

- Infrastructure of the Village.
- Type of properties being proposed.
- Road Access
- Volume of traffic
- No Local Needs houses
- Cannot sell properties already built in village

PCC - Highways (North)

Recommendations/Observations

HC1 Any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

HC2 The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 10 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

HC3 The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

HC6 Within 5 days from the commencement of the development clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U2988 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway.

Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

HC7 Prior to the commencement of the development the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

HC8 Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

HC11 Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning

area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

HC12 The width of the access carriageway, shall be not less than 5.0 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

HC18 All access to the development hereby permitted shall be gained via the existing private driveway. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

HC21 Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

HC29 All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

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HC32 No storm water drainage from the site shall be allowed to discharge onto the county highway.

In the interests of highway safety.

Wales and West Utilities

Based on the information given and the address provided, Wales & West Utilities have no apparatus in the area of your enquiry.

Severn Trent

- 1st response

I can confirm that we have no objections to the proposals subject to the inclusion of the following condition:

The development hereby permitted should not commence until drainage plans for the disposal of foul and surface water flows have been submitted to and approved by the Local Planning Authority, and

The scheme shall be implemented in accordance with the approved details before the development is first brought into use. This is to ensure that the development is provided with a satisfactory means of drainage as well as to prevent or to avoid exacerbating any flooding issues and to minimise the risk of pollution.

- 2nd response

I can advise I have no issues with the sewerage proposals for site; to confirm foul sewage is to discharge to the public sewerage system and surface water is to discharge to the nearby watercourse.

PCC - Environmental Health

As the development will be connected to mains drainage I have no objection to the application.

PCC – Ecologist

- 1st response

Thank you for consulting me with regards to planning application P/2017/0444 which concerns an outline application for a proposed residential development of up to 5 no. dwellings, formation of vehicular access and associated works (some matters reserved).

I have reviewed the proposed plans, aerial images and site photographs of the proposed site for the developments and surrounding habitats as well as local records of protected and priority species and designated sites within 500m of the proposed development.

The data search identified 406 records of protected and priority species within 500m of the proposed development – no records were for the site itself. Records of note include Great Crested Newts within 170m and Hazel Dormice within 850m of the proposed development site.

There are no statutory or non-statutory designated sites present within 500m of the proposed development.

The proposed site for development is an area of improved grassland, hedgerows and scattered mature trees.

The well-established hedgerow boundary along with the mature trees noted on site could potentially form part of a corridor of habitat of high ecological value.

No ecology information has been submitted as part of the application.

Habitat Phase 1 and Protected Species Survey

An extended Phase 1 habitat survey will need to be undertaken to identify the habitats present on and adjacent to the site and potential to support protected species as well as the presence of invasive non-native species .

Therefore it is considered that there is insufficient information with regard to potential impacts to protected or priority species and habitats to determine this application. Further information is required to be submitted prior to determination of the application.

The ecological assessment should evaluate the potential impacts of the proposed developments on protected and/or notable species, such as species of conservation concern and locally important species listed in the Powys BAP. Particular consideration should be given for the potential for the site to be used by Great Crested Newt, Hazel Dormice and Bats – particular attention should be given to the potential for the mature trees to support roosting bats.

It is important to note that further surveys following National guidelines at the appropriate time of year maybe be required for any species that are found or have potential to be present. These surveys will need to be carried out and results and any mitigation measures proposed submitted to the LPA prior to determination of the planning application. Mitigation and compensation strategies will be required for any impacts upon protected species and loss of habitat.

If any mitigation and/or compensation strategies proposed for the development, full details must be provided with the planning application and where appropriate clearly illustrated on the proposed plans.

Ecological reports submitted to support a planning application should include the required information identified in Appendix A of Powys UDP, Interim Development Control Guidance - Biodiversity (April 2009).

The applicant should be mindful that in accordance with Powys County Council's duty under Part 1 Section 6 of the Environment (Wales) Act 2016, TAN 5, UDP policies and biodiversity IDCG, as part of the planning process Powys should ensure that there is no net loss of biodiversity or unacceptable damage to a biodiversity feature.

Details of ecological consultants working in Powys can be found at <http://www.cieem.net/members-directory> (please note this is not a Powys County Council approved list of ecological consultants but lists ecological consultants who are members of the Chartered Institute of Ecology and Environmental Management). I have also attached some guidance notes regarding commissioning ecological consultants to undertake survey work.

Tree and Hedgerow Protection Plan

Hedgerows are listed as a "habitat of principal importance for the purposes of conserving biodiversity" as identified in on Section 7 of the Environment (Wales) Act 2016, and are beneficial to a wide range of biodiversity including bats, nesting birds, small mammals, lichens and fungi. Hedgerows and linear tree features are also included in the Powys LBAP under the Linear Habitats Action Plan – 'Linear habitats are important to a wide variety of species as refuges, breeding and feeding sites and as links between habitats of high biodiversity value'. Powys UDP Policy ENV2 states that

'Proposals which are acceptable in principal should:

3. Seek to conserve native woodlands, trees and hedgerows'

Should the proposals require the removal of any hedgerows or trees to accommodate the proposed development including creation of new access or any associated works then appropriate compensation in line with the requirements of UDP Policies ENV2 and ENV6 will need to be provided.

In addition given the proximity of development works to surrounding trees and hedgerows, it is considered prudent to require information from the applicant as to how these features of biodiversity importance for wildlife will be protected during the construction period of works.

This information could be secured through a planning condition, however the submission of a Tree and Hedgerow Protection Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Where impacts to hedgerows or trees are identified an appropriate compensation strategy will be required, where possible translocation of existing hedgerows should be considered, if this is not considered possible at this location replacement hedgerow planting would need to be identified – details of the location, length and species as well as an appropriate aftercare scheme will need to be identified – species used will need to be native and reflect the hedgerows present in the local area.

Landscaping Planting Scheme

If it is proposed to provide landscaping as part of the potential development consideration should be given to the development of a native landscape planting scheme. It is recommended that details of any landscaping proposed are submitted in a detailed Landscape Planting Scheme including proposed species mixes, planting and aftercare schedules. A Landscaping Plan could be secured through a planning condition, however as further information has been requested the provisions of details submitted at this stage would avoid the need for a pre-commencement condition requiring this information.

Lighting

Careful consideration will need to be given to any external lighting of the proposed development, measures will need to be identified to minimise impacts to nocturnal wildlife commuting and foraging in the local area or woodland. This information could be secured through a planning condition, however the submission of a Wildlife Sensitive Lighting Plan with a planning application would avoid the need for a pre-commencement condition requiring this information.

Biodiversity Enhancements

In accordance with Part 1 Section 6 of the Environment (Wales) Act 2016 Local Authorities are required to Maintain and Enhance biodiversity through all of its functions – this includes the planning process. It is therefore recommend that consideration is given to opportunities to incorporate biodiversity enhancements to ensure net biodiversity benefits through the proposed development.

These measure could include:

- Provision of bird and bat boxes including the details of the number, type and location of these boxes;
- A wildlife buffer strip and a scheme of appropriate management of these areas, hedgerows should be retained within buffer strips and should be unlit or lighting to be directed away from the hedgerows to create dark movement corridors for nocturnal wildlife through the site;
- Provision of wildlife friendly landscape planting.

Should biodiversity enhancement measures be proposed as part of the development details of these features identified will need to be specific and detailed on submitted plans (i.e.

details regarding locations, dimensions and numbers will need to be provided) and achievable.

- 2nd response

Thank you for consulting me with additional information submitted regarding planning application P/2017/0444.

The additional information submitted has been provided in response to a request for a habitat phase 1 ecological assessment to enable the LPA to assess the potential impacts of the proposed development to biodiversity.

Further to my previous response dated 15th August 2017 an Ecological Appraisal Report has been undertaken to assess the potential of the development to impact any protected species presence or habitats of ecological value. I have reviewed the Report produced by Turnstone Ecology Limited dated October 2017, I consider that the survey effort employed was in accordance with National Guidelines.

The site survey was carried out on the 27th September 2017 by Turnstone Ecology Ltd and consisted of a Phase 1 Habitat Survey and a Protected Fauna Survey and Habitat Suitability Assessment.

Habitats recorded on site were improved grassland, hedgerow and trees. Hedgerow for the northern, eastern and western boundaries of the proposed development site and the southern boundary being wire and post fence line with garden and residential housing beyond. There is a line of mature trees along the western boundary and mature pedunculated oak on the eastern boundary.

It is considered that the proposed developments will affect ecological poor improved grassland and the removal of approximately 15m of hedgerow (on the eastern boundary). The proposed new access will utilise an existing field gate and mown improved grass track.

The protected fauna survey assessment evaluated the habitats on site for suitability for protected fauna that occur in the area and for evidence of any protected species. It is considered that Hazel dormouse, bats and great crested newts could directly or indirectly be affected by the proposed development and appropriate design and mitigation will need to be adhered to ensure there will be no negative impacts on these species as a result of the proposed development.

There was no evidence of protected species found within or immediately adjacent to the proposed development site when the ecological survey was undertaken. However it was considered that there were habitats with limited suitability for bats, hazel dormouse, nesting birds, great crested newts and reptiles within or adjacent to the proposed construction areas.

Badger

The grassland and hedgerow bases were identified as providing suitable habitat for sett creation and foraging for badgers. The loss of area of improved grassland and section of hedgerow is considered unlikely to have a significant negative impact on foraging badgers

and given that no evidence of badgers were found during the survey it is unlikely that holes will be dug before construction works. To ensure that foraging badgers do not become trapped within any excavation works - it is suggested that any excavation work should either not be left uncovered overnight or a ways of escape for badgers should be provided.

Bats

Along the western boundary there are mature trees that were identified to have features that could support roosting bats along with the oak trees along the eastern boundary. The hedgerow boundary and trees provide suitable habitat for foraging and/or commuting bats. It is recommended that a lighting plan in line with the Bat Conservation Trust and Lighting in the UK guidance (2009) to be submitted ensuring direct lighting away from the retained trees on the boundary of the proposed development site and the use of down lighting to ensure suitable roosting features and foraging and commuting habitats remain unlit. The removal of the section of hedgerow may impact suitable commuting and foraging routes, therefore to mitigate the impact it is considered that re-planting a new hedgerow along the southern boundary and planting up the northern boundary hedgerow as well as additional trees will have potential to improve connectivity with the wider landscape. Provision of bat roosting opportunities will be incorporated in the proposed new development.

Hazel Dormouse

There are records of hazel dormouse within the vicinity of the proposed development site. It was identified in the survey that the eastern boundary hedgerow provides some suitable cover and food plants for hazel dormouse. However the hedgerows on the boundary were identified as being 'gappy' and lacked connection to the wider countryside to further suitable dormouse habitat. It was therefore considered unlikely that hazel dormouse would be present in the boundary hedgerow of the proposed development and that no further surveys or mitigation was considered necessary.

