



Consent is sought in full for the upgrade of 31 pitches to gravel hard standings, replacement of the site access road and stone car park and other associated works.

## **Consultee Response**

Cllr. Kelvyn Curry

*Received 30<sup>th</sup> March 2017*

I wish to object to the above application.

As previously indicated, I intend to speak when the above planning application goes to the Planning Committee for decision. However, as the application may now come to Committee sooner than it would have done had the applicant submitted their anticipated revised “camping field” layout plan, I am, in addition to applying to speak at Committee, now submitting this brief written overview of my objections. I will elaborate on each point at Committee in due course.

I’ve also yesterday had the benefit of reading in County Hall the Assent and Land Registry record relating to the “camping field” which was given to the people of Rhayader on the 11th April 2002.

My objections relate to the following:

- The current application eliminates the opportunity for visitors to the camp site to camp in tents;
- The application is contrary to the terms of the lease agreement between Powys County Council and the Caravan and Camping Club;
- The application flies in the face of the Assent which gave the “camping field” to the people of Rhayader. It states: “not to use the property for subject of this assent or any part thereof otherwise than for its present use as a caravan and camping site ...”;
- It is detrimental to tourism and the economy of Rhayader and surrounding area;
- The flood risk is underestimated;
- No emergency evacuation meeting location has been negotiated with surrounding land owners;
- Other on-site proposed developments will also reduce available land for tent camping;
- No consideration has been given regarding access to Waun Capel Parc;
- Inadequate information has been provided in relation to the effect on the ecology.

Rhayader Town Council

*First response received 24<sup>th</sup> February 2017*

The following points are noted for your consideration:

1) Councillors had held a meeting at the site on 16<sup>th</sup> February 2017. For decades the "Camping Field" has been used predominantly for pitching tents on grass. This has allowed many groups, families and individuals to stay in Rhayader on a budget and this has helped the local economy. In the proposed application there is to be virtually no provision for this type of space and Councillors believed that would have a massively detrimental effect on the number of people using the site as well as the range of people who would be able to use the site.

2) Councillors also cited that when the land was gifted to the Rhayader Rural District Council, it was designated to be used as a Camping Field in the traditional sense. Provision of hard standing would preclude such use. Some Councillors had been party to discussions with the lady who had gifted the field. Despite several requests to PCC, County Cllr. Kelvyn Curry had not received sight of the transfer deed and covenant relating to the original gift of the land comprising the Camping Field.

3) It was noted that despite the existing provision of Warden's accommodation on the adjoining caravan site (run in tandem with the applicant site) additional Warden accommodation is also proposed along with a service area, a motorhome service point and a stoned parking area, all of which reduce even further the area available for camping.

4) Councillors had also received sight of correspondence from PCC Legal Services which indicated that the proposed removal of camping provisions is contrary to the plans which were authorised under the terms of the lease.

5) The Council were particularly disappointed to note that there was no indication in the application of the access routes into and through the Camping Field to the Pavilion in Waun Capel Park which have traditionally been used by the public and which PCC had stated would be maintained and included as part of any lease or transfer of the land.

6) As the site is located within Flood Zone C, there is a requirement for a Flood Consequence report to be submitted with the application form in accordance with the guidelines for TAN 15. Councillors were extremely surprised that the planning application and supporting documents, particularly the 'Flood Risk Consequence Assessment' suggested on page '10', section '4.2 that

*'the proposed development can be classified as 'less vulnerable' given that it can be considered an employment/commercial site and that the occupants fully accept the risk of flooding'.*

Councillors absolutely refute this statement in its entirety. As the local authority will be well aware, the site cannot possibly be classed as an employment or commercial site, neither can those who book their camping trips there or turn up on the day to stay be said to 'fully accept the risk of flooding'. When one consults the table provided on page 11, '*Vulnerability of a development according to TAN 15*' it becomes obvious that the proposed site clearly fits in the 'Highly Vulnerable' part of the table which includes: *'all residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development (e.g. power stations, chemical plants, incinerators), and waste disposal sites'*

7) Councillors were also surprised to note that the applicant's 'Flood Procedure and Policy' makes reference to the Cattle Market as the flood evacuation point. It just so happens that the Chairman and Treasurer of the Rhayader Market Hall and Smithfield Trust (the freeholder of the 'cattle market' site) along with a few more members of that Trust are also Town Councillors and they could confirm that the Trust has not been approached by the applicant in this regard at all. They remind the local authority that this facility is not open to all and that is unavailable to the general public on many days throughout the year. This document should therefore not be relied upon.

In view of all the above, Councillors were unanimous in their decision to recommend that the application should be refused.

*Second response received 14<sup>th</sup> July 2017 :*

Councillors agreed that, despite this "upgrade", the original concerns raised by RTC still stand and had still not been addressed. Their original letters and comments therefore remain applicable. It was therefore resolved to recommend that the application be denied.

PCC - Highway

*Email received 21<sup>st</sup> February 2017*

Powys County Council as Highway Authority do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

PCC - Building Control

No response at the time of writing this report.

Wales and West Utilities

*Received 3<sup>rd</sup> July 2017*

We enclose an extract from our mains records of the area covered by your proposals together with a comprehensive list of General Conditions for your guidance. This plan shows only those pipes owned by Wales and West Utilities in its role as a Licensed Gas Transporter (GT). Gas pipes owned by other GT's and also privately owned pipes may be present in this area. Information with regard to such pipes should be obtained from the owners. The information shown on this plan is given without obligation, or warranty and the accuracy thereof cannot be guaranteed. Service pipes, valves, siphons, stub connections etc are not shown but their presence should be anticipated. No liability of any kind whatsoever is accepted by Wales & West Utilities, its agents or servants for any error or omission.

Wales and West has pipes in the area. Our apparatus may be affected and at risk during construction works. Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

You must not build over any of our plant or enclose our apparatus.

Please note the plans are only valid for 28 days from the date of issue and updated plans must be requested before any work commences on site if this period has expired.

### Welsh Water

*First email received 16<sup>th</sup> February 2017*

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

### SEWERAGE

As the applicant intends utilising a septic tank facility we would advise that the applicant contacts Natural Resources Wales who may have an input in the regulation of this method of drainage disposal. However, should circumstances change and a connection to the public sewerage system is preferred we must be re-consulted on this application. We would inform you that a public sewer is crossing the application site. We have attached a copy of the public sewer record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant: The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

*Second email response received 4<sup>th</sup> July 2017 (following revised drawings):*

We refer to your planning consultation relating to the above site, and we can provide the following comments in respect to the proposed development.

### SEWERAGE

We would inform you that a public sewer is crossing the application site. We have attached a copy of the public sewer record indicating the location of these assets. We would therefore request that the following be included in any planning consent you are minded to grant: The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652.

The developer must contact us if a sewer connection is required under Section 106 of the Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

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

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

PCC - Ecologist

*First email response received 16<sup>th</sup> May 2017*

Thank you for consulting me with regards to planning application P/2017/0119 which concerns the upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works at Wyese Caravan Park, Rhayader, Powys, LD6 5LB.

