

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: P/2018/0514

Grid Ref: E: 306703
N: 248588

Community Council: Duhonw

Valid Date: 30.05.2018

Applicant: Miss Carol Gittins

Location: Ysgilog Field, Builth Wells, Powys, LD2 3YP,

Proposal: Full: Change of use of land from agricultural use for use as a temporary stopping site (two weeks every year for a duration of five years) for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show

Application Type: Full application

The reason for Committee determination

Powys County Council is the applicant.

Consultee Responses

Duhonw Community Council

No comments received at the time of writing this report.

PCC Highways

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

Welsh Government Transport

Comments Received: 05/07/2018

Ysgilog Field, Builth Wells, Powys

Change of use of land from agricultural use for use as a temporary stopping site (two weeks every year for a duration of five years) for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show.

I refer to your consultation of 14th June 2018 regarding the above application, and advise that the Welsh Government as highway authority for the A470 trunk road directs that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

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

- The applicant must forward a suitably scaled drawing detailing the existing access off the A470 trunk road, which must incorporate the following aspects:
- a) Visibility splays in either direction from a suitable set back.
- b) Hedge / Verge Cutting Requirements (Distance and Maximum Heights)

The above aspects must conform to the Design Manual for Roads and Bridges (DMRB).

- The applicant must also provide a Traffic Management Plan Report which provides methodology to the movement of vehicles associated with the application. The report must also include a suitably scaled drawing depicting the Temporary Road Signage that is to be erected during the period the site is operational.

Comments Received 19/11/2018;

I refer to your consultation of 14/06/2018 regarding the above planning application and advise that the Welsh Government as highway authority for the A470 Trunk Road directs that any permission granted by your authority shall include the following conditions:

- 1) Improvements to visibility splays as depicted on drawing 1914/R001 shall be implemented every year before the field is brought into use.

The above conditions are included to maintain the safety and free flow of trunk road traffic.

Wales & West Utilities

No comments received at the time of writing this report.

Severn Trent Water

With Reference to the above planning application the company's observations regarding sewerage are as follows:

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

Environmental Health

Environmental Protection has no objection to this.

Built Heritage Officer

1.0 Recommendation

1.1 no objections

Reason: It is considered that the proposal is in accordance with the policies and Guidance in PPW and Tan 24 including setting of historic assets with its annexes and the adopted Powys Local Development Plan

2.0 Background to Recommendation

2.1 Designations

Cadw ID 24818 Milestone at Henallt included on the statutory list on 22/02/2001
Cadw ID 24819 Milestone near Glanwyte Lodge included on the statutory list on 22/02/2001

2.2 Policy Background

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

The Planning (Listed Buildings and Conservation Areas) Act 1990

Planning Policy Wales 9th edition 2016

Conservation Principles published by Cadw

TAN24

Managing Change to Listed Buildings in Wales – Annex to TAN 24

Conservation Areas in Wales – Annex to TAN 24

Setting of Historic Assets in Wales – Annex to TAN24

Heritage Impact Assessments – Annex to TAN24

Historic Environment Records

Local Development Plan:

Strategic Policy SP7

DM13 Design and Resources Local Development Plan Themes and Objectives;

Theme 4 – Guardianship of natural, built and historic assets

LDP Objective 13 – Landscape and the Historic Environment

3.0 Comments

3.1 The proposal is for the change of use of a field for use as a temporary stopping place for 2 weeks a year.

3.2 The field is sited between 2 listed milestones on the A470. It is not considered that the temporary use of the land for 2 weeks a year would affect the setting of the listed buildings.

3.3 I have taken into account the guidance in section 16 and 66 of The Planning (Listed Buildings and Conservation Areas) Act 1990, Conservation Principles, section 6.5.11 of PPW, TAN24 and its annexes, and given the fact that the listed buildings are milestones and the temporary use of the land I would have no objections to the proposal on the grounds of the setting of listed buildings.

Ecologist

Planning Application Ecological Observations

Planning Application Reference: P/2018/0514

Application Description: Full: Change of use of land from agricultural use for use as a temporary stopping site (two weeks every year for a duration of five years) for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show.