Nesting Birds

During the survey it was considered that the boundary hedgerow and trees present as all suitable for nesting birds but the presence of ground nesting birds in the improved grassland is unlikely. Therefore it is recommended that the removal of the hedgerow to take place outside of the breeding bird season (March-August inclusive). If this is not possible then a pre-construction bird survey should be completed prior to the removal of the hedgerow. It is recommended that bird nesting boxes to be provided on the proposed dwellings and on the trees on the site boundary.

Great Crested Newts

The survey considered that the hedgerow offered limited suitability for great crested newts as well as the grassland present unfavourable to the species. The survey did not identify any ponds within 250m of the proposed development site and it was considered that the proposed development site is poorly connected to any extensive suitable terrestrial habitat. Due to the distance between the site and the nearest pond and extent and suitability of habitat affected, the presence of great crested newts on or around the proposed development site was considered unlikely and no further survey or mitigation was considered necessary.

Reptiles

The survey identified that some sections of the hedgerow provided suitable habitat for reptiles therefore adoptions of safe working methods are implemented to ensure no reptiles are harmed during the works of the proposed development. Safe working methods include habitat

modification outside periods when reptiles are likely to be most active (March to October inclusive) and storage of materials and excavated earth kept to a minimum from site boundary.

Given the identified mitigation measures in section 4.3.2 of the ecological appraisal report I consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. I therefore recommend that implantation of the mitigation measures are secured though an appropriately worded condition.

Therefore further to my previous response dated 21st September 2017 should you be minded to approve the application I recommend inclusion of the following conditions:

The mitigation measures in section 4.3.2 of the Ecological Appraisal report produced by Turnstone Ecology Limited dated October 2017 shall be adhered to and implemented in full and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP Policies SP3, ENV2 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 commencement of development a Tree Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the LPA.

Reason: To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.

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, 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.

Prior to the commencement of development a detailed landscaping scheme shall be submitted to and approved in writing by the Local Planning Authority. The submitted landscaping scheme shall include a scaled drawing and a written specification clearly describing the species, sizes, densities and planting numbers proposed as well as aftercare measures. Drawings must include accurate details of any existing trees and hedgerows to be retained with their location, species, size and condition.

Reason: To comply with Powys County Council's UDP Policies SP3 and ENV3 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.

NRW

- 1st response

NRW does not object to the proposal. In our opinion, as explained below, the proposal is not likely to adversely affect any of the interests listed, subject to request of further information and use of appropriate conditions.

Summary of Conditions

Condition 1 - ecology: Prior to occupation a "lighting design strategy for biodiversity" shall be submitted to and approved in writing by the local planning authority. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

Condition 2 - ecology: Prior to commencement of works a Root Protection Area (RPA) plan shall be submitted to and approved in writing by the local planning authority.

Protected Species

We note that no ecological report was submitted with the application. We are unable to make informed comments on protected species without being consulted on an ecological.

- 2nd response

Thank you for consulting NRW on additional information for the above. We have read the Ecological appraisal dated October 2017 by Turnstone Ecology.

Based on the information contained in the report NRW has no significant concerns with regards to the impact the proposal is likely to have on protected species. We would like to re-iterate the comments made in our response letter of 19/06/2017 (CAS_34417-Q5J2) and suggest that a method statement is prepared and submitted prior to commencement of works.

The method statement must include:

- a lighting plan for bats
- root protection area plan
- any proposed ecological enhancements, new planting and bat boxes.
- Reasonable avoidance measures for reptiles and amphibians during the construction phase of the proposal.

PCC - Land Drainage

Further to receipt of the additional details submitted by Roger Parry & Partners, the LLFA would make the following comments/recommendations.

The additional details now submitted do indicate where an appropriate sustainable drainage facility could be sited together with any surface water outfall to the nearby watercourse. The additional details submitted also indicates a 'no built zone' (or sterile strip) to safeguard the existing ephemeral watercourse and shows the general route of the existing 'cut-off' ditch located to the rear of the existing properties at Lon-Yr-Ywen.

The LLFA finds it comforting to see that the additional details now submitted recognise the existence of the existing land drainage features, however further engineering detail shall be required at Reserved Matters stage to show how all existing and proposed land drainage and surface water management features are to be fully accommodated and or safeguarded as part of this development proposal, which shall include details on how these drainage features shall be managed / maintained and, indicate those parties responsible for their future maintenance.

As mentioned in earlier correspondence, the site is classed as 'Greenfield'. It is essential the proposed surface water drainage arrangements do not cause or create a flood nuisance on or off site, therefore, the proposed surface water flows should be equivalent to existing 'Greenfield' run-off in accordance with the principles of TAN15 – Development and Flood Risk. The LLFA would recommend that the surface drainage design shall adhere to the standards set out in Welsh Government's "Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems", dated January 2017. A copy of this publication can be downloaded using the following link at <http://gov.wales/docs/desh/publications/151230-suds-standards-en.pdf>.

Foul drainage from the proposed development should be conveyed to the main foul sewer, subject to the agreement by Severn Trent Water Ltd. There must be adequate capacity at the receiving sewage treatment works to treat the additional flows.

The LLFA would recommend the follow condition is applied to any forthcoming approval.

Recommendation: Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government's non-statutory standards for sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the development and shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

Reason: To ensure the existing land drainage systems are not compromised and, that the proposed surface water drainage systems for this development site are fully compliant with regulations and are of robust design.

Advisory: The erection of any proposed surface water drainage outfall structure to effect an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be found at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>.

PCC – Heritage

Thank you for consulting me on the above application.

I note the proposed site is opposite designated historic asset namely;

John Hughes Memorial Chapel grade II* Cadw ID 7661 included on the statutory list on 31 January 1953

The chapel was built by the Calvinistic Methodists in 1800. In its early years it was a meeting place for one of the Rev. Thomas Clarke's circulating schools. John Hughes (1775-1854), a local weaver, taught here. In 1814 Hughes was ordained at Bala, became the minister of this chapel and a celebrated preacher, and remained here, living in the cottage attached to the chapel, until his death. The chapel and cottage are in uncoursed, white-painted stonework with a slate roof. Stone end chimneys. The building ranges south-west/north-east, and faces south-east to the road. The building has been restored to what is likely to have been its appearance before the alterations of the late C19 which converted it to a wheelwright or carpenter's shop. The building is listed II* A well-restored early chapel of the Calvinistic Methodist church, the character of which has been well protected including respect for its later history as a wheelwright's shop, listed also for its association with John Hughes, a prominent preacher, and Ann Griffiths, an important composer of Revival hymns.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The two storey whitewashed structure that is a well-restored early chapel of the Calvinistic Methodist church, the character of which has been well protected. The pulpit has been retained in what is believed to be its historic location, at the centre of the rear wall retaining much of its character both in construction and layout.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

The chapel is associated with 2 persons of Welsh cultural interest.

The first is John Hughes after whom the chapel was named. In 1814 Hughes was ordained at Bala, became the minister of this chapel and a celebrated preacher, and remained here, living in the cottage attached to the chapel, until his death. His pulpit, said to date from 1835, is preserved in the chapel. In his old age, when unable to move from his bed in the cottage, a hatch in the dividing wall was formed so that he could continue to preach from there. John

Hughes' sermons have been published and he and his wife were instrumental in writing down the Revival hymns of Ann Griffiths. John Hughes and his wife Ruth preserved and published Ann's work in 1806 after her death as Ruth had been a maid at Ann Griffiths' farm in Llanfihangel-yng-Nqwynfa. It is also reported that Ann Griffiths also worshipped at this chapel in 1800 until her death in 1805.

Ann Griffiths is the second person associated with this chapel firstly because of the work of John Hughes and his wife in writing down her hymns but also Ann Griffiths prayed at this chapel and the chapel is on the Ann Griffiths Walk. Cardiff University have produced an Ann Griffiths website, and her works has been described as the highlight of Welsh Literature and containing some of the great religious poetry of Europe. His writings are now held at the National Library of Wales.

<http://www.anngriffiths.cardiff.ac.uk/contents.html>

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The chapel is one of 15 churches and chapels in north Montgomeryshire that are part of the Living Stones Heritage Trail and the chapel itself is part of a network of pilgrimage sites in operation across Wales which use ancient churches and chapels as places of healing and reconciliation. Daily prayers are said throughout the year and a Plygain takes places on Christmas morning.

http://www.living-stones.info/downloads/guides/12_John_Hughes_web.pdf

The building is evident externally as a small rural chapel, and its location, simplistic design and purpose evoke a sense of the religious and historical past.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

I note that this chapel is open to the public and there are meditation and daily prayers. The chapel closed as a chapel 11 years after John Hughes' death when a new chapel was built in Pontrobert. The chapel remained empty until 1927 when it was sold to wheelwright. By 1983 an appeal was raised to buy the chapel from the descendants of the chapel to save it and in 1995 the chapel was reopened as a Centre for Christian unity and pilgrimage.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development.”

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, “Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.”

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements

that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

It is noted that section 2.2 of Managing Setting of Listed Buildings which came into effect on 31 May advises that applicants for planning permission should provide the local planning authority with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no such assessment accompanied the application nor has been referred to in the accompanying Design and Access Statement.

The heritage asset has been identified as;

John Hughes Memorial Chapel grade II* Cadw ID 7661 included on the statutory list on 31 January 1953.

The 1885 OS map of Pontrobert illustrates the evolution of the settlement with development originally clustered around the bridge with the area around the chapel identified as Pentre Uchaf and containing the chapel and chapel house the neighbouring property and the cemetery. There was a third property to the north of the cemetery that is now incorporated within the cemetery area. The layout of the area remained unchanged until the development of new properties at Lon yr Wen.

It is noted that there are 2 listed buildings in Pontrobert, John Hughes Chapel and The Old Rectory South East of the Village on the north side of the road to Dolobran, built in 1853 and contemporary with the construction of the parish Church.

The new development within Pontrobert is largely clustered around its historic core and as such retains a large element of its character in terms of the location and size of the new properties.

The proposal as submitted would extend that development northwards towards the grade II* listed building. The chapel is orientation on a NE to SW access with its primary windows overlooking th Pontrobert and proposed development.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. "

"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features."

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

"•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:
- What were its physical, functional and visual relationships with other structures/historic assets and natural features?
- What topographic features influenced its location?
- What was its relationship to the surrounding landscape?
- Was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:
- Has its function changed?
- What changes have happened to the surrounding landscape?
- Have changes happened because of changes to the historic asset?
- Has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
- Have historic and designed views to and from the historic asset changed?

- Thinking about the original layout of the historic asset and its relationship to its associated landscape:
- Were these relationships designed or accidental?
- How did these relationships change over time?
- How do these relationships appear in the current landscape; are they visual or buried features?

- Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views that were designed and developed to overlook the historic asset and its setting
- incidental views to and from the historic asset which contribute(d) to its significance
- important modern views to and from the historic asset
- important modern views over and across the historic asset.”

The chosen location of early non conformist places of worship is of interest with many of the early chapels located outside settlements. This appears to be the case with this chapel being located a little outside the then developed area of Pontrobert. This adds to the quiet reflective nature of this chapel and this in addition to the historical significance of John Hughes and Ann Griffiths contribute to its use as a Christian Pilgrimage.

The erection of dwellings as proposed would adversely affect this setting by effectively bringing this rural chapel into the developed area of Pontrobert.

The Cadw guidance on setting poses many questions to be considered in the evaluation of the setting of a historic asset in section 4.3 including;

- The visual impact of the proposed change of development relative to the location of the historic asset.
- Whether the proposed change or development would dominate the historic asset or detract from our ability to understand and appreciate it – for example, its functional or physical relationship with the surrounding landscape.
- The capability of a landscape setting to absorb change or new development without the erosion of its key characteristics.
- The impact of the proposed change or development on non-visual elements of the setting of and character of the historic asset, such as sense of remoteness, evocation of the historical past, sense of place, cultural identity or spiritual responses.
- The cumulative effect of the proposed change or development – sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to understand, appreciate and experience a historic asset.

The proposed development would be constructed adjacent to the chapel and the view from the listed chapel would be the rear of 2 properties. It is noted that this chapel is not only used for traditional services but is also one of the chapels used for pilgrimage and as such the views from the exterior are as important as the internal arrangement of the chapel.

The site adjacent to the chapel sloped steeply from the land and as such the properties will be elevated above the lane as is the Chapel, which would compound the effect that the proposal would have on the chapel. Whilst noting that there are a number of large trees in the hedge currently, these may not remain in the future.

In addition to the views from the Chapel the erection of dwellings on plots 4 and 5 would be higher than the lane that leads to the Chapel which is part of the Ann Griffiths Walk. The setting of the chapel would be severely affected by the construction of plots 4 and 5 when viewed from the lane that serves the chapel.

The proposed location of plot 3 would also affect the setting of John Hughes Chapel given its location on the plot, its relative height and would visually encroach on the rural character of the location of the chapel.

The Powys Unitary Development Plan reflects National Guidance with policy ENV 14 being applicable to all applications that are subject to proposals affecting listed buildings, Proposals for development unacceptably adversely affecting a listed building or its setting will be refused. In considering proposals for development affecting a listed building and its setting account will be taken of the following;

1. The desirability of preserving the listed building and its setting;
2. The importance of the building, its intrinsic and historic interest and rarity;
3. The effect of the proposals on any particular features of the building which justified its listing;
4. The buildings contribution to the local scene and its role as part of an architectural composition;
5. The condition of the building and the benefit that the proposals would have to its state of repair;
6. The merits of the proposals in securing an appropriate alternative use of the building; and
7. The need for the proposals to be compatible with the character of the building and its surroundings and to be of high quality design, using materials in keeping with the existing building,

Cadw document Setting of Historic Assets in Wales suggests options to mitigate the impact of a proposed change or development. It is not considered that there would be any mitigation measures that would reduce the impact of plots 4 and 5 to an acceptable level. However there is potential for plots 1,2 and 3 to have mitigation measures that would reduce the impact, especially plot 3. It is noted that the application is made in outline and that the proposed layout plan is indicative only, and as such consideration could be given to plots 1,2 and 3 only, subject to the design and layout. If the principle of the development is acceptable in all other terms, sustainability, highways, neighbour amenity etc there is the potential for the careful design of plots 1,2 and 3 to be developed in a manner that would not affect the setting of John Hughes Chapel, possibly by reducing the size of the front gardens to re-locate them from higher ground and therefore less visible from the chapel, by careful roof design and materials, and an appropriate choice of materials.

However it would not be anticipated that the development of plots 1,2 and 3 would set a precedent for the future development of plots 4 and 5 and I would expect the proposed layout to illustrate this and for the row of mature trees to be retained and additional planting to be afforded to that area.

Whilst noting the reference to the current lack of housing land supply issues, and whilst accepting that housing provision is a material consideration, I am minded of Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses." Planning Policy Wales therefore places the primary material consideration to be the special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest.

I am aware of recent appeal decisions in Herefordshire and Gloucestershire where the balance of achieving housing land supply was considered against the legal requirements to have special regard to the desirability of preserving listed buildings, or their setting which

were subsequently dismissed in part because of the impact on the setting of the heritage assets.

Should a revised scheme be considered appropriate I would be pleased to comment on the revised plot layout if that would be useful. However if the proposal is to be considered in its current form. I would therefore wish to OBJECT to P/2017/0444 and would recommend refusal for the following reason.

The development would adversely affect the setting of the designated grade II* listed building John Hughes Chapel Cadw ID 7661. The chapel was originally constructed in a relatively isolated location some distance away from any settlement. The relationship between John Hughes Chapel and the surrounding countryside is significant. The erection of dwellings on plots 3,4 and 5 would change the character of the surroundings of the chapel from rural to enclosed by settlement which would be to the detriment of the legibility of the chapel in the landscape and which is the setting in which the chapel is understood. Since 1995 John Hughes Chapel has been restored as a Centre for Christian unity and pilgrimage and is one of 15 churches and chapels in north Montgomeryshire that are part of the Living Stones Heritage Trail and the chapel itself is part of a network of pilgrimage sites in operation across Wales which use ancient churches and chapels as places of healing and reconciliation. Daily prayers are said throughout the year. The erection of dwellings on plots 3,4 and 5 would not only affect the setting of the chapel in a visual by effectively encompassing the isolated chapel within more recent residential development and introducing a more suburban character to this area which currently has a rural character, but also by affecting non – visual elements of setting such as sense of remoteness, evocation of the historical past, sense of place or spiritual responses. As a result of the significant and demonstrable adverse impacts outlined above, it is considered that the proposal is contrary to national legislation and policy in terms of Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, Paragraph 6.5.11 of Planning Policy Wales 9th edition 2016, TAN24 and its annex Setting of Historic Assets in Wales and Local Plan Policies Policy SP3b, ENV14 and GP1.

- 2nd response

Thank you for consulting me on the amended plans to the above application which I understand have been produced in part to address the concerns I raised in my previous comments dated 5 August 2017

I note the proposed site is close to a designated historic asset namely;

John Hughes Memorial Chapel grade II* Cadw ID 7661 included on the statutory list on 31 January 1953

The significance of the chapel was addressed fully in my previous comments and I shall not repeat them here except to confirm that the building is of significance architecturally and socially with its association with the non conformist movement in general and the individuals associated with this chapel which is retained as a chapel and place of pilgrimage and as such is important to the tourism in addition to the architectural history of Powys.

I note that the site directly adjacent to the chapel is now omitted from the plans with the proposed dwellings sited to the rear of 4,5, 6 and 7 Lon yr Wen.

TAN 24 advises (section 1.10) that Conservation Principles for the Sustainable Management of the Historic Environment in Wales (Conservation Principles) were published in 2011 and provide the basis upon which Cadw discharges certain statutory duties on behalf of the Welsh Ministers. Conservation Principles should be used by others (including owners, developers and other public bodies) to assess the potential impacts of a development proposal on the significance of any historic asset/assets and to assist in decision making where the historic environment is affected by the planning process.

There are six principles.

1. Historic assets will be managed to sustain their values.
2. Understanding the significance of historic assets is vital.
3. The historic environment is a shared resource.
4. Everyone will be able to participate in sustaining the historic environment.
5. Decisions about change must be reasonable, transparent and consistent.
6. Documenting and learning from decisions is essential.

Applicants and other organisations are strongly encouraged to make use of these Conservation Principles when considering development proposals and other works to historic assets. It is important for those responsible to understand the heritage values and assess the significance of the historic assets that will be affected.

The historic environment is defined in the document as an environment made up of individual historic features, archaeological sites and historic buildings as well as the landscapes in which they are found. Any part of the historic environment to which people have given a distinctive historical association or identity is considered here to be an historic asset.

The document continues with the following advice on page 15. Every reasonable effort should be made to eliminate or minimize adverse impacts on historic assets. Ultimately, however, it may be necessary to balance the benefit of the proposed change against the harm to the asset. If so, the weight given to heritage values should be proportionate to the importance of the assets and the impact of the change upon them. The historic environment is constantly changing, but each significant part of it represents a finite resource. If it is not sustained, its heritage values will be eroded or lost. In addition, its potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

There are four heritage values which need to be understood before the significance of the asset can be assessed.

- Evidential value
- Historical value
- Aesthetic value
- Communal value

Evidential Value

This derives from those elements of an historic asset that can provide evidence about past human activity.

The two storey whitewashed structure that is a well-restored early chapel of the Calvinistic Methodist church, the character of which has been well protected. The pulpit has been retained in what is believed to be its historic location, at the centre of the rear wall retaining much of its character both in construction and layout.

Historical Value

An historic asset might illustrate a particular aspect of past life or it may be associated with a notable family, person, event or movement. These illustrative or associated values of an historic asset may be less tangible than its evidential value but will often connect past people, events and aspects of life with the present and are not so easily diminished by change as evidential values and are harmed only to the extent that adaption has obliterated them or concealed them.

The chapel is associated with 2 persons of Welsh cultural interest.

The first is John Hughes after whom the chapel was named. In 1814 Hughes was ordained at Bala, became the minister of this chapel and a celebrated preacher, and remained here, living in the cottage attached to the chapel, until his death. His pulpit, said to date from 1835, is preserved in the chapel. In his old age, when unable to move from his bed in the cottage, a hatch in the dividing wall was formed so that he could continue to preach from there. John Hughes' sermons have been published and he and his wife were instrumental in writing down the Revival hymns of Ann Griffiths. John Hughes and his wife Ruth preserved and published Ann's work in 1806 after her death as Ruth had been a maid at Ann Griffiths' farm in Llanfihangel-yng-Nqwynfa. It is also reported that Ann Griffiths also worshipped at this chapel in 1800 until her death in 1805.

Ann Griffiths is the second person associated with this chapel firstly because of the work of John Hughes and his wife in writing down her hymns but also Ann Griffiths prayed at this chapel and the chapel is on the Ann Griffiths Walk. Cardiff University have produced an Ann Griffiths website, and her works has been described as the highlight of Welsh Literature and containing some of the great religious poetry of Europe. His writings are now held at the National Library of Wales.

<http://www.anngriffiths.cardiff.ac.uk/contents.html>

Aesthetic Value

This derives from the way in which people draw sensory and intellectual stimulation from an historic asset through its form, external appearance or setting.