Given the proximity of the proposed development to the River Wye SAC it will be necessary to undertake a Habitats Regulations Assessment of the proposed development as required by Regulation 61 of the Conservation of Habitats and Species Regulations.

Mitigation measures proposed to reduce any potential adverse effects can be considered during the screening stage of the proposed development, given the nature of the proposed development consideration will need to be given to the potential for negative impacts to water quality from construction activities it is therefore recommended that a Construction Pollution Prevention Plan is requested from the applicant to demonstrate that the construction phase of the development can be undertaken in manner that will not significantly negatively affect the River Wye or it's associated features. I recommend that reference is made to the EA pollution Prevention Guidelines Series in particular PPG 6 - Working at construction and demolition sites; the EA in England withdrew these documents as guidelines last year but they are still available and provide a useful reference source – I have provided a link to the document below

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/485215/pmho0412bwfe-e-e.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/485215/pmho0412bwfe-e-e.pdf)

In the absence of the identified information prior to determination of the application the potential for the proposed development to result in a Likely Significant Effect to the River Wye SAC and/or it's associated features cannot be ruled out.

Where a potential impact to the European Designated site cannot be ruled out at the screening stage, either alone or in combination with other plans or projects, then an Appropriate Assessment would be required to be undertaken by the LPA. The Appropriate Assessment establishes whether in the view of the site's conservation objectives the development would have an adverse effect on the integrity of the site or any of its features. Where such an adverse effect on the site cannot be ruled out, and no alternative solutions can be identified, then the development can only then proceed if there are no alternative

solutions, there are imperative reasons of over-riding public interest and if the necessary compensatory measures can be secured.

Further details regarding the assessment of Development Proposals Likely to Affect an Internationally Designated Nature Conservation Site can be found in Annex 3 of Welsh Government Technical Advice Note 5, Nature Conservation and Planning (2009).

Therefore it is considered that currently there is insufficient information to enable the LPA to assess the potential impacts to a European Designated Site – The River Wye SAC – and further information in the form of a pollution prevention plan is requested.

In addition in accordance with PCC's Environment (Wales) Act 2016 Duty, TAN 5, PCC's Biodiversity SPG and UDP Policy SP3, a scheme of Ecological Enhancements should be secured as part of the application thus ensuring net biodiversity benefits (biodiversity enhancements) through the proposed development. This could include:

- provision of bird and bat boxes including the details of the number, type and location of these boxes;
- provision of wildlife sensitive landscaping.

Measures identified will need to be specific (i.e. details regarding locations, dimensions and numbers will need to be provided) and achievable. A Biodiversity Enhancement Plan could be secured through a planning condition, however as further information has been requested, the provision of information at this stage regarding the details and locations of any biodiversity enhancements to be provided would avoid the need for a pre-commencement condition.

*2<sup>nd</sup> email response received 8<sup>th</sup> August 2017*

Thank you for consulting me with regards to planning application P/2017/0119 which concerns an application for the upgrade of existing pitches to gravel hardstandings, replacement of site access road and stone car park and other associated works at Wyeside Caravan Park, Rhayader, Powys.

I have reviewed the proposed plans submitted with the application, photographs taken during your site visit as well as aerial photographs of the site and surrounding habitats, local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 214 records of protected and priority species within 500m of the proposed development, no records were identified for the site itself. A number of records identified within 500m of the site were for otter, bat species and W&CA Schedule 1 and Environment (Wales) Act 2016 Section 7 bird species.

The following statutory designated sites are present within 500m of the proposed development:

- River Wye SAC
- River Wye (Upper Wye) SSSI

Given the proximity of the proposed development to the River Wye SAC the potential for the construction and operation phases of the development to result in a Likely Significant Effect to the River Wye SAC and/or its associated features has been considered.

In order to ensure all relevant Natura 2000 sites were considered a search for Natura 2000 sites within 2km of the proposed development was carried out, the following Natura 2000 sites were identified:

- River Wye SAC
- Elan Valley Woodlands SAC
- Elenydd – Mallaen SPA

Having reviewed the nature of the proposed development and the distance from the site to the identified Natura 2000 sites as well as potential pathways and associated mobile species it was identified that the proposed development had potential to impact the River Wye SAC and that HRA Screening would be required to determine whether there would be a Likely Significant Effect to the SAC and/or its associated features from the proposed development.

The potential for the proposed development to result in a Likely Significant Effect to the River Wye SAC and/or its associated features has been considered.

Having reviewed the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and/or its associated features – I have attached a copy of the Screening Assessment for your records.

No non-statutory designated sites are present within 500m of the proposed development.

The proposed development seeks to upgrade facilities at the existing site to enable improved access to the site in all weather conditions, the Design and Access Statement identifies that the purpose of the proposed development is not to increase the visitors to/users of, the Site.

The site affected by the proposed development comprises an area of amenity grassland which is intensively managed through cutting, a mixture of native species-rich and species poor hedgerows are present along the eastern and southern boundaries, the western boundary adjacent to the River Wye is formed by linear trees. The habitats affected by the proposed development are considered to be of low ecological value, habitats of high ecological value are present along the boundaries of the site but it is understood that there will not be affected by the proposed development.

A Construction Method Statement produced by Camping and Caravanning Club date May 2017 has been submitted with the application, this document details Pollution Prevention Measures that will be implemented during the construction phase of the proposed development. I have reviewed the proposed measures and consider that they are appropriate and in line with current recommendations and guidelines with regards to pollution prevention. It is recommended that adherence to and implementation of the identified measures within the Construction Method Statement is secured through an appropriately worded condition.

A Biodiversity Enhancement Report produced by WYG dated June 2017 has been submitted as part of the application, this report considers the habitats present, potential for presence of protected species and identifies mitigation and enhancement measures to protect and enhance biodiversity through the proposed development. I have reviewed the proposed measures and consider that they are appropriate and in line with National guidelines. I consider that the proposed mitigation measures would be sufficient to ensure that the

proposed development would not result in the loss of or significant impacts to biodiversity at the site or in the wider environment. It is recommended that adherence to and implementation of the identified measures within the Biodiversity Enhancement Report is secured through an appropriately worded condition.

It is noted that the proposed plans and associated Design and Access statement indicate the provision of landscaping as part of the proposed development. The provision of landscaping is welcomed, and it is noted that the Biodiversity Enhancement Report identifies that species to be used in the proposed landscaping are native this is considered to be in accordance with UDP policy GP1 and would also serve to provide biodiversity enhancements in accordance with the requirements of Section 6 of the Environment (Wales) Act 2016. It is recommended that a detailed landscaping scheme is secured through an appropriately worded condition.