Consultation Deadline: 28/06/2018

Sources of Information:

An Ecological Impact Assessment report (dated May 2018) has been prepared by Powys County Council's ecologist and submitted with the application. These observations are based on the findings of the ecology report, the submitted plans, Design and Access Statement, Site Management Plan and historical biodiversity records provided by the Powys and Brecon Beacons National Park Biodiversity Information Service.

Summary of historical species records:

The Ecological Impact Assessment report identifies 129 historical protected and priority species records from within 1km of the site, with none from the site itself. Historical records from within 1km of the site include: bat species, Atlantic salmon, White-clawed freshwater crayfish, Parmotrema perlatum (a lichen), otter, badger, hare, Great Crested newt, bluebell, pillwort and various Schedule 1 and Section 7 bird species including kingfisher, cuckoo, Red kite and Song thrush.

Protected and Priority Species/Habitats:

The Ecological Impact Assessment report concludes that the field is of low ecological importance, comprising semi-improved, heavily-grazed grassland and offering limited opportunities for protected and priority species. The report identifies the main features of biodiversity interest as being the boundary features (mature hedgerows and

broadleaved woodland) and a mature oak tree at the centre of the site, which may be used by protected and priority species for foraging and commuting. The report confirms that none of these features would need to be removed for the application. Measures proposed to protect such features during the two week use of the field include security fencing and sensitive security lighting e.g. lighting to be pointed away from the hedgerows.

The report concludes that otters may use the broadleaved woodland to the east of the site, bordering the River Wye, as suitable habitat for occasional resting sites, but no evidence of this was found during the site survey. The report also states that the site will be checked by the county ecologist prior to the event, and the site security fencing will provide a 7m buffer from the river bank. Adverse impacts on otters are therefore unlikely.

Non-native Invasive Species:

The Ecological Impact Assessment report confirms that areas of Himalayan Balsam are present along the eastern edge of the field. However, the report explains that this is located behind the areas of proposed security fencing and the site would be in use prior to the usual production of seed pods, so the spread of this species as a result of the application is unlikely. The report also highlights that monitoring of the species' site distribution since the field has previously been used as a temporary camping site has not identified any further spread.

Designated Sites for Nature Conservation:

The site is adjacent to (west of) the River Wye SAC and River Wye (Upper Wye) SSSI. The Ecological Impact Assessment report explains that security fencing will be provided to maintain a 7m buffer zone between the camping site and River Wye and the on-site security presence will act as a deterrent to accessing the river bank. Management measures identified to avoid negative impacts occurring to the SAC and SSSI are outlined in the Ecological Impact Assessment report and the 2018 Site Management Plan, and are consistent with those adopted for the previous temporary use of the field, with no adverse impacts identified from the monitoring completed since 2010. Such management measures include direct protection of the riverbank with Heras fencing and site security, waste and foul water disposal provisions and site monitoring by the county ecologist.

Further information required prior to determination of application:

None.

Recommended Conditions:

Should you be minded to approve this application, I recommend the inclusion of the following condition:

Condition: The mitigation regarding boundary features, the mature oak tree, otters, Himalayan Balsam and the River Wye SAC/SSSI in Section 7 of the ecological report by Powys County Council dated May 2018 shall be adhered to and implemented in full unless otherwise agreed in writing with the LPA.

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

Natural Resources Wales

BWRIAD / PROPOSAL: Full: Change of use of land from agricultural use for use as a temporary stopping site (two weeks every year for a duration of five years) for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show. Ysgio Farm, Builth Wells.

Thank you for consulting Natural Resources Wales (letter dated 07/06/2018) regarding the above.

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 the use of appropriate conditions.

Protected Sites:

The proposed site lies immediately adjacent to the River Wye Special Area of Conservation (SAC) and River Wye (Upper Wye) Site of Special Scientific Interest (SSSI).

NRW does not object to issue of consent for this 5 year proposal in view of the information submitted within the Site Management Plan dated 2018.

Please refer to our response letter dated 27/01/2014 (NRW-14-008333) for more detailed comments on the previous proposal (P/2013/1206) which appears to be very similar to the current one.