The chapel is one of 15 churches and chapels in north Montgomeryshire that are part of the Living Stones Heritage Trail and the chapel itself is part of a network of pilgrimage sites in operation across Wales which use ancient churches and chapels as places of healing and reconciliation. Daily prayers are said throughout the year and a Plygain takes places on Christmas morning.

http://www.living-stones.info/downloads/guides/12_John_Hughes_web.pdf

The building is evident externally as a small rural chapel, and its location, simplistic design and purpose evoke a sense of the religious and historical past.

Communal Value

The third principle contained within Conservation Principles is that heritage assets are a shared resource, valued by people as part of their cultural and natural heritage, and gives distinctiveness, meaning and quality to the places where we live providing a sense of continuity and a source of identity. The Conservation Principles identify heritage assets as having the potential to give distinctiveness, meaning and quality to the places in which people live, and provide people with a sense of continuity and a source of identity will be diminished. The historic environment is a social and economic asset and a cultural resource for learning and enjoyment.

I note that this chapel is open to the public and there are meditation and daily prayers. The chapel closed as a chapel 11 years after John Hughes' death when a new chapel was built in Pontrobert. The chapel remained empty until 1927 when it was sold to wheelwright. By 1983 an appeal was raised to buy the chapel from the descendants of the chapel to save it and in 1995 the chapel was reopened as a Centre for Christian unity and pilgrimage.

I am mindful of the advice in Sections 16 and 66 of the Planning (Listed Buildings and Conservation areas) Act 1990, which require authorities considering applications for planning permission or listed building consent for works which affect a listed building to have special regard to certain matters, including the desirability of preserving the setting of the building. The setting is often an essential part of a building's character especially if a park, garden or grounds have been laid out to complement its design or function. Also, the economic viability as well as the character of historic buildings may suffer and they can be robbed of much of their interest and of the contribution they make to townscape or the countryside if they become isolated from their surroundings, e.g. by new traffic routes, car parks, or other development."

However, I would also refer to more recent guidance in paragraph 6.5.11 of Planning Policy Wales 9th edition 2016 which states, "Where a development proposal affects a listed building or its setting, the primary material consideration is the statutory requirement to have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses."

TAN24 which was issued and came into effect on 31 May 2017 addresses setting with some of the factors to consider and weigh in the assessment including

- the prominence of the historic asset
- the expected lifespan of the proposed development
- the extent of tree cover and its likely longevity
- non-visual factors affecting the setting of the historic asset

Paragraph 1.26 identifies the other factors that may affect the setting of an historic asset to include inter-visibility with other historic or natural features, tranquillity, noise or other potentially polluting development though it may have little visual impact.

Powys Unitary Plan policies reflect national legislation and guidance; Powys Unitary Development Plan Policy Env14 (Listed Buildings) states that “proposals for development unacceptably adversely affecting a listed building or its setting will be refused”. UDP Policy SP3b states that “proposals for development should seek to protect, conserve and wherever possible enhance sites and features of historic and built heritage importance including those of archaeological, architectural and heritage conservation and historic interest”. UDP Policy GP1 states “development proposals will only be permitted if they take into account the following – the design, layout, size, scale, mass and materials of the development shall complement and where possible enhance the character of the surrounding area”.

Cadw have prepared guidance on the setting of historic assets that in an annexe to TAN24 that came into effect on 31 May with advice on how to assess the setting of listed buildings. This document outlines the principles used to assess the potential impact of development or land management proposals on the settings of all historic assets but is not intended to cover the impact on the setting of the historic environment at a landscape scale.

The document advises that “Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape.....The setting of a historic asset is not fixed and can change through time as the asset and its surroundings evolve. These changes may have a negative impact on the significance of an asset; for example, the loss of the surrounding physical elements that allow an asset to be understood, or the introduction of an adjacent new development that has a major visual impact. But changes can also have a positive impact that may enhance the setting, such as the removal of traffic from part of a historic town, or the opening up of views, or the return of a sense of enclosure to sites where it has been lost”

The document provides advice on how to assess the setting

This section outlines the general principles that both assessors and decision makers should consider when assessing the impact of a proposed change or development on the setting of historic assets. There are four stages.

Stage 1: Identify the historic assets that might be affected by a proposed change or development and their significance.

Stage 2: Define and analyse the settings to understand how they contribute to the ways in which the historic assets are understood, appreciated and experienced.

Stage 3: Evaluate the potential impact of a proposed change or development on those settings.

Stage 4: Consider options to mitigate the potential impact of a proposed change or development on those settings.

It is noted that section 2.2 of Managing Setting of Listed Buildings which came into effect on 31 May advises that applicants for planning permission should provide the local planning authority with sufficient, but proportionate, information to allow the assessment of the likely impact of proposal for development on a historic asset and its setting. It is noted that no

such assessment accompanied the application nor has been referred to in the Planning Statement.

The heritage asset has been identified as;

John Hughes Memorial Chapel grade II* Cadw ID 7661 included on the statutory list on 31 January 1953.

The 1885 OS map of Pontrobert illustrates the evolution of the settlement with development originally clustered around the bridge with the area around the chapel identified as Pentre Uchaf and containing the chapel and chapel house the neighbouring property and the cemetery. There was a third property to the north of the cemetery that is now incorporated within the cemetery area. The layout of the area remained unchanged until the development of new properties at Lon yr Wen.

It is noted that there are 2 listed buildings in Pontrobert, John Hughes Chapel and The Old Rectory South East of the Village on the north side of the road to Dolobran, built in 1853 and contemporary with the construction of the parish Church.

The new development within Pontrobert is largely clustered around its historic core and as such retains a large element of its character in terms of the location and size of the new properties.

The proposal as submitted would extend that development northwards towards the grade II* listed building. The chapel is orientation on a NE to SW access with its primary windows overlooking the Pontrobert and proposed development.

Cadw document Setting of Historic Assets in Wales advises on how to consider the setting of listed buildings. "Setting is the surroundings in which a historic asset is understood, experienced and appreciated, embracing present and past relationships to the surrounding landscape. It often extends beyond the property boundary or 'curtilage' and into the surrounding landscape or townscape. Although many historic assets are visible and their settings are obvious, those that are buried also have a setting. "

"The setting of a historic asset can include physical elements of its surroundings. These may be boundary walls, adjacent fields or functional and physical relationships with other historic assets or natural features."

The Cadw document advises on steps to be undertaken to define and analyse the setting with a series of questions.

"•How do the present surroundings contribute to our understanding and appreciation of the historic asset today?

- Thinking about when the historic asset was first built and developed:
- What were its physical, functional and visual relationships with other structures/historic assets and natural features?
- What topographic features influenced its location?
- What was its relationship to the surrounding landscape?

- Was it constructed to take advantage of significant views? Although there may be a 360 degree view, some areas of the view may be more significant than others.

- Thinking about changes since the historic asset was built:

- Has its function changed?
- What changes have happened to the surrounding landscape?
- Have changes happened because of changes to the historic asset?
- Has the presence of the historic asset influenced changes to the landscape, for example, where a monument has been used as a marker in the layout of a field enclosure?
- Have historic and designed views to and from the historic asset changed?

- Thinking about the original layout of the historic asset and its relationship to its associated landscape:

- Were these relationships designed or accidental?
- How did these relationships change over time?
- How do these relationships appear in the current landscape; are they visual or buried features?

- Are there other significant factors, such as historical, artistic, literary, place name or scenic associations, intellectual relationships (for example, to a theory, plan or design), or sensory factors that can be vital to understand the historic asset and its setting?

Stage 2 should also identify the viewpoints from which the impact of the proposed change or development should be assessed, taking into account, for example:

- views that were designed and developed to overlook the historic asset and its setting
- incidental views to and from the historic asset which contribute(d) to its significance
- important modern views to and from the historic asset
- important modern views over and across the historic asset.”

The chosen location of early nonconformist places of worship is of interest with many of the early chapels located outside settlements. This appears to be the case with this chapel being located a little outside the then developed area of Pontrobert. This adds to the quiet reflective nature of this chapel and this in addition to the historical significance of John Hughes and Ann Griffiths contribute to its use as a Christian Pilgrimage.

The original submission adversely affected the setting of the chapel by effectively bringing this rural chapel into the developed area of Pontrobert. However the current proposal retains an open field adjacent to the chapel and cemetery, thereby creating a buffer between the listed chapel and the new development,

The Cadw guidance on setting poses many questions to be considered in the evaluation of the setting of a historic asset in section 4.3 including;

- The visual impact of the proposed change of development relative to the location of the historic asset.
- Whether the proposed change or development would dominate the historic asset or detract from our ability to understand and appreciate it – for example, its functional or physical relationship with the surrounding landscape.
- The capability of a landscape setting to absorb change or new development without the erosion of its key characteristics.

- The impact of the proposed change or development on non-visual elements of the setting of and character of the historic asset, such as sense of remoteness, evocation of the historical past, sense of place, cultural identity or spiritual responses.
- The cumulative effect of the proposed change or development – sometimes relatively small changes, or a series of small changes, can have a major impact on our ability to understand, appreciate and experience a historic asset.

The retention of the parcel of land adjacent to the chapel does provide for a buffer of rurality to be afforded to the chapel. The tree line/hedgerow with trees between the small parcel of land adjacent to the chapel and the application site in part screens the development, and the new Cadw guidelines makes reference to tree covers and whether it is deciduous or evergreen and its likely longevity.

The guidance also refers to dependant on the level of mitigation can include the introduction of screening if within the application boundary.

I acknowledge that the application is in outline and that the submitted layout is indicative only. However the indicative plan indicates that there will be no access strip retained to the portion of land adjacent to the chapel to facilitate development in the future, which is welcomed and should be reflected in the reserved matters stage. The layout of the dwellings albeit indicative indicate that 4 of the dwellings will follow the contours of the land and plot 3 will cross the contours. The hedgerow with trees between the small parcel of land adjacent to the chapel and the application site in part screens the development, however the topography of the site will result in the dwellings being seen in part and predominantly the roofs, and the layout as indicated results in the 2 dwellings closest to the boundary that is plot 2 and plot 3 being of a more organic or rural form rather than a modern estate. This layout approach is welcomed, however it accepted that the application is in outline and the plans are indicative only.

Given that the development directly adjacent to the grade II* listed building has been removed and that the proposed development site is behind tree cover, and noting the new guidance in respect of mitigation, it is considered that the proposal would be acceptable in terms of built heritage with the appropriate mitigation measures of appropriate and robust planting along the existing hedgerow and appropriate design and materials for the new dwellings. Special care would be needed at reserved matters stage to ensure that the proposed dwellings are not unduly high and are appropriate for the location.

I would consider that the issues of setting of the grade II* listed chapel have been addressed by the removal of the dwellings from the parcel of land adjacent to the chapel. Whilst a full application would have been desirable to assess the impact of height design, materials and landscaping, the application is outside a conservation area where outline applications are permitted, and as such the assessment of the individual dwellings will be made at reserved matters stage.