Given the relatively rural location of the proposed development and proximity to the River Wye and features identified as having potential to be used by foraging or commuting nocturnal wildlife careful consideration will need to be given to any proposed external lighting design within the detailed design of the development to minimise impacts to nocturnal wildlife commuting and foraging in the local area, it is noted that lighting is referred to in the Biodiversity Enhancement Report – however no specific details have been provided. It is recommended that a planning condition securing a wildlife sensitive lighting scheme is secured through an appropriately worded condition.

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

The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by Camping and Caravanning Club date May 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

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 produced by WYG dated June 2017 and maintained thereafter unless otherwise agreed in writing by the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

Prior to the commencement of the development a detailed 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

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

No external lighting shall be installed unless a detailed external lighting design scheme has been submitted to and approved in writing by the Local Planning Authority. The external lighting scheme shall identify measures to avoid impacts on nocturnal wildlife. The development shall be carried out in accordance with the approved details.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

### Natural Resources Wales

*First response received 9<sup>th</sup> March 2017*

Thank you for your consultation advice received on 10th February 2017. We have previously provided pre-app advice to WYG Engineering Ref: CAS-27220-G1Y4. In our response we detailed a requirement, "The applicant will need to provide detailed hydraulic modelling in support of any planning application and address the bullet points below".

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

### Summary of Conditions

Condition 1 - Prior to occupation of the replacement static caravans, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

### Flood Risk

The application site, relating to existing highly vulnerable development, lies entirely within zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our flood map information, which is updated

on a quarterly basis, confirms the site is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, designated as an ordinary watercourse along this reach.

The following flood risk advice is based on there being no increase in occupancy as a result of the proposed pitch upgrades. However, for existing camping and caravan sites that are sited in floodplain, the opportunity should be taken to increase resilience and understanding of the flood risk posed.

#### General Comments

- A proposed 5 m watercourse corridor must be agreed with the Lead Local Flood Authority. All works affecting the River Wye and its banks may need prior consent from Powys CC as LLFA for this reach of the Wye.
- Drainage proposals to be commented on by the Lead Local Flood Authority.

#### Comments on the Flood Procedure & Policy Document

We note that references are made to the Environment Agency and we consider that this indicates that there is a misunderstanding of roles and responsibilities along this reach of the River Wye.

We advise that the Flood Procedure & Policy document should be rebranded and amended in line with the attached guidance, 'Your Caravan/Camping/Holiday Park Site Could be at Flood Risk > Practical Advice on Keeping You, Your Residents and Your Visitors Safe in a Flood' and agreed with Powys County Council Emergency Planning Department, prior to granting of any planning permission.

Condition1 - Prior to occupation of the replacement static caravans, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Reason: To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.

Comments: It is strongly advised that the site is evacuated before any part of the site becomes inundated with floodwater. The management plan must be a 'living' document, to be amended when and as improved flood data becomes available.

We recommend that your consideration is given to consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise on such as emergency plans, procedures and measures to address structural damage that may result from flooding.

Please note, we do not normally comment on or approve the adequacy of flood emergency plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

This includes assessment of residual risks, including impacts on access. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible.

Comments on FCA dated January 2017, Ref A100799, compiled by WYG

We consider that the FCA does not appropriately address the issues with this application in a flood plan and we re-iterate our previous advice below. We advise that the primary source of mitigation is a detailed and approved flood management plan.

We observe that section 4.2.1 of the FCA suggests that the proposed development is less vulnerable however section 5.1 of TAN15 advises that caravan parks should be considered as highly vulnerable for justification purposes.

Our previous development & Flood risk advice stated; “The applicant would be advised provide detailed hydraulic modelling however, the indicative flood levels suggest that detailed hydraulic modelling may not assist in the justification of the proposed development other than to corroborate the flood map extent and highlight that the current location is not sustainable or safe in flood risk terms.”

We advise the LPA that criteria within tables A1.14 and A1.15 of TAN15 cannot be met without detailed modelling and we cannot quantify the extent of the risk.

Without the benefit of detailed modelling, we can only advise the Planning Authority that criteria within tables A1.14 and A1.15 of TAN15 would fail. However, we would be unable to quantify extent of risk. However as we deduce that there will be no intensification of occupancy nor will there be any consideration to siting permanent static caravans on the proposed pitches the need for detailed modelling is not considered proportionate.

NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible.

However, we would advise that evacuation once a flood warning is issued may be considered too late, depending on the trigger levels, especially if river levels were rising during the night, say. Previous advice and relevant references to sections of TAN15 should help inform a proportionate and sustainable management plan.

Compilation of an updated robust management plan will be a key element to the safety of occupants and should be included as a condition in any planning approval. This is the only element that can offer betterment over the current situation and so should be maintained on a regular basis for the lifetime of the development.

We emphasise that acknowledgment of this betterment is based on there being no intensification of the site in terms of occupancy or nature of caravans, i.e. no static caravans. Any future proposals to increase numbers of pitches would be resisted, if we were consulted as part of any planning application. Introducing more people into flood risk areas is not considered sustainable in flood risk terms.

River Wye SAC/Upper River Wye SSSI

The proposal site is already in use for camping and tourer caravans and it is immediately adjacent to the River Wye SAC/Upper River Wye SSSI. The pre-application information has not included detail on the composition of the additional bases. It would be preferable that

permeable surfaces are used. Provided that a pollution prevention plan is implemented during the construction process we consider that there would be no likely significant effect on the River Wye SAC.

A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction. No material should be deposited within 10m of any watercourse without discussion with Natural Resources Wales.

Guidance for Pollution Prevention GPP5 “Works and maintenance in or near water” has recently been updated (January 2017) and will be found at <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000

Provided that there is sufficient capacity on site for handling waste from mobile units with chemical toilet waste and this is managed to prevent runoff or overflow into the river there is not likely to be an impact on the protected sites. We consider that subject to chemical toilet waste being appropriately managed, there would be no likely significant effects on the River Wye SAC/Upper River Wye SSSI. Further information is provided under the relevant sections below.

#### Chemical Toilet Waste

Existing permits may need to be revised to ensure that there is sufficient capacity for increased occupancy and it is advised that you contact the NRW Permitting Service.

Chemical toilet waste must be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. The contents of the cesspool shall be taken to an identified sewage treatment works for full biological treatment.

The cesspool must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The applicant must obtain any necessary permit prior to any works starting on site.

### Foul Drainage

We note that the site is near the Dwr Cymru / Welsh Water main sewer catchment for Rhayader. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer.

Dwr cymru / Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

### European Protected Species – Bats and Otters

An ecological report has not been provided with this proposal. Bats and Otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Otters are a feature of the River Wye SAC as well as being a European protected species.

Possible effects on bats could be mitigated by directing site lighting away from the river banks and to limit the impacts of light pollution on bats using the river corridor. We consider that otters using the nearby river would be used to levels of human activity as the camp site is already in use. We recommend that any permission should include a condition for Reasonable Avoidance Measures to avoid disturbance and injuries to otters.

