operator to decide the use and intensity of the site throughout different periods of the year, this fall-back situation is a weighty material consideration. The fact that the operator could fully utilise the field without the proposed hardstandings in place for the same period of the year as would be the case if the proposal for hardstandings were to be implemented would not facilitate a more intensive use of the caravan site from a planning perspective.
10. There is no compelling evidence that the physical works involved in the proposal would increase the scale of the use that would result in a materially different and definable character of use and that it would have materially different planning consequences off the site.
11. The planning application relates solely to operational development and as such it would not be construed as a new caravan site development for the purposes of applying Section 6 of the Technical Advice Note 15: Development and Flood Risk (TAN

15). The consequences of flooding have been submitted to Natural Resources Wales as part of the application and it is satisfied that approval may be given on a conditional basis. I have no reason to disagree with that assessment.

12. I consider that the development does not conflict with LDP Policy DM5 – Development and Flood Risk, and DM6 – Flood Prevention Measures and Land Drainage. I conclude that the proposal would not lead to intensification of the use of the site as a caravan site and the proposed development would not be at significant risk of flooding.

#### *Character and appearance*

13. The site adjoins the settlement of Rhayader and is an established caravan and camping site situated alongside a static caravan site managed under the same operator. The Council indicates that the site has a natural character of a field with limited infrastructure. However, this description contradicts the legitimate planning use of the land of all-year round camping and caravans which would reflect the appropriate context of the site when assessing the proposed development. The proposed development when the site is occupied would not alter or change the view as it would be seen in the context of an established caravan site. It would not be altered by the view from the south where recreational man-made facilities are in place, from the footpath, or from the adjoining sensitive landscape areas designated for their ecological importance the River Wye Special Area of Conservation (SAC) and the Site of Special Scientific Interest (SSSI).
14. The appeal site is considerably screened along its boundaries including the river and the proposal incorporates an additional 5m buffer strip, central landscaping and planting alongside the motorhome service point. I consider that the proposed development would not unacceptably or adversely affect the valued characteristics and qualities of the landscape. The proposal would not have a significant impact on the landscape or visual amenity of the area and would not conflict with LDP Policies SP7, DM4, DM13 and TD1.
15. I conclude that the proposal would not harm the character and appearance of the area.

#### **Other matters**

16. I note that concerns have been raised in relation to the possibility of a breach of the terms of the lease, however, this matter is outside the jurisdiction of this appeal, and is not a planning matter for consideration in this appeal. The public right of access that crosses the caravan site and which is registered as Common Land is protected as noted by the Commons Registration Officer as the access road surface which crosses the right of access will only be repaired. This matter is separately regulated by the Commons Act 2006 and the officer notes that no additional consent is required for these repairs under Section 38 of the Commons Act from the Welsh Government. I have no jurisdiction on these legal issues and rights of access and there is no parallel application for the proposed works before me with this planning appeal.
17. I note that other concerns have been raised on noise, habitats and ecology and traffic, but no technical evidence has been submitted to indicate that the impact of the proposed development would have adverse effects in relation to these matters, and the Council's technical advisers and statutory consultees on these matters indicate that the development is acceptable subject to suitable controls. None of these matters therefore alter my conclusions on the main determining issues.

## Conclusions

18. I conclude that in relation to both main determining issues the appeal complies with the development plan and therefore the presumption in favour of sustainable development is engaged in relation to Planning Policy Wales Edition 9 paragraphs 4.2.2 and 4.2.4.
19. I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching my decision, I have taken into account the ways of working set out at section 5 of the WBFG Act and I consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.
20. I conclude that the appeal should be allowed.