I would consider that my objection to the principle of development has been addressed by the removal of the houses adjacent to the listed chapel as indicated on the amended plans, and as such I would not wish to maintain my objection in this case.

Should the application be considered acceptable in all other matters and be approved I would recommend that pre-application discussions be entered into in respect of the reserved

matters application to ensure that adequate mitigation in respect of the setting of the grade II* listed building is considered from the outset.

- 3rd response

Thank you for consulting me on the amended plans to the above application. The amendments appear to refer to land drainage issues only and not in respect of the siting of the proposed dwellings and as such I would not wish to amend or add to the comments I made previously on 1 November 2017. However I note that the proposed land drainage is on the land adjacent to the listed John Hughes Memorial Chapel grade II* Cadw ID 7661. As such I would request a condition that after the land drainage has been undertaken that the ground is restored to its current condition at whatever time period you would consider appropriate in this location.

Representations

Following the display of a site notice and publicity in the local press, 50 public representations/letters have been received (please note that multiple letters have been received from the same objectors during the course of planning process). In summary, the objections relate to;

- Principle of the development
- Highway access and parking
- Sustainability of the development
- Surface water drainage
- Impact upon character and appearance of the area
- Impact upon nearby listed building
- Water supply
- Impact upon residential amenity
- Impact upon ecology and trees/hedges
- Other matters (legal rights of access to/from the site and land ownership)

3 objections have been received from non-statutory bodies, as indicated below;

Montgomeryshire Wildlife Trust:

With reference to the above planning application, the Montgomeryshire Wildlife Trust objects to this proposal in its current form.

The applicant states that no protected or priority species are present on or adjacent to the site. Indeed, Section 4.3 of the Planning Statement considers “that the site has no important biodiversity”. However, a quick search of the 1km square which includes the application site on the public access LERC Wales' Biodiversity Information & Reporting Database (Aderyn) shows 21 'Category 1' (priority) species, including Slow-worm, Common Toad, Hedgehog, Hazel Dormouse, Dunnock and Song Thrush. There are also at least seven species of bats recorded within 1km and the proposed development would mean the removal of large trees and significant lengths of hedgerow.

As you are no doubt aware, Hazel Dormouse and all species of bat are protected under the Wildlife and Countryside Act (1981) (as amended); the Countryside and Rights of Way Act, 2000; the Natural Environment and Rural Communities Act (NERC, 2006); and by the Conservation of Habitats and Species Regulations (2010).

All of these species could be negatively impacted by the proposed development, but no ecological information has been submitted with the application. As the Local Authority would be unable to assess the impact on these priority species without this information, surveys should be submitted prior to determination. Making planning decisions without due consideration of priority species is contrary to the Environment (Wales) Act 2016 which applies to all public organisations, including local authorities. Section 6 of the Act places a duty on public authorities to 'seek to maintain and enhance biodiversity' so far as it is consistent with the proper exercise of those functions. In so doing, public authorities must also seek to 'promote the resilience of ecosystems'.

Should planning application P/2017/0378 be given approval in its current form, it would be contrary to Powys UDP Policy ENV3 & ENV7. Montgomeryshire Wildlife Trust therefore objects to this proposal in its current form. If there is any other information the Montgomeryshire Wildlife Trust can help with, please do not hesitate to contact us.

CPRW:

CPRW Montgomeryshire have viewed the plans and visited the site of this proposed development and wish to make the following observations regarding the proposal:

- the proposed site has no access to the highway;
- the site contains a variety of mature broadleaved trees and appears to be well managed for biodiversity and is potentially a wildlife corridor. We trust that a full Ecological Assessment is required of the developers prior to determination;
- loss of good agricultural grazing land;
- the developers' agents cite the pressing need for housing as justification but the LDP identifies sufficient housing allocation (plus a 20% tolerance) to meet the needs identified through analysis of population growth data for Powys without inclusion of this site
- implications of further increasing the hard surfacing in this area

In particular we would express considerable concern that a proposal lying outside the defined development boundary for the village is coming forward. The area has been considered unsuitable for further build at a strategic planning level. We note that it was neither an allocated housing site in the UDP or the emerging Draft Deposit LDP and development is thus contrary to the guiding policy for Powys. Powys has a clear policy and rationale for housing development in keeping with both need and rurality and permitting proposals of this nature will set an unwarranted precedent.

The Woodland Trust:

The Woodland Trust wishes to lodge a holding objection to the above application, due to damage to the mature trees on site including the potential veteran oak tree in the hedgerow adjoining the neighbouring field (Grid Ref SJ110129). Our objection stands until we receive confirmation from the applicant that the trees on the proposed development site will be protected by a suitable RPA.

Aged and veteran trees are a vital and treasured part of our natural and cultural landscape. Ancient and centuries old veteran trees in the UK represent a resource of great international significance and veteran trees are the ancient trees of the future. It has been estimated that the UK may be home to around 80% of Europe's ancient trees. They harbour a unique array of wildlife and echo the lives of past generations of people in ways that no other part of our natural world is able.

Planning History

No site history

Principal Planning Constraints

- Outside of settlement development boundary
- Nearby listed building

Principal Planning Policies

National Planning Policy

Planning Policy Wales (Edition 9, 2016)
TAN 1 - Joint Housing Land Availability Studies (2015)
TAN 2 - Planning and Affordable Housing (2006)
TAN 5 - Nature Conservation and Planning (2009)
TAN 6 - Planning for Sustainable Rural Communities (2010)
TAN 12 - Design (2016)
TAN 18 - Transport (2007)
TAN 20 - Planning and the Welsh Language (2017)
TAN 23 – Economic Development (2014)
TAN 24 – The Historic Environment (2017)

Local Planning Policies

Powys Unitary Development Plan (2010)

UDP SP2 – Strategic Settlement Hierarchy
UDP SP5 - Housing Developments
UDP GP1 - Development Control
UDP GP3 - Design and Energy Conservation
UDP GP4 - Highway and Parking Requirements
UDP GP5 – Welsh Language and Culture
UDP HP3 - Housing Land Availability
UDP HP4 - Settlement Development Boundaries and Capacities

UDP HP6 - Dwellings in the Open Countryside
UDP DC10 - Mains Sewage Treatment
UDP DC11 - Non-mains Sewage Treatment
UDP DC13 - Surface Water Drainage
UDP DC8 - Public Water Supply
UDP DC9 - Protection of Water Resources
UDP ENV1 - Agricultural Land
UDP ENV2 - Safeguarding the Landscape
UDP ENV3 - Safeguarding Biodiversity & Natural Habitats
UDP ENV7 - Protected Species
UDP ENV14 - Listed Buildings
UDP ENV17 - Ancient Monuments and Archaeological Sites
UDP TR2 - Tourist Attractions

Powys Residential Design Guide

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

As referred to within the response from the Community Council and within public representations, the proposed development lies wholly outside the development boundary of Pontrobert as detailed on inset map M186 and would result in 5 dwellings being constructed outside the settlement boundary. Pontrobert is currently classified as a small village which consists of Church, John Hughes Chapel, Primary School, Community Centre, Post Office, Public House, Public Telephone, Post Box, Car park and Picnic Area.

Outside of settlement boundaries, UDP Policy HP4 applies and states that '*outside settlement boundaries, proposals for new residential development will only be approved where they comply with UDP Policies HP6, HP8 or HP9*'. Policy HP6 relates to rural enterprise dwellings, policy HP8 relates to affordable dwellings adjoining a settlement boundary and Policy HP9 relates to affordable dwellings within rural settlements. It is considered that the proposed development does not comply with UDP Policy HP6, HP8 or HP9. The proposed development is therefore not in accordance with the UDP and should be considered a departure.

Housing land supply

The departure is being justified by the applicant on the basis that Powys County Council does not have a 5 year housing land supply.

Paragraph 9.2.3 of Planning Policy Wales states that '*Local planning authorities must ensure that sufficient land is genuinely available or will become available to provide a 5 year supply of land for housing judged against the general objectives and the scale and location of development provided for in the development plan.*'

The Powys Joint Housing Land Availability Study (JHLAS) 2016 states that there was 2.2 years supply of housing land in the Powys Local Planning Authority (LPA) area. Failure to have a 5-year housing land supply is an important material consideration that should be taken into account when determining this scheme. Technical Advice Note 1: Joint Housing Land Availability Studies (2015) states as follows:

"The housing land supply should also be treated as a material consideration in determining planning applications for housing. Where the current study shows a land supply below the 5 year requirement or where the local planning authority has been unable to undertake a study, the need to increase supply should be given considerable weight when dealing with planning applications provided that the development would otherwise comply with development plan and national planning policies".

Public representations have raised concern over proposals for housing developments and that objections are not taking into account. Whilst TAN 1 confirms that the need to increase housing land supply should be given considerable weight, it is emphasised that this is only where the development would otherwise comply with development plan and national planning policies. Therefore, all material planning considerations are required to be taken into account as are all relevant national and local planning policies and balanced with the undersupply of housing land currently available in Powys.

As already noted, Pontrobert is classified as a small village within the Powys Unitary Development Plan and one site was allocated within the UDP for residential development (site M186 HA1 – Land OS0886 Yew Tree House extending to 0.7 ha) and this site has been fully developed.

In light of the above, whilst acknowledging that the proposal does constitute a departure from the development plan, Members are advised that the lack of a five year housing supply in Powys needs to be given considerable weight in the determination of this application. However, before reaching a decision, the scheme will need to be considered against other policies contained within the UDP in order for a balanced view to be made on the acceptability of the development overall.

Sustainable location

Public representations have raised concern over the sustainability of the village particularly in terms of the future of the school, lack of transport links and employment opportunities. When providing additional housing it is important to consider whether the scheme can be considered to be sustainable development. This can relate to a wide range of matters including public transport provision and access to education, employment opportunities and other services.

As noted above, Pontrobert is identified as a small village within the UDP and it is noted that the village is served by a range of community services and facilities including primary school, community centre and public house. It is also noted that the village is served by a bus route and is located approximately 12 miles from Welshpool, 18 miles from Newtown, 20 miles from Oswestry and 32 miles from Shrewsbury, however as public representations have stated, the bus service is limited in frequency.

In addition, comments within public representations regarding lack of employment opportunities in the settlement and threat of school closure are noted, however the settlement is typical of many settlements in Powys whereby travel to employment is common and the school is currently open. Whilst Pontrobert is classified as a small village within the UDP currently and UDP Policy HP4 indicates that the capacity of such small villages is generally sites up to 5 dwellings, it is noted that the direction of travel in the LDP is that Pontrobert is proposed to be upgraded to a large village. In addition, the services and facilities in Pontrobert are such that it is considered that the settlement has the capacity to accommodate 5 dwellings as proposed.