The planning submissions did not include any information as to whether the pitches will have electricity supply points or whether there will be any security lighting near access barriers. Therefore we recommend the following conditions should be included in any permission.

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted to include the following;

- No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow otters to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day.
- Construction works to be carried out during daylight hours only.

- Creation of a fenced off buffer area separating the hedgerow / river / woodland from the development site. No machinery or works to be carried out within the buffer zone.

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

### Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

To conclude, we trust that the pre-application advice provided above is of assistance to you and provides details of the information and surveys that NRW would expect any application to be supported by. This information will allow NRW to fully assess the possible impact of the proposal on natural heritage interests.

*Second - Revised response received 24<sup>th</sup> March 2017 (amended response so Condition 1 is appropriately worded)*

Thank you for your consultation advice received on 10th February 2017. We have previously provided pre-app advice to WYG Engineering Ref: CAS-27220-G1Y4. In our response we detailed a requirement, “The applicant will need to provide detailed hydraulic modelling in support of any planning application and address the bullet points below”.

We recommend that you should only grant planning permission if you attach the following conditions. These conditions would address significant concerns that we have identified and we would not object provided you attach them to the planning permission.

### Summary of Conditions

Condition 1 - Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4 - Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

## Flood Risk

The application site, relating to existing highly vulnerable development, lies entirely within zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice

Note 15: Development and Flood Risk (TAN15). Our flood map information, which is updated on a quarterly basis, confirms the site is within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, designated as an ordinary watercourse along this reach.

The following flood risk advice is based on there being no increase in occupancy as a result of the proposed pitch upgrades. However, for existing camping and caravan sites that are sited in floodplain, the opportunity should be taken to increase resilience and understanding of the flood risk posed.

### General Comments

□ A proposed 5 m watercourse corridor must be agreed with the Lead Local Flood Authority. All works affecting the River Wye and its banks may need prior consent from Powys CC as LLFA for this reach of the Wye.

□ Drainage proposals to be commented on by the Lead Local Flood Authority.

### Comments on the Flood Procedure & Policy Document

We note that references are made to the Environment Agency and we consider that this indicates that there is a misunderstanding of roles and responsibilities along this reach of the

### River Wye.

We advise that the Flood Procedure & Policy document should be rebranded and amended in line with the attached guidance, 'Your Caravan/Camping/Holiday Park Site Could be at Flood Risk > Practical Advice on Keeping You, Your Residents and Your Visitors Safe in a Flood' and agreed with Powys County Council Emergency Planning Department, prior to granting of any planning permission.

Condition1 - Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Reason: To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.

Comments: It is strongly advised that the site is evacuated before any part of the site becomes inundated with floodwater. The management plan must be a 'living' document, to be amended when and as improved flood data becomes available.

We recommend that your consideration is given to consulting other professional advisors on the acceptability of the developer's proposals, on matters that we cannot advise on such as emergency plans, procedures and measures to address structural damage that may result from flooding.

Please note, we do not normally comment on or approve the adequacy of flood emergency plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

This includes assessment of residual risks, including impacts on access. NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible.

Comments on FCA dated January 2017, Ref A100799, compiled by WYG

We consider that the FCA does not appropriately address the issues with this application in a flood plan and we re-iterate our previous advice below. We advise that the primary source of mitigation is a detailed and approved flood management plan.

We observe that section 4.2.1 of the FCA suggests that the proposed development is less vulnerable however section 5.1 of TAN15 advises that caravan parks should be considered as highly vulnerable for justification purposes.

Our previous development & Flood risk advice stated; “The applicant would be advised provide detailed hydraulic modelling however, the indicative flood levels suggest that detailed hydraulic modelling may not assist in the justification of the proposed development other than to corroborate the flood map extent and highlight that the current location is not sustainable or safe in flood risk terms.”

We advise the LPA that criteria within tables A1.14 and A1.15 of TAN15 cannot be met without detailed modelling and we cannot quantify the extent of the risk.

Without the benefit of detailed modelling, we can only advise the Planning Authority that criteria within tables A1.14 and A1.15 of TAN15 would fail. However, we would be unable to quantify extent of risk. However as we deduce that there will be no intensification of occupancy nor will there be any consideration to siting permanent static caravans on the proposed pitches the need for detailed modelling is not considered proportionate.

NRW is not the appropriate body to comment upon the operational effectiveness of access routes. It is for the Planning Authority, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible.

However, we would advise that evacuation once a flood warning is issued may be considered too late, depending on the trigger levels, especially if river levels were rising during the night, say. Previous advice and relevant references to sections of TAN15 should help inform a proportionate and sustainable management plan.

Compilation of an updated robust management plan will be a key element to the safety of occupants and should be included as a condition in any planning approval. This is the only element that can offer betterment over the current situation and so should be maintained on a regular basis for the lifetime of the development.

We emphasise that acknowledgment of this betterment is based on there being no intensification of the site in terms of occupancy or nature of caravans, i.e. no static caravans.

Any future proposals to increase numbers of pitches would be resisted, if we were consulted as part of any planning application. Introducing more people into flood risk areas is not considered sustainable in flood risk terms.

River Wye SAC/Upper River Wye SSSI

The proposal site is already in use for camping and tourist caravans and it is immediately adjacent to the River Wye SAC/Upper River Wye SSSI. The pre-application information has not included detail on the composition of the additional bases. It would be preferable that permeable surfaces are used. Provided that a pollution prevention plan is implemented during the construction process we consider that there would be no likely significant effect on the River Wye SAC.

A pollution prevention plan should be created and implemented to prevent pollution of the water environment during construction.

Condition 2 - A condition requiring submission and implementation of a Pollution Prevention Plan

We advise that your Authority includes a suitably worded planning condition on any planning consent requiring full details of the means for pollution prevention during construction. No material should be deposited within 10m of any watercourse without discussion with Natural

Resources Wales.

Guidance for Pollution Prevention GPP5 "Works and maintenance in or near water" has recently been updated (January 2017) and will be found at <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Any facilities for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The volume of bunded compound should be 110% of the capacity of the tank, all filling points, gauges, vents and sight glasses must be located within the bund. Associated pipework should be located above ground and protected from accidental damage. All filling points and tank overflow pipe outlets should be detailed to discharge downwards into the bund. Refuelling should be supervised at all times – and preferably done on an impermeable surface.

The activity of importing waste onto the site for use as, for example hardcore, must be registered by the Natural Resources Wales as an exempt activity under the Environmental Permitting Regulations 2010. The developer should contact Natural Resources Wales to discuss the necessity for an exemption permit for any material imported to and exported from site.

Should any contaminated water or materials enter or pollute the watercourse or groundwater, Natural Resources Wales must be notified immediately on Tel: 03000 65 3000

Provided that there is sufficient capacity on site for handling waste from mobile units with chemical toilet waste and this is managed to prevent runoff or overflow into the river there is not likely to be an impact on the protected sites. We consider that subject to chemical toilet waste being appropriately managed, there would be no likely significant effects on the River Wye SAC/Upper River Wye SSSI. Further information is provided under the relevant sections below.