NRW advises that all the recommendations regarding protection of the designated sites and their features identified in the Site Management Plan are secured via appropriate conditions and implemented in full.

Protected Species:

We are satisfied that the Ecological Impact Assessment report by Rachel Peobert dated May 2018 is satisfactory for the purposes of informing the public decision making process.

The recommendations proposed within the report: Section 7 Mitigation Measures of the report should be adhered to so as to avoid adverse impacts on bats and otters.

Flood Risk:

The application site lies predominantly within Zone C2, as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15: Development and Flood Risk (TAN15). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability fluvial flood outlines of the River Wye, a designated main river.

TAN15 states that caravan sites are highly vulnerable and that they give rise to particular problems because of special risks to occupants at times of flooding. However, due to the temporary nature of the application (indicated to be a two week period of occupancy) and the existing permission at the site for the same use, we advise your Authority that a flood consequence assessment (FCA) is not required but the following advice should be strongly considered by your Authority as the applicant and decision maker.

A flood evacuation plan should be prepared and ready to implement in the event of flooding at the site. However, you should note that we are unable to provide you with advice on or approve the adequacy of flood emergency response and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users. Your Authority, in consultation with other professional advisors, should be satisfied that plans and procedures are feasible and in place.

This site is within the NRW Flood Alert area for the River Wye in Powys and the operators are advised to sign up to Floodline Warnings Direct (0345 988 1188 / <https://naturalresources.wales/flooding/flood-warning-service/?lang=en>).

Biosecurity:

We consider biosecurity to be a material consideration owing to the nature and location of the proposal. In this case, biosecurity issues concern invasive non native species (INNS) and diseases. We therefore advise that any consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include

- (i) measures or actions that aim to prevent INNS being introduced to /allowed to disperse from the site for the duration of construction and operational phases of the scheme.

Scope of NRW Comments:

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

Representations

The application was advertised through the erection of a site notice, a total of 1 objection has been received in respect of the proposed development and can be summarised below;

- Fence and ‘buffer zone’ not been appropriately maintained under previous approval for site P/2013/1206.
- Damaged vegetation as a result in the neighbouring SSSI.

Planning History

P/2013/1206: Change of use of field from agricultural use to a temporary stopping place for Gypsy-Travellers for a two week period to include the time of the Royal Welsh Show annually for five years – Conditional Consent.

P/2012/0291: Change of use of field from agricultural use to a temporary stopping place for Gypsy-Traveller for a two week period to include the time of the Royal Welsh Show annually for five years – Conditional Consent.

P/2011/0298: Change of use from agricultural use for a two week period to a temporary stopping place for Gypsy-Traveller to include the period of the Royal Welsh Agricultural Show – Conditional Consent.

P/2010/0254: Change of use (2 week period) to temporary stopping place for Gypsy-Traveller to include the period of the Royal Welsh Agricultural Show – Conditional Consent.

B/03/0054: Touring Gypsy-Traveller caravan site for period 12-24 July covering duration of Royal Welsh Agricultural Show – Conditional Consent.

B/99/0130: Touring (Gypsy-Traveller) caravan site for two weeks including 1999 Royal Welsh Show (10-24 July) at OS Parcel 7354 – Conditional Consent.

Principal Planning Constraints

C2 Floodzone

Next to SSSI
Listed Milestone at Henallt
Listed Milestone near Glanwey Lodge

Principal Planning Policies

National Planning Policy

Technical Advice Note 5: Nature, Conservation and Planning (2009)
Technical Advice Note 12: Design (2016)
Technical Advice Note 13: Tourism (1997)
Technical Advice Note 15: Development and Flood Risk (2004)
Technical Advice Note 18: Transport (2007)
Technical Advice Note 24: The Historic Environment (2017)

Local Planning Policies

SP7- Safeguarding of Strategic Resources and Assets
DM2 – The Natural Environment
DM4 – Landscape
DM5 – Development and Flood Risk
DM6 – Flood Prevention Measures and Land Drainage
DM7 – Dark Skies and External Lighting
DM8 – Minerals Safeguarding
DM13 – Design and Resources
T1 – Travel, Traffic and Transport Infrastructure
H10 – Gypsy and Traveller Sites and Caravans
H11 – Gypsy and Traveller Site Provision
TD1 – Tourism Development