The site is adjacent to the settlement boundary of Pontrobert on its north west side, and it is considered that the site is reasonably well related to the settlement. Therefore, it is considered that the site can accommodate a sustainable form of development.

Overall, taking all the above factors into account, it is considered that the proposed additional residential development in this location would accord with the provisions of Planning Policy Wales in so far as it is a sustainable location.

Affordable housing

Whilst UDP policy states that affordable housing provision should be 30-35%, latest evidence produced to support the Local Development Plan indicated that a 10% affordable housing in this area would be viable. However in this instance the applicant has offered 3 affordable units as a part of the scheme.

Appearance, Layout and Style

UDP policy HP5 (Residential Development) indicates that development proposals will only be permitted where the scale, form and appearance of the development generally reflects the character and appearance of the existing settlement.

Public representations have raised concern over the impact of the development upon the character of Pontrobert. Guidance contained within UDP Policy HP5 indicates that residential development will be permitted where the development is of an appropriate scale, form and design and general character, to reflect the overall character and appearance of the settlement and surrounding area. Whilst all matters (including design and layout) are reserved and will be dealt with at the reserved matters stage, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The site is an edge of settlement location which adjoins open countryside and therefore the locality is considered to be sensitive to visual change. The site rises from the south west to the north east and residential development would be visible from public vantage points including the adjacent highway and residential properties in the locality. The indicative layout

resembles a modern residential layout which is broadly comparable to the existing modern development seen in the settlement. Given the edge of settlement location and the character of residential development in Pontrobert, it is not considered that a higher density is required. Detailed design will follow at a later date (if this application is permitted) and this will give the opportunity to ensure the dwellings are designed in an appropriate manner to accord with the character of the settlement. The properties in the locality consist of a mixture of one and two storey detached properties, predominantly of brick and render with older properties being stone.

Whilst the site would be visible from public vantage points including the public highway, neighbouring residential properties and public rights of way in the wider area and that the proposal would result in a visual change in comparison to the current agricultural use, taking into account the location reasonably related to the built form of the settlement, that landscaping measures would reduce the visual impact, it is considered that a satisfactory detailed design could come forward to reflect the overall character and appearance of the settlement and surrounding area.

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. The Powys Residential Design Guide provides guidance on overshadowing and privacy.

The proposed site is immediately opposite the existing bungalows located on the adjacent residential estate and concerns have been expressed by the occupiers of the said properties in respect of negative impact that the proposal would have on them which will result in loss of privacy. The third party comments are acknowledged, however the indicative plans show that there is sufficient distance of approximately 33m (with intervening gardens between) from the wall-to-wall between the proposed and existing dwellings. It is acknowledged that this is slightly elevated site, however given the distances between the properties and intervening land between, the officers consider that there would be sufficient separation between the properties not to cause amenity issues between the residents of both sites.

Whilst details relating to design and appearance are reserved for future consideration, Officers consider that the amenities of neighbouring properties can be safeguarded through sensitive design and siting which will be reviewed appropriately by Development Management in considering any future application for the approval of reserved matters.

Following consultation with Environmental Health no objection has been received in relation to its impact on neighbour amenity.

In terms of overshadowing, the Residential Design Guide advises that where new development is less than 40 metres from the nearest habitable room and where the main front or rear (not flank) elevations of existing development is affected, the height of new development should generally be set below a line of 25 degrees taken from the nearest habitable room of adjoining existing property at a height of 2 metres. Whilst this distance is less than 40 metres in relation to the proposed site, the detailed design could take account of the overshadowing guidelines and as such would be considered at reserved matters stage.

Taking into account the character of existing development in the locality, it is considered that the indicative layout demonstrates that residential development can be provided at this location without unacceptably adversely affecting the amenities enjoyed by occupants of existing residential properties and that of the proposed dwellings in accordance with UDP Policy GP1 and the Council's Residential Design Guide.

Highway Safety and Movement

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 site will be accessed via the existing access point into the site off Lon yr Ywen estate road. Public concerns and comments are noted, however Powys Highway Authority have confirmed that there are no objections to the scheme and have not raised any highway safety issues in this respect. Public representations are acknowledged in respect of the legal rights of way however it is important to note that legal rights of way and access issues are not under jurisdiction of a Planning Authority. Highway Authority has requested inclusion of number of highway safeguarding conditions in that respect.

In light of the comments received and given the scale of the proposed development, Officers are satisfied that the proposed development will not have an unacceptable adverse impact on highway safety and movements. The proposed development is therefore considered to be in accordance with planning policy, particularly UDP policy GP4 and TAN 18: Transport.

Impact on biodiversity

The proposed development would result in the loss of an area of approximately 0.82ha of agricultural land. The land is grazed and considered of low ecological value. No negative comments were made by County Ecologist or NRW with respect to the ecology of the site.

The County Ecologist notes that the additional information submitted has been provided in response to a request for a habitat phase 1 ecological assessment to enable the LPA to assess the potential impacts of the proposed development to biodiversity.

The County Ecologist has reviewed the Report produced by Turnstone Ecology Limited dated October 2017, and it is considered that the survey effort employed was in accordance with National Guidelines.

The site survey was carried out on the 27th September 2017 by Turnstone Ecology Ltd and consisted of a Phase 1 Habitat Survey and a Protected Fauna Survey and Habitat Suitability Assessment.

Habitats recorded on site were improved grassland, hedgerow and trees. Hedgerow for the northern, eastern and western boundaries of the proposed development site and a southern boundary being wire and post fence line with garden and residential housing beyond. There is a line of mature trees along the western boundary and mature pedunculated oak on the eastern boundary.

The Officers note that the proposed developments will affect ecological poor improved grassland and the removal of approximately 15m of hedgerow (on the eastern boundary). The proposed new access will utilise an existing field gate and mown improved grass track.

The protected fauna survey assessment evaluated the habitats on site for suitability for protected fauna that occur in the area and for evidence of any protected species. It is considered that Hazel dormouse, bats and great crested newts could directly or indirectly be affected by the proposed development and appropriate design and mitigation will need to be adhered to ensure there will be no negative impacts on these species as a result of the proposed development.

The Officers note that there was no evidence of protected species found within or immediately adjacent to the proposed development site when the ecological survey was undertaken. However it was considered that there were habitats with limited suitability for bats, hazel dormouse, nesting birds, great crested newts and reptiles within or adjacent to the proposed construction areas.

Given the identified mitigation measures in section 4.3.2 of the ecological appraisal report the County Ecologist and NRW consider that the proposed developments will not result in the loss of any features of ecological importance and it is considered the proposed works are unlikely to have a negative impact to biodiversity in the wider area. The Officers therefore recommend that implementation of the mitigation measures are secured through an appropriately worded conditions.

In order to ensure protection and mitigation, NRW have also recommended conditions requiring the submission and implementation of a method statement including Reasonable Avoidance Measures for reptiles and amphibians during the construction phase of the proposal, the submission and implementation of an external lighting scheme that will minimise light spill on wildlife corridors for bats and the submission and implementation of a Root Protection Area plan to protect the existing hedgerows and trees during the construction phase. These conditions are considered reasonable in order to ensure that the proposal complies with the relevant local and national planning policies and guidance in respect of ecology.

Having taken the above into account it is considered that, subject to conditions, the ecological impacts of the proposed development are considered acceptable and are therefore in accordance with relevant planning policy. Therefore, on the basis of this advice, it is recommended that any consent should include conditions requiring the submission of details with the reserved matters application which will increase site biodiversity in accordance with UDP Policy ENV3.

Loss of agricultural land

UDP Policy ENV1 provides safeguarding for the best and most versatile land (grades 1, 2 and 3a). The land is not designated within grades 1, 2 and 3a. Predictive Agricultural Land Classification (ALC) Map indicates that the land at this location is designated as 3b (Moderate quality agricultural land) and therefore is not considered to be of the best and most versatile agricultural land or of particular value to agriculture within the locality in accordance with the advice provided within UDP Policy ENV1 and Technical Advice Note 6.

Impact on historic environment

The Powys Heritage Officer notes the proposed site is close to a designated historic asset namely; John Hughes Memorial Chapel grade II* which is located north west of the proposed site with intervening county highway between. It is also noted that there are 2 listed buildings in Pontrobert, John Hughes Chapel and The Old Rectory South East of the Village on the north side of the road to Dolobran, built in 1853 and contemporary with the construction of the parish Church.

The Officers note that the new development within Pontrobert is largely clustered around its historic core and as such retains a large element of its character in terms of the location and size of the new properties. The Heritage Officer notes that original submission adversely affected the setting of the chapel by effectively bringing this rural chapel into the developed area of Pontrobert. However the current revised proposal retains an open field adjacent to the chapel and cemetery, thereby creating a buffer between the listed chapel and the new development,

The public comments are acknowledged in this respect, however the Officers note that retention of the parcel of land adjacent to the chapel does provide for a buffer of rurality to be afforded to the chapel. The tree line/hedgerow with trees between the small parcel of land adjacent to the chapel and the application site in part screens the development, and the new CADW guidelines makes reference to tree covers and whether it is deciduous or evergreen and its likely longevity.

Given that the development directly adjacent to the grade II* listed building has been removed and that the proposed development site is behind tree cover, and noting the new guidance in respect of mitigation, it is considered that the proposal would be acceptable in terms of built heritage with the appropriate mitigation measures of appropriate and robust planting along the existing hedgerow and appropriate design and materials for the new dwellings. Special care would be needed at reserved matters stage to ensure that the proposed dwellings are not unduly high and are appropriate for the location.

The Officers therefore consider, that the issues of setting of the grade II* listed chapel have been addressed by the removal of the dwellings from the parcel of land adjacent to the chapel. Therefore, Development Management considers the proposed development to be in accordance with policy ENV14 (Listed Buildings) of the Powys UDP and TAN 24 – The Historic Environment (2017).

Foul drainage

It is proposed to connect to the public sewerage system which is the preferred method of disposal. The Community Council has referred to concerns over the infrastructure of the village, although the exact concerns have not been identified. Severn Trent Water has advised that they have no objection to the development and therefore Development Management is satisfied that the sewerage and sewage disposal system has sufficient capacity to accommodate the additional flows generated as a result of the development. Therefore it is considered that the proposed development is in accordance with UDP Policy DC10.

Surface water drainage

The Community Council has also referred to concerns over the infrastructure of the village, although the exact concerns have not been identified. UDP Policy DC13 requires developments to be served by adequate surface water drainage provision.

The Land Drainage Officer confirms that the revised details submitted indicate where an appropriate sustainable drainage facility could be sited together with any surface water outfall to the nearby watercourse. The additional details submitted also indicates a 'no built zone' (or sterile strip) to safeguard the existing ephemeral watercourse and shows the general route of the existing 'cut-off' ditch located to the rear of the existing properties at Lon-Yr-Ywen.