Chemical Toilet Waste

Existing permits may need to be revised to ensure that there is sufficient capacity for increased occupancy and it is advised that you contact the NRW Permitting Service.

Chemical toilet waste must be contained within a sealed and watertight cesspool, fitted with a level warning device to indicate when the tank needs emptying. The contents of the cesspool shall be taken to an identified sewage treatment works for full biological treatment.

The cesspool must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations 2000. You should also have regard to Welsh Office Circular 10/99 in respect of planning requirements for non-mains sewerage. The applicant must obtain any necessary permit prior to any works starting on site.

## Foul Drainage

We note that the site is near the Dwr Cymru / Welsh Water main sewer catchment for Rhayader. Government policy states that, where practicable, foul drainage should be discharged to the mains sewer.

Dwr cymru / Welsh Water should be consulted on the proposals and be requested to confirm that the sewerage and sewage disposal system serving the development has sufficient capacity to accommodate the additional flows generated as a result of the development. This is to ensure that the development does not cause pollution of the water environment or potential deterioration in the Water Framework Directive classification.

### European Protected Species – Bats and Otters

An ecological report has not been provided with this proposal. Bats and Otters and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2010 (as amended). Otters are a feature of the River Wye SAC as well as being a European protected species.

Possible effects on bats could be mitigated by directing site lighting away from the river banks and to limit the impacts of light pollution on bats using the river corridor. We consider that otters using the nearby river would be used to levels of human activity as the camp site is already in use. We recommend that any permission should include a condition for Reasonable Avoidance Measures to avoid disturbance and injuries to otters.

The planning submissions did not include any information as to whether the pitches will have electricity supply points or whether there will be any security lighting near access barriers. Therefore we recommend the following conditions should be included in any permission.

Condition 3 - A scheme of Reasonable Avoidance Measures for otters should be submitted to include the following;

- No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow otters to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day.
- Construction works to be carried out during daylight hours only.
- Creation of a fenced off buffer area separating the hedgerow / river / woodland from the development site. No machinery or works to be carried out within the buffer zone.

## Condition 4

- Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats / otters (all tree lines, river bank and hedgerows surrounding the site).

### Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist “Natural Resources Wales and Planning Consultations” (March 2015) which is published on our website:

(<https://naturalresources.wales/planning-and-development/planning-and-development/?lang=en>).

We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

To conclude, we trust that the pre-application advice provided above is of assistance to you and provides details of the information and surveys that NRW would expect any application to be supported by. This information will allow NRW to fully assess the possible impact of the proposal on natural heritage interests.

*Third response received 23<sup>rd</sup> May 2017*

We have previously provided advice regarding this case on;  
22nd December 2016 CAS-27220-G1Y4  
9th March 2017 CAS-29467-Z1Z2  
24th March CAS-29467-Z1Z2

In addition we sent an email to the LPA on 19th April 2017 to query whether the application relates to formalisation of pitches or an intensification of occupancy.

We have now seen the email from Sarah Butterfield of WYG (12th May) which confirms that “the application only seeks to formalise existing grass pitches and not to intensify the use of the site in terms of the overall number of pitches nor change the use from camping and caravanning. In terms of the opening season the applicant understands there are no current restrictions on the opening season and this is not proposed to be altered as part of the current application.”

Formalisation of grass pitches with no increase in season does not increase the level of flood risk and as we have explained in our previous correspondence that the primary mitigation is a robust flood management plan. Further flood modelling would be helpful in terms of quantifying the level of flood risk.

The Planning Authority, Emergency Planner and operator of the site need to provide a robust management plan which ensures occupants remain safe during a predicted flood event.

We advise that conditions, as we previously detailed in CAS-29497-Z1Z2 24th March 2017 should be attached to any planning permission granted.

*Fourth response received 19<sup>th</sup> July 2017*

Thank you for consulting Natural Resources Wales (letter dated 02/07/2017) regarding additional information on the above.

Our latest response to this consultation was on 24/03/2017 (CAS-29467-Z1Z3) when we recommended that the application could be approved subject to the following conditions:

Condition 1: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2: A condition requiring submission and implementation of a Pollution Prevention Plan.

Condition 3: A scheme of Reasonable Avoidance Measures for otters should be submitted

Condition 4: Any security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats/otters (all tree lines, river bank and hedgerows surrounding the site).

We note the additional information submitted to your authority, namely, Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17. Information within the above mentioned additional documents indicates that certain concerns we suggested to address via conditions 1 to 5 in our response of 24/3/2017 have already been addressed.

NRW does not object to the proposal, subject to the use of appropriate conditions.

#### Summary of Conditions

Condition 1 - FMP: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

Condition 2 - PPP: Submission and implementation of a Pollution Prevention Plan.

Condition 3 - RAMS: The implementation of the Reasonable Avoidance Measures for otters and bats as described in the Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17.

#### Flood risk

We have no additional comments to add on flood risk, please refer to our letter of 24/3/2017 (CAS-29467-Z1Z3).

Condition 1 - FMP: Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.

## River Wye SAC / Upper River Wye SSSI

A pollution prevention plan (PPP) should be created and implemented to prevent pollution of the water environment and nearby SAC during construction.

### Condition 2 - PPP: Submission and implementation of a Pollution Prevention Plan.

We note that some recommendations have been made in the construction method statement dated May 2017 by P Bagnall and the Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG.

We recommend that a comprehensive PPP is also submitted and implemented in line with Guidance for Pollution Prevention GPP% "Works and maintenance in or near water" which has recently been updated (January 2017) and can be found at:

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

Should any contaminated water or material enter or pollute the nearby River Wye or ground water, NRW must be notified immediately on Tel: 03000653000.

## Chemical Toilet Waste and foul drainage

We have no additional comments to add on foul drainage, please refer to our letter of 24/3/2017 (CAS-29467-Z1Z3).

## Protected Species

We recommend the reasonable avoidance measures described in the Biodiversity Enhancement Report dated June 2017 by WYG, the construction method statement dated May 2017 by P Bagnall, the Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17 are implemented as part of the development.

Condition 3 - RAMS: The implementation of the Reasonable Avoidance Measures for otters and bats as described in the Biodiversity Enhancement Report dated June 2017 by WYG, construction method statement dated May 2017 by P Bagnall, Information to Support Assessment of Likely Significant Effects under the Habitat Regulations report dated June 2017 by WYG and drawing plan WYE/000/17.

## Scope of NRW Comments

Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/media/5271/150302-natural-resources-wales-and-planning-consultations-final-eng.pdf>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

## Welsh Government Transport (Trunk Road)

*First email received 3<sup>rd</sup> March 2017*

I refer to your consultation of 10 February 2017 regarding the above application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK).

*Second email received 13<sup>th</sup> July 2017*

I refer to your consultation of 3 July 2017 regarding the above application and advise that the Welsh Government as highway authority for the A470 trunk road does not issue a direction in respect of this application.