## Schedule of conditions

21. I have considered the Council's suggested conditions and the appellant's response to them in the light of Circular WGC 016/2014 'The Use of Planning Conditions for Development Management'. I have made some revisions to the wording of the conditions to ensure that the development is carried out in accordance with the details to be agreed with the local planning authority. I have taken out references to 'tailpiece' phrases 'unless otherwise agreed in writing by the local planning authority' in accordance with paragraph 3.37 of WGC 016/2014. The appellant's suggested revisions to conditions 8 and 11 do not now appear in the Council's draft of conditions appended to its statement of case. However, I have revised the wording of condition 8, as I consider it would be unreasonable to restore the land to its former condition upon the expiry of the temporary use of the pitch, but do consider that to ensure compliance with the cessation of the use any caravan placed there should also be removed.
22. The first two conditions are needed in the interests of defining the scope of the development. Condition 10 and 3 are necessary to clarify the level of the access road relative to surrounding grounds levels in the interests of minimising the flood risk and flow of any flood waters together with the need to ensure that all occupants are aware and informed of the measures to take prior to a possible flood event. Conditions 4, 5 and 7 are needed to protect the habitat of protected species. Condition 6 is needed in the interests of the visual appearance of the area.
23. Condition 8 is necessary to allow a temporary permission to control the occupancy of the residential caravan in the countryside and after the duration of the permission to ensure that the use ceases and the caravan is removed from the site in order to protect the countryside given the restrictions in the development plan to permit residential uses outside development boundaries. Condition 9 is needed to ensure proper control of the holiday caravans and the use of the site in the interests of protecting the countryside given the restrictions in the development plan to permit residential uses outside development boundaries.
- 1) The development shall begin not later than five years from the date of this decision.
  - 2) The development shall be carried out in accordance with the following approved plans and documents: Amended Layout Plan Drawing No. WYE/000/17 Rev C

(received 13th October 2017), Hardstanding detail STD.15, Tarmacadam Road / Pathway Detail STAND/0009, Bin Store STAND/010, Site manager pitch STAND/016/CED, Service Area STD.04, Motorhome service point combined with service area STAND/030, Hook up bollard and plinth detail STAND/028, Construction Method Statement (May 2017), Information to support an Assessment of Likely Significant Effects under the Habitat Regulations (June 2017), Flood Procedure and Policy (as amended) received 14th March 2017, Biodiversity Enhancement Report (June 2017), Flood Risk Consequences Assessment (January 2017), Clarification Statement (received on 12th September 2017).

- 3) Prior to the development hereby permitted being brought into use a Flood Management and Evacuation Plan shall be submitted to, and approved in writing by the local planning authority, and the development shall be carried out in accordance with the approved Flood Management and Evacuation Plan throughout the lifetime of the development.
- 4) The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by the Camping and Caravanning Club dated May 2017 and maintained thereafter throughout the lifetime of the development.
- 5) The development shall be carried out strictly in accordance with the measures identified in Section 4.0 - Retention and Enhancement: Habitats and Section 5.0 - Mitigation and Enhancement: Protected Species of the Biodiversity Enhancement Report dated June 2017 and shall be maintained thereafter.
- 6) Prior to the development hereby permitted being brought into use a detailed landscaping and management plan including a timetable for planting shall be submitted to, and approved in writing by the local planning authority. The Plan shall include the use of native species, details of the planting specification – the species, sizes and planting densities – and a timetable for implementation and future management and maintenance. The landscaping plan, management plan and timetable shall be carried out as approved.
- 7) No external lighting, with the exception of electric hook-up bollards, shall be installed unless a detailed external lighting design scheme has been submitted to, and approved in writing by the local planning authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.
- 8) The site manager's pitch is to be a temporary residential pitch for a time period of three years from the implementation of this planning permission. Upon the expiry of the temporary time period, the pitch shall cease to be occupied and the caravan shall be removed from the site.
- 9) The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year. An up to date register shall be kept at the Wyese Caravan Park as shown on site layout plan drawing No. WYE/000/17 Rev C and be made available for inspection by the local planning authority upon request. The register shall contain details of the names of all of the occupiers of the tourers, tented camping and motorhome accommodation, their main home addresses and their date of arrival and departure from the site.
- 10) Prior to the commencement of development contoured plans of the site and immediately adjoining land and cross sections through the site itself sufficient to demonstrate the existing and proposed levels including finished levels of the

proposed road shall be submitted to, and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved contour plans and cross sections.

*Iwan Lloyd*

INSPECTOR