The PCC - Lead Local Flood Authority (LLFA) finds it reassuring to see that the additional details submitted recognise the existence of the existing land drainage features, however further engineering detail shall be required at Reserved Matters stage to show how all existing and proposed land drainage and surface water management features are to be fully accommodated and or safeguarded as part of this development proposal, which shall include details on how these drainage features shall be managed / maintained and, indicate those parties responsible for their future maintenance.

The LLFA would recommend that the surface drainage design shall adhere to the standards set out in Welsh Government's "Recommended non-statutory standards for sustainable drainage (SuDS) in Wales – designing, constructing, operating and maintaining surface water drainage systems", dated January 2017. Therefore the land Drainage Officer recommends inclusion of a safeguarding condition in respect of land drainage systems at the site.

Public comments are fully acknowledged in respect of land drainage at the site, however it is important to note the applicant has been able to demonstrate at this stage that the proposal can provide/achieve suitable arrangements for the surface water drainage and also provide safeguards to existing land drainage systems that currently provide benefit to some of the objector's properties. Further enhancements can also be achieved with this development in respect to local flood risk, which was not the case when the then owners of the Lon-yr-Ywen properties excavated a shallow cut-off ditch along the back of their gardens to discharge onto the surface of the public highway without any previous consultation. It is unfortunate that the council has had to carry out work (at public expense) to alleviate this nuisance.

It is important to note that PCC Land Drainage Officer has advised that they have no objection to the development and therefore Development Management is satisfied that the surface water disposal system can be accommodated at the site as indicated on the revised plans subject to conditions. Therefore it is considered that the proposed development is in accordance with UDP Policy DC13.

Public water supply

Public representations have referred to residents experiencing low water pressure in the settlement. The Community Council has also referred to concerns over the infrastructure of the village, although the exact concerns have not been identified. UDP Policy DC8 requires developments to be served by a wholesome and adequate water supply. Severn Trent Water has not objected to the proposal and has not advised that new or upgraded infrastructure is required as a result of the proposal and as such it is concluded that the proposal is not

unacceptable in this respect. In addition, Under the Water Industry Act 1991 Severn Trent Water has a duty to provide a wholesome supply of mains water for public purposes, without detriment to existing and as such members of the public should contact Severn Trent directly to express any concerns.

Welsh Language and Culture

Planning Policy Wales (PPW) notes the Welsh Governments commitment to ensuring the Welsh Language is supported and encouraged to flourish as a language of many communities all over Wales. It highlights that it should be the aim of local planning authorities to provide for the broad distribution and phasing of housing development taking into account the ability of different areas and communities to accommodate the development without eroding the position of the Welsh language. It does however also note that policies must not introduce any element of discrimination between individuals on the basis of their linguistic ability, and should not seek to control housing occupancy on linguistic grounds.

With regards to the Development Management function, PPW states as follows:

“Consideration relating to the use of the Welsh Language may be taken into account by decision makers so far as they are material to applications for planning permission. If required, language impact assessments may be carried out in respect of large developments not allocated in, or anticipated by, a development plan proposed in areas of particular sensitivity or importance for the language. Any such areas should be defined clearly in the development plan. Decisions on applications for planning permission must not introduce any element of discrimination and should not be made on the basis of any person(s) ‘linguistic ability’.”

Technical Advice Note 20: Planning and the Welsh Language provided further guidance. Within TAN 20 it is noted that it is estimated that between 1,200 and 2,200 fluent Welsh speakers are moving out of Wales each year. The Welsh Government aims to reverse this trend.

With regards to the Development Management function, TAN 20 states as follows:

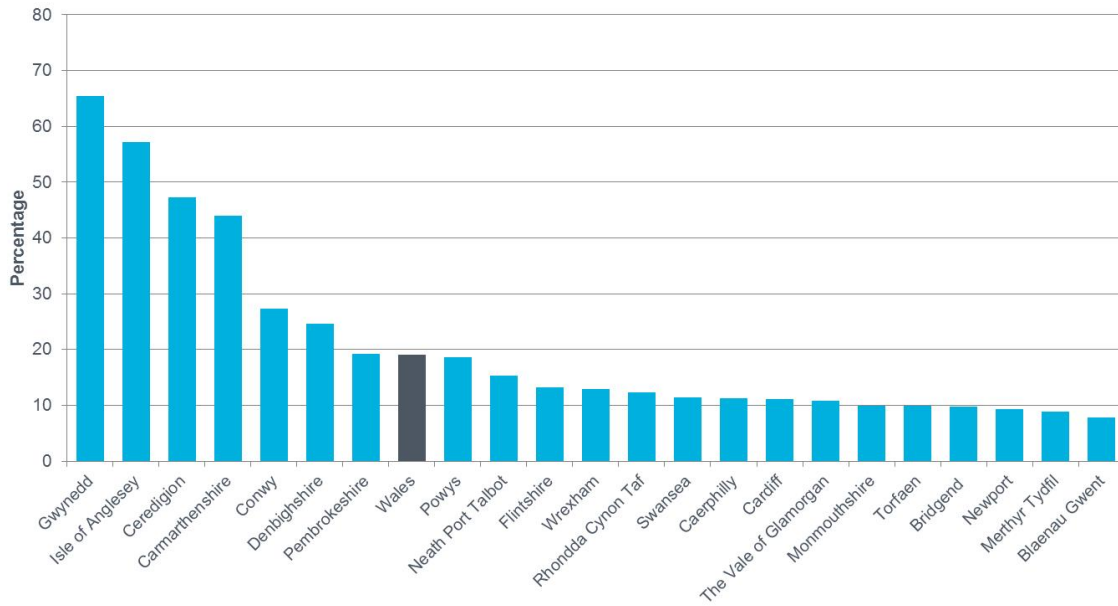
“4.1.2 In determining individual planning applications and appeals where the needs and interests of the Welsh language may be a material consideration, decisions must, as with all other planning applications, be based on planning grounds only and be reasonable. Adopted development plan policies are planning grounds, including those which have taken the needs and interests of the Welsh Language into account”.

Policy GP5 of the Powys UDP states that within identified settlements proposals will only be acceptable where developers can demonstrate that they have taken full account of the importance of the Welsh Language and culture, including through the provision of an appropriate level of affordable homes. Pontrobert has been identified as one of the settlements under policy GP5.

Census Information

Looking at a Local Authority level the graph below provides a picture of the Welsh Language in Powys compared to that in the rest of Wales;

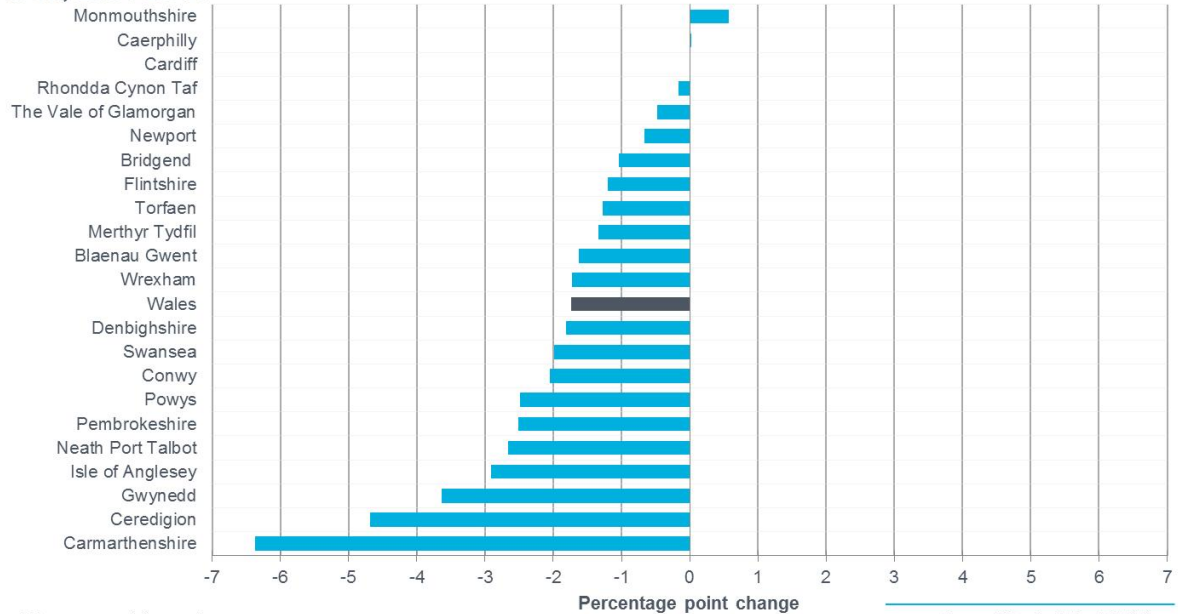
Percentage of the population able to speak Welsh according to the 2011 Census, by local authority area



welshlanguagecommissioner.wales

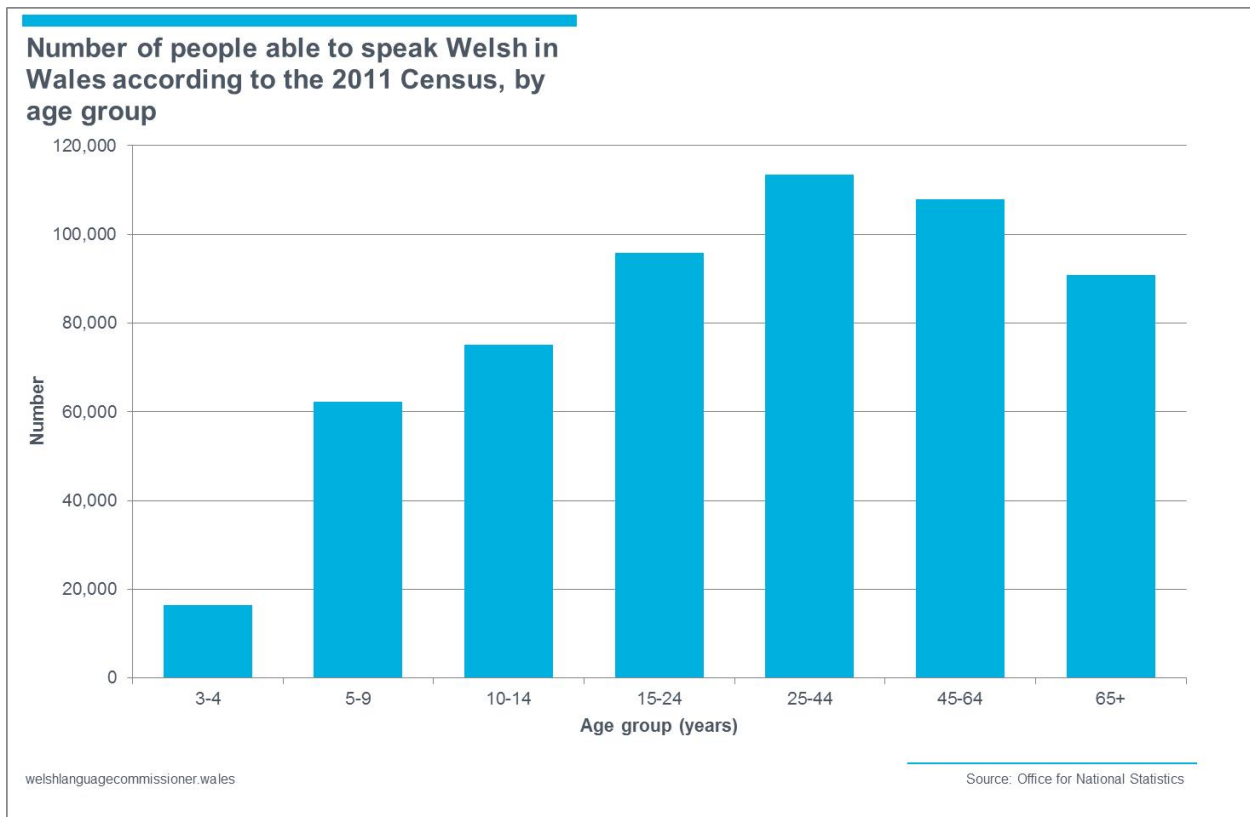
Source: Office for National Statistics

Change in the percentage of the population able to speak Welsh (percentage point), by local authority area, 2001-2011