If you have any further queries, please forward to the following Welsh Government Mailbox [NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK](mailto:NorthandMidWalesDevelopmentControlMailbox@Wales.GSI.Gov.UK).

### Countryside Services – Rights of Way

*First email received 6<sup>th</sup> March 2017*

Thank you for your consultation regarding the above application.

Public byway RD420 extends from the A470(T) south-west across the development site to the River Wye. The byway is crossed by the current and proposed access road and must remain accessible to users on foot, horse, horse-drawn cart and vehicular traffic. Any works resulting in a change of level, such as kerbside edging, at the edges of the access road must be avoided. Two upright metal poles installed on the byway at the intersection of the access road appear to fall within the development area. These constitute an unlawful obstruction to users of the byway and should be removed as soon as possible.

The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

*Second email received 11<sup>th</sup> July 2017*

Re the additional information submitted for application P/2017/0119 – there are no additional comments in relation to the public rights of way.

### Environmental Health

*Received 1<sup>st</sup> March 2017*

I have no comments to make.

### Commons Registration (Recreation and Countryside Services)

*Email Received 7<sup>th</sup> March 2017*

I refer to the above Planning Application which was brought to my attention by a colleague because registered Common Land Unit Number RCL072 is situated within the Wyese Caravan Park. I attach an extract from the Commons Registration Map as it is worth the applicant being aware of the location of RCL072. The original map can be inspected at the Gwalia Offices, Llandrindod Wells.

Commons Registration Records show that:

- The land is in the ownership of Powys County Council
- All registered Common Land is subject to a public right of access on foot for informal recreation granted under the Countryside & Rights of Way Act 2000.

It is noted from the planning application documents submitted that permission for a replacement internal site access road is sought. Part of this road travels across the piece of common land. In this case the laying of tarmac is for the repair of an existing surface and no additional consent under Section 38 of the Commons Act 2006 from the Welsh Government is required, however the applicants should ensure that:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the improvements i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

*Second response received 5<sup>th</sup> July 2017 following submission of revised plans:*

Commons Registration has no additional comments.

## **Representations**

A public site notice was displayed on the 24<sup>th</sup> February 2017. A revised site layout and supporting information were received on the 29<sup>th</sup> June 2017 and revised site notices were displayed on the 3<sup>rd</sup> July 2017 together with a re-consultation of all consultees. At the time of writing this report 11 individual representations have been made (from 8 different properties), which are summarised below:

- Concerns raised regarding the site being "gifted" to the town of Rhayader for camping and touring use.
- Flood risk concerns.
- Biodiversity concerns.
- Impact on tourism.
- Will prevent access to river bank for local fishing club.
- Increased traffic activity.
- Noise concerns.
- Concerns over the formality of the proposed site.

## **Planning History**

CL42 – Certificate of Lawful use or development – for up to 30 touring caravans on land at Wyese Caravan Park. Approved.

## **Principal Planning Constraints**

Flood Zone  
Public Right of Way - 157/420/1,4  
Radnor Common Land - RCL072  
A470 Trunk Road  
SSSI – River Wye  
SAC – River Wye

## **Principal Planning Policies**

### National planning policy

Planning Policy Wales (Ed 9, 2017)  
Technical Advice Note 5: Nature Conservation and Planning (2009)  
Technical Advice Note 11: Noise (1997)  
Technical Advice Note 13: Tourism (1997)  
Technical Advice Note 15: Development and Flood Risk (2004)  
Technical Advice Note 23: Economic Development (2014)

### Local Policies

Unitary Development Plan, March, 2010

GP1 - Development Control  
GP3 - Design and Energy Conservation  
GP4 – Highway and Parking Requirements  
ENV 2: Safeguarding the Landscape  
ENV 3: Safeguarding Biodiversity and Natural Habitats  
ENV 5: Nationally Important Sites  
ENV 7: Protected Species  
EC1 – Business, Industrial and commercial developments  
DC1 - Access by Disabled Persons  
RL4 - Outdoor Activity and Pony Trekking Centres  
RL6 - Rights of Way and Access to the Countryside  
SP3 – Natural, Historic and Built Heritage  
SP8 – Tourism Developments  
SP14 - Development in Flood Risk Areas  
T6 – Walking and Cycling  
TR7 – Touring Caravan and Camping Sites

RDG=Powys Residential Design Guide NAW=National Assembly for Wales TAN= Technical Advice Note UDP=Powys Unitary Development Plan, MIPPS=Ministerial Interim Planning Policy Statement

## **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.

### Principle of development

Consideration has been given to Policy TR7 of the Unitary Development Plan (2010) which is of particular relevance to this planning application.

Policy TR7 of the Unitary Development Plan (2010) indicates that proposals for new touring caravan and camping sites or for extensions to existing sites will be permitted where the site would be located within 1 kilometre of suitable roads, where a safe access is available, where the site can be assimilated into the landscape and screened from the public highway and where the site is not to be used for the permanent siting of caravans or permanent residential use and a seasonal occupancy condition is attached to any planning permission.

Having considered the submission, the proposal is to offer pitches on the existing camping site for tented camping, touring caravans and motorhomes. The planning application is for site upgrades and improvements that will include:

- The conversion of 31 existing grassed pitches to gravel hardstanding's (the original submission was for 42 hardstanding's which was amended on the 29<sup>th</sup> June 2017 after concerns were raised by the Town Council and local residents).
- Provision of a replacement site access road (including drainage channels) to serve the pitches and a stoned car park area near to the entrance to the site.
- Provision of a service area and a motorhome service point including drainage attenuation cells.
- Provision of a site managers pitch.
- Provision of a bin storage area.
- Provision of electric site access and egress barriers.
- Provision of approximately 15 electricity hook-up bollards to serve the pitches.
- On site landscaping.

Having considered the application, the site is located off the A470 trunk road with a safe access. The site is an existing tourist facility used for camping, touring caravan and motorhomes and is screened from the highway and assimilated into the landscape. It is therefore considered that the proposal as submitted fundamentally complies with Policy TR7 of the Unitary Development Plan (2010) and therefore the principle of development is deemed acceptable.

### Highway safety

UDP Policy GP4 confirms that in the interests of highway safety, all development proposals that generate or involve traffic must be provided with an adequate means of access including visibility, parking and turning facilities.

The proposed development will be accessed from the existing access off the A470 trunk road.

The Highway Authority has been consulted on the application and has confirmed that they do not wish to comment on this application as the access is onto a trunk road which comes under the jurisdiction of the Welsh Government.

The Trunk Road Agency has been consulted and has confirmed that the Welsh Government as highway authority for the A470 trunk road does not wish to issue a direction in respect of this application.

In light of the above consultee responses, it is considered that the proposal is in accordance with Policy GP4 of the Unitary Development Plan.