welshlanguagecommissioner.wales

Source: Office for National Statistics



The census information has been looked at by the Welsh Language Commissioner who has provided the following breakdown regarding the ability to speak Welsh in the area.

	2011	2001	2011	2001
Age	%	%	Number	Number
3+:	52.6	65	242	325
3-15:	62.7	78.9	32	75
16-64:	49	59.8	144	186
65+:	57.4	68.1	66	64

It is apparent from the figures above that the numbers of people speaking Welsh in the Llanfihangel ward in which Pontrobert is located has decreased by 12.4% overall. The scheme brings forward an appropriate number of affordable units as suggested under Policy GP5. The proposed scheme will provide a proportion of affordable housing. It is stipulated as a guideline within the adopted UDP to be between 30-35%. However, it is noted that the scale of affordable housing to be provided will be a matter of negotiation for each individual site.

In negotiating the proportion, material consideration must be given to the data provided within the Joint Housing Land Availability Study, and referenced in the draft Local Development Plan. In this instance three affordable units have been offered with a maximum footprint of 130m² therefore ensuring affordability. The affordable dwellings will be integrated throughout the site. It is considered that the introduction of 5 dwellings in total will help sustain the viability of the facilities that are vital in supporting Welsh language and culture. It is not considered that a development of the scale proposed would threaten these facilities or force sections of the population away from these facilities. It is considered that there is an intrinsic

link between the provision of affordable housing and the cultural and linguistic vitality of an area. Affordable dwellings allow existing residents to remain in the area and where the area has a strong Welsh Language presence, this aid in retaining those residents and helps to mitigate against the impact of a development on the Welsh language.

In relation to economic development, it is considered that the potential construction of the dwellings would contribute to the economy of the local area. This is based on the assumption that most construction projects of this scale are normally undertaken by local trade's people. It is therefore considered that the construction of this development would have a neutral or positive impact on the local economy and jobs which is considered positive from a Welsh language and culture perspective.

In light of the above it is considered that the proposed development could sustain and enhance the services currently within Pontrobert and the provision of housing and affordable dwelling will help sustain and enhance the cultural and linguistic vitality of the area.

Other matters

Public representations have raised issues in respect of land ownership of the access route leading from the existing estate road to the site. The objectors note that the applicant does not have legal rights of way to the site via the proposed route. These comments are noted, however it is important to note that legal issues of land ownership cannot be resolved via planning process and these are legal issues between the relevant owners outside planning procedures and the Local Planning Authority cannot get involved in this instance.

In respect of the notification of the proposed development, the applicant has consulted all the parties that have interest in any land that is subject of this application and the evidence has been provided of the same.

Other Legislative 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.

Recommendation

Having carefully considered the proposed development, Officers consider that the proposal complies with planning policy. Whilst a departure from the development plan, in this instance, the provision of housing is considered to outweigh the plan and therefore justifies the grant of consent as an exception to normal housing policies. The recommendation is therefore one of conditional approval subject to conditions as specified below;

1. Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.
2. Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
3. The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.
4. The development shall be carried out in accordance with the plans stamped as approved on xxxx in so far as the extent of the application site is drawn and the access point onto the unclassified highway (drawing no: RPP/TW-JOB18-03 Rev E).

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 20% affordable dwellings;
- ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing (if no RSL involved)];
- iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

6. The affordable dwellings shall have a maximum gross floor area of 130 square metres (measured internally and including garages where designed as an integral part of the dwelling) and notwithstanding the provisions of schedule 2, part 1, classes A, B, C and E of the Town and Country Planning (General Permitted Development) Order 1995 (as amended for Wales) (or any order revoking and re-enacting that order with or without modification), the affordable dwelling shall not be subject to extensions, roof alterations and buildings other than those expressly authorised by the reserved matters approval.

7. Upon the submission of Reserved Matters referred to within Condition 1 and 2, full engineering details and drawings for the provision and protection of all existing and proposed land drainage systems shall be submitted to and agreed in writing by the Local Planning Authority. These details shall include arrangements for the surface water drainage of the site, the design for which shall follow Welsh Government's non-statutory standards for sustainable drainage in Wales, to include a management and maintenance plan for the lifetime of the development and shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of these land drainage and surface water systems throughout their lifetime. The scheme to be submitted shall show foul drainage being connected to the public sewerage system. The development shall only take place in accordance with these agreed details and be fully completed before any dwellings are occupied.

8. Upon the submission of the reserved matters referred to within Conditions 1 and 2, the landscaping details shall include indications of all existing trees (including spread and species) and hedgerows on the land, identify those to be retained and set out measures for their protection throughout the course of development.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting

season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation. If any plants fail more than once they shall continue to be replaced on an annual basis until the end of the 5 year defects period.

10. Prior to the construction of the dwellings hereby approved details and/or samples of the materials to be used in the construction of the external surfaces of the dwellings shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

11. Any entrance gates shall be set back at least 10 metres distant from the edge of the adjoining carriageway and shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

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

13. The centre line of the first 5.5 metres of the access road measured from the edge of the adjoining carriageway shall be constructed at right angles to that edge of the said carriageway and be retained at that angle for as long as the development remains in existence.

14. Before any other development commences clear visibility shall be maintained above a height of 0.6 metres above carriageway level over the full frontage of the developed site to the U2988 road effective over a bandwidth of 2.4 metres measured from the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

15. No other development shall commence until the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material, 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 5.5 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

16. Prior to the occupation of any dwelling, provision shall be made within the curtilage of the site for the parking of not less than one car per bedroom excluding any garage space provided together with a turning space such that all vehicles serving the site may both enter and leave the site in a forward gear. The parking and turning areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

17. Prior to the commencement of the development provision shall be made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. This parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

18. The width of the access carriageway, shall be not less than 5.0 metres for a minimum distance of 15 metres along the access measured from the adjoining edge of carriageway of the county highway and shall be maintained at this width for as long as the development remains in existence.

19. All access to the development hereby permitted shall be gained via the existing private driveway. No alternative vehicular or pedestrian access shall be used or created to service the site directly from the county highway for as long as the development remains in existence.

20. Prior to the occupation of the dwelling the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course for a distance of 5.5 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence.

21. All surface water run-off is to be collected and discharged via a piped system to a soakaway located within the site no less than 6 metres from the highway. This system shall be retained and maintained for as long as the development remains in existence.

22. No storm water drainage from the site shall be allowed to discharge onto the county highway.

23. The mitigation measures in section 4.3.2 of the Ecological Appraisal report produced by Turnstone Ecology Limited dated October 2017 shall be adhered to and implemented in full and maintained thereafter.

24. Prior to commencement of development a Tree Protection and Replacement Plan in accordance with BS:5837:2012 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter.

25. 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.

26. Prior to commencement of development works, a method statement in respect of Reasonable avoidance measures for reptiles and amphibians during the construction phase of the proposal shall be submitted to the Local Planning Authority and shall be implemented as approved. The method statement shall include detail of timing of works, biosecurity and methods of trapping and relocating.

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

Reasons

1. To enable the Local Planning Authority to exercise proper control over the development in accordance with Section 92 of the Town and Country Planning Act 1990.

2. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.

3. Required to be imposed by Section 92 of the Town and Country Planning Act 1990.
4. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
5. In order to ensure the provision of affordable housing in accordance with Policy HP7 of the Powys Unitary Development Plan (2010) and the Affordable Housing for Local Needs Supplementary Planning Guidance (2011).
6. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
7. To ensure that the development is provided with a satisfactory means of drainage as well as to reduce or exacerbate a flooding problem and to minimise the risk of pollution in accordance with Policies GP1, DC10 and DC13 of the Powys Unitary Development Plan (2010).
8. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
9. To ensure a satisfactory and well planned development, to ensure protection is afforded to mature trees on the southern boundary of the site and to preserve and enhance the quality of the environment, visual amenity and privacy in accordance with Policies GP1 and ENV2 of the Powys Unitary Development Plan (2010).
10. In the interests of the visual amenity of the area and to ensure the satisfactory appearance of the buildings in accordance with policies GP1 and GP3 of the Powys Unitary Development Plan and the Councils Residential Design Guide.
11. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
12. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
13. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
14. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
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21. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.
22. In the interests of highway safety and in accordance with the provisions of Powys UDP Policy GP1 and GP4.

23. To comply with Powys County Council's UDP Policies SP3, ENV2 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.
24. To comply with Powys County Council's UDP policies SP3, ENV2, ENV3 and ENV6 in relation to The Natural Environment and to meet the requirements of TAN 5: Nature Conservation and Planning, Welsh government strategies, and Part 1 Section 6 of the Environment (Wales) Act.
25. To comply with Powys County Council's UDP Policies SP3, ENV3, 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.
26. To comply with Powys County Council's UDP Policies SP3, ENV3 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.
27. To comply with the Powys County Council UDP Policy GP5 and Technical Advice Note 20: Planning and the Welsh Language (2017).

Notes

The erection of any proposed surface water drainage outfall structure to effect an ordinary watercourse will require prior consent from Powys CC (as Lead Local Flood Authority), in accordance with Section 23 of the Land Drainage Act 1991 (as amended by the Flood & Water Management Act 2010). Further information can be found at: <http://www.powys.gov.uk/en/roads-transport-and-parking/ordinary-watercourses-applying-for-consent-for-works/>.