#### Impact on ecology

Consideration has been given to Policies ENV 2, ENV 3 and ENV 7 of the UDP which state that development proposals are to take into consideration the need to maintain biodiversity and the nature conservation and amenity value of habitats and features that are of importance.

The River Wye Special Area of Conservation (SAC) and a Site of Special Scientific Interest (SSSI) border the western boundary of the site. A Biodiversity Enhancement Plan (June 2017) has been submitted by the Agent on the 29<sup>th</sup> June 2017 as supporting information. This plan indicates that all hedgerows and trees within the site are to be retained and protected and a 5 metre buffer adjoining the western boundary of the site has been retained and is not included within the site boundary.

As part of the application areas of habitat are to be created which include; proposed new hedging in the centre of the site and along the western boundary to provide additional wildlife habitats. Areas of long grassland will be created along the eastern and southern boundary, nesting features to increase opportunities for breeding birds on site are to be installed and roosting features to increase opportunities for bats on site are to be installed. The Agent has confirmed that there will be a net loss of 0.3 hectares of amenity grassland to accommodate the proposed conversion of grass pitches.

A Construction Method Statement has been submitted as supporting information on the 29<sup>th</sup> June 2017 which details Pollution Prevention Measures that will be implemented during the construction phase of the proposed development.

The County Ecologist has been consulted and has provided comments with regard to the proposed development and has confirmed that the River Wye SAC and the River Wye (Upper Wye) SSSI fall within 500 metres of the site. The River Wye SAC, the Elan Valley Woodlands SAC and Elenydd-Mallaen SPA are noted to fall within 2km of the proposed development. Due to the proximity of the development to the River Wye SAC it was deemed

necessary for a Habitat Regulations Assessment (HRA) to be undertaken. The County Ecologist confirms that having considered the information provided by the applicant it has been determined that the proposed development would not result in a likely significant effect to the River Wye SAC and / or its associated features.

The County Ecologist has noted that should the local planning authority be minded to approve the application then the inclusion of suitably worded conditions are to be included which will ensure that the development is carried out in accordance with the measures identified within the Construction Method Statement and the Biodiversity Enhancement Report (June 2017). In addition a request for a detailed Landscape and Management Plan and lighting design scheme through condition has been requested.

In light of the above and having considered the comments of the County Ecologist it is considered that subject to the inclusion of suitably worded conditions, the proposed development can be managed to an acceptable level and therefore complying with relevant planning policy, particularly policies ENV 2, ENV 3 and ENV 7 of the UDP.

### Flooding

The site as submitted is located in Flood Zone C, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15) and hence a Flood Consequences Assessment (FCA) was submitted in support of the application.

The Agent has confirmed that the application only seeks to formalise existing grass pitches and not to intensify the use of the site in terms of the overall number of pitches nor change the use from camping and caravanning. In terms of the opening season the Agent has noted that there are no current restrictions on the opening season and this is not proposed to be altered as part of the current application.

NRW have been consulted as part of the application and do not have objections subject to the use of appropriately worded conditions relating to the submission of a flood management plan prior to occupation of the improved pitches, the submission of a pollution prevention plan and the implementation of the reasonable avoidance measures as outlined in the Biodiversity Enhancement Plan (dated June 2017).

In light of the above, and having considered Policy SP14, it is considered that the submission has demonstrated that an intensification of the current use is not taking place and that the consequence of any flooding would be acceptable for the development proposed and that the works will not give rise to any unacceptable flooding impacts elsewhere. It is therefore considered that the proposal fundamentally accords with Policy SP14 of the UDP subject to appropriately worded conditions.

### Appearance, materials, layout and scale

For clarification the submission includes the following proposals:

- The conversion of 31 existing grassed pitches to part gravel hardstanding's. Hardstanding details have been submitted (drawing no.STD.15) which indicate a 5 metre by 9 metre stone hardstanding (within an 11 metre by 11 metre pitch

plot) with timber edging, sub-base, geo-lay matting and stone to finish. The remainder of each pitch will remain grassed.

- Provision of a replacement tarmac site access road (including drainage channels) to serve the pitches. Details of the road (Drawing no: STAND/0009) indicate an 8 metre wide single / one way system road with 500mm wide gravel drainage strips on either side.
- Provision of a stone car park area close to the existing entrance to the site measuring approximately 24 metres by 5 metres.
- Provision of a motorhome service point (combined with a service area) is to be located near the site entrance in the northern part of the site. Plans submitted STAND/030 indicate a 22 metre by 6 metre pull in bay located directly north west of the entrance to the site. The service point allows touring caravans to dispose of foul water and replenish clean water. The proposed pull-in area will have a tarmac surface with a service area located directly west of the pull-in layby.
- A further service area will be located in the southern section of the site. This area will incorporate a service area with bollard for both drinking water and wash out taps. The 4 metre by 3 metre service area will be secured on all sides by a timber fence. The service area will provide for the disposal of general waste water and the replenishment of drinking water.(Plan STD.04)
- The site manager's pitch is proposed on the eastern boundary of the site close to the entrance area. The 11 metre by 9 metre pitch will include a 6 metre by 9 metre hardstanding and bounded on all sides by a low timber enclosure fence. A service bollard with integral bottle trap is to be included within the pitch (Plan Stand/016/CED)
- The proposed bin storage is to be located near the site entrance and will comprise a 4.4 metre by 6 metre with concrete slab base and secured by a 1.8 metre high wooden fence. The area is to be accessed by gates (Plan Stand/010).
- Provision of electric site access and egress barriers at the entrance to the site. The barriers are shown on drawing Stand/013 and include a 1.1 metre high barrier with a 6 metre barrier arm and to be operated by a keypad pedestal stand.
- Provision of approximately 15 electricity hook-up bollards to serve the pitches.
- On site landscaping to be undertaken at the entrance and around the proposed motorhome service point and within the site. Landscaping is to be secured through condition.

Consideration has been given to Policy GP1 in relation to the appearance of the proposed works, the proposed materials together with site layout and scale.

GP1 states that the design, layout, size and scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area.

Having assessed the proposals as outlined above, it is considered that the proposed works are of a suitable scale and design with appropriate materials to the location. Concerns have been raised by the Town Council and local residents during the course of the application and the applicant provided revised plans on the 29<sup>th</sup> June 2017 which reduced the proposed number of hardstanding pitches from 42 to 31. This reduction now shows an area of open grassland along the western boundary of the site (adjoining the river) which can be accessed for tented accommodation. The hardstanding pitches are also available for tented accommodation across the site. With regard to the proposed site manager's pitch, the Agent has confirmed that the site manager is required to have a presence on site at all times and hence the proposal for a permanent pitch.

In consideration of the appearance of the proposed works, materials proposed and the layout and scale it is considered that the proposal fundamentally complies with Policy GP1 of the Unitary Development Plan (2010).

#### Impact on residential amenity

UDP Policy GP1 states that development proposals will only be permitted where the amenities enjoyed by the occupants of nearby or proposed properties will not be unacceptably affected.

Objections have been submitted by local residents that offer concern regarding noise and amenity impacts from the proposed development.

Environment Health has been consulted regarding this matter and do not have any objections.

The nearest properties to the proposed site are Upper Ffynnon Fair which is located approximately 22 metres from the proposed site manager's pitch in an easterly direction. No 1 and 2 Ffynnon Fair are located approximately 25 metres distant in an easterly direction from the proposed hardstanding pitches located on the lower southern section of the site. The development proposals along the eastern boundary of the site closest to nearby properties are to include the site manager's pitch, and 10 pitches (to include a hardstanding area).

The use of the field currently is for touring caravans, motorhomes and tented camping and the total number of pitches the site currently accommodates is 60. The application does not increase the number of pitches but formalises the layout by providing a hardstanding area and electric hook up point for those that require it. The proposed number of hardstanding pitches is 31.

Taking into account the comments of Environmental Health and the established use of the site at present, it is considered that issues with regard to noise and associated amenity issues will not unacceptably affect the nearby residents due to the use currently established on the site and the distance of approximately 25 metres between neighbouring properties and the application site.

In light of the consultee responses and taking into account the proposed development, it is therefore considered that the application fundamentally accords with Policy GP1 of the UDP.

### Landscape and visual impacts

UDP Policy ENV2 states that proposals should 'take account of the high quality of the Landscape throughout Powys and be appropriate and sensitive to the character and surrounding landscape'. It goes on to state that proposals which are acceptable in principle should 'contain appropriate measures to ensure satisfactory integration into the landscape'.

The application as submitted is on an existing camping site on the edge of the settlement of Rhayader. The site is already well screened from the adjoining A470 trunk road to the east and an existing tree line exists along the river edge which also provides screening to the west. Having considered Policy ENV2 of the UDP, the high quality of the landscape in this location is recognised, however, as the application is for works that are commonly found on a camping site of this nature, it is considered that the application fundamentally accords with Policy ENV2 in this respect.

### Land ownership issues

During the course of the application the Town Council and public representations have made reference to the site being "gifted" to the town of Rhayader.

It is understood that Powys Council have leased the land the subject of this planning application to the Camping and Caravanning Club (lease dated 1<sup>st</sup> June 2016) and any issues with regards to the breach of the lease are to be dealt with as a legal matter between the Council Legal Team and the Camping and Caravanning Club. Matters relating to the lease are not planning considerations and as such should not be considered in determining this application. With regard to the public byway RD420 that crosses the site, the Agent has confirmed that this will remain accessible with no changes proposed.

### **Other considerations**

#### Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. This duty has been considered in the evaluation of this application. It is considered that there would be no significant or unacceptable increase in crime and disorder as a result of the proposed decision.

#### Equality Act 2010

The Equality Act 2010 identifies a number of 'protected characteristics', namely age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; sexual orientation; marriage and civil partnership.

Having due regard to advancing equality involves:

- removing or minimising disadvantages suffered by people due to their protected characteristics;
- taking steps to meet the needs of people from protected groups where these differ from the need of other people; and
- encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

The above duty has been given due consideration in the determination of this application. It is considered that there would be no unacceptable impact upon persons who share a protected characteristic, over and above any other person, as a result of the proposed decision.

#### Planning (Wales) Act 2015 (Welsh language)

Section 31 of the Act clarifies that impacts on the Welsh language may be a consideration when taking decisions on applications for planning permission so far as it is material to the application. This duty has been given due consideration in the determination of this application. It is considered that there would be no material unacceptable effect upon the use of the Welsh language in Powys as a result of the proposed decision.

#### Wellbeing of Future Generations (Wales) Act 2015

Section 3 of the Act imposes a duty on public bodies to carry out sustainable development in accordance with the sustainable development principle to act in a manner which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs (Section 5). This duty has been considered in the evaluation of this application. It is considered that the proposed development is in accordance with the sustainable development principle through its contribution towards the well-being objectives.

### **Decision**

Having carefully considered the proposed development, Officers consider that the proposal broadly complies with planning policy and therefore the recommendation is one of conditional approval.

### **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 and supporting documents stamped as approved on XXXX .(Amended Proposed Site Layout Plan Drawing No. WYE/000/17 Rev A, Hardstanding detail STD.15 and 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)

3. Prior to occupation of the improved pitches, a Flood Management Plan must be compiled and submitted for approval by Powys County Council.
4. The development shall be carried out strictly in accordance with the measures identified regarding Pollution Prevention within the Construction Method Statement produced by Camping and Caravanning Club date May 2017 and maintained as such in perpetuity..
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 produced by WYG dated June 2017 and maintained as such in perpetuity..
6. Prior to the occupation of the development a detailed Landscaping and Management Plan shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in the first planting season 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
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 occupation of the Site Managers hardstanding shall be limited to a person solely or mainly employed in the business occupying the site identified as the Wyeside Caravan Park edged red on site layout plan drawing No. WYE/000/17 Rev A.
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 Wyeside Caravan Park as shown on site layout plan drawing No. WYE/000/17 Rev A. 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.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure all occupants of the park are aware and informed of the measures to take prior to a possible flood event.
4. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of

Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

5. To comply with Powys County Council's UDP Policies SP3, ENV2, ENV3, ENV4, ENV5, ENV6 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

6. To comply with Powys County Council's UDP Policies SP3 and ENV2 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

7. To comply with Powys County Council's UDP Policies SP3, ENV3, ENV4, ENV5 and ENV7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

8. In order to ensure proper control of the use of the Site Managers accommodation.

9. In order to ensure proper control of the use of the site and to prevent the establishment of permanent residency.

## **Informative Notes**

### Recreation and Countryside Services:

- The public access 'on foot' granted by the Countryside and Rights of Way Act 2000 must not be impeded or prevented at any time.
- There is no encroachment onto the common during the construction phase of the improvements i.e. building materials must not be stored on the common.
- Any inadvertent damage caused is made good as soon as possible.

### Countryside Services – Rights of Way

The applicant must be advised that at no time during the development phase should any public right of way be obstructed. No materials should be placed or stored on the line of any public right of way and any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Any unlawful disturbance, damage or obstruction to any public right of way could have legal repercussions.

### Dwr Cymru / Welsh Water

The proposed development site is crossed by a public sewer with the approximate position being marked on the attached record plan. No development (including the raising or lowering of ground levels) will be permitted within the safety zone which is measured either side of the centre line. For details of the safety zone please contact Developer Services 0800 917 2652. The developer must contact us if a sewer connection is required under Section 106 of the

Water Industry Act 1991 or any alteration to our apparatus is proposed prior to any development being undertaken.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at [developer.services@dwrcymru.com](mailto:developer.services@dwrcymru.com)

### Wales and West

The applicant's attention is drawn to the comments of Wales and West Utilities which are attached to this decision notice for attention.

---

Case Officer: Karen Probert- Planning Officer  
Tel: 01597827372 E-mail:karen.probert1@powys.gov.uk