Other Legislative Considerations

Crime and Disorder Act 1998
Equality Act 2010
Planning (Wales) Act 2015 (Welsh language)
Wellbeing of Future Generations (Wales) Act 2015

Officer Appraisal

Site Location and Description

The application site is in the Community Council area of Duhonw and falls outside of any village or settlement development boundary and therefore for the purposes of this application is development within the open countryside as defined by the Powys Local Development Plan (2018). The site comprises an agricultural field which is currently used as a temporary stopping site for Gypsies and Travellers attending the annual Royal Welsh Agricultural Show. The application site is bound by the A470 Trunk Road to the north and west elevations, with the River Wye running to the east of the site and further agricultural land located to the south.

This application seeks permission for a change of use on Ysgioig Field OS Parcel 7354, which forms part of Ysgioig Farm, from agricultural use to a two-week Temporary Stopping Place for Gypsies and Travellers who attend the Royal Welsh Agricultural Show each year. This permission requests a two week change of use period annually for duration of five years from 1st September 2018 to 31st August 2023. The same proposal was previously approved in 2013 under application ref. P/2013/1206 for duration of five years.

Principle of Development

Policy H10 of the Local Development Plan – Gypsy and Traveller Sites and Caravans states that proposals for permanent or temporary (transient or transit) Gypsy and Travellers sites and caravans, to meet a proven, unmet local need, will be permitted where sites are situated in a sustainable location which has access to educational, community, social, health and other services and facilities

Evidence has been submitted which identifies that there is a need within the locality to provide temporary accommodation to accommodate gypsies and travellers attending the Royal Welsh Agricultural Show for a two-week period. This application follows on from a previously approved scheme submitted under P/2013/1206 which also granted consent temporarily for a five year period.

In light of the above and given the evidence provided it is therefore considered that the principle of the proposed development for temporary accommodation therefore fundamentally complies with relevant planning policy.

Highway Safety

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10).

Welsh Government Transport were consulted on the proposed development as the existing access joins directly onto the A470 Trunk Road. Initial concerns were raised and it was requested that a Traffic Management Plan Report as well as a drawing detailing visibility splays and hedge / verge cutting requirements was submitted in support of the application. The requested information was submitted and following

further consultation with the Welsh Government Transport Department they have confirmed they no longer object to the proposed development subject to the inclusion of an appropriately worded condition regarding the proposed visibility splays.

In light of the above and subject to the attachment of the recommended condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy in terms of highway safety.

Amenities enjoyed by occupiers of neighbouring properties

In considering the amenities enjoyed by the occupiers of neighbouring properties consideration has been given to the Powys Residential Design Guide (October 2004) & LDP: DM13 (Part 11).

There are no neighbouring residential properties within close proximity of the site, the A470 Trunk Road borders the site to the north and west elevations, with agricultural land to the south and the River Wye to the east, the nearest neighbouring residential property, Ysgilog, is located approximately 310 metres to the north west. Given the temporary use of the site as a gypsy and traveller site for just two weeks per year and the previous planning history of the site it is not considered there will be any significant impacts upon the amenities of neighbouring properties or the surrounding area.

The objection received did raise concern regarding the fence and buffer zone not being appropriately maintained. In order to ensure that this is adhered to as part of this approval a condition will be attached regarding mitigation strategies for the boundary treatment of the site.

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

Biodiversity

With respect to biodiversity, specific reference is made to LDP policy DM2 which seeks to maintain biodiversity and safeguard protected sites.

The Ecologist reviewed the proposed plans and Ecological Impact Assessment submitted which identified 129 historical protected and priority species records within 1km of the site, although no records were found for the site itself. It is noted that the application site is located adjacent to the River Wye SAC and River Wye SSSI. The Ecological Impact Assessment report explains that security fencing will be provided to maintain a 7m buffer zone between the camping site and the SAC / SSSI. The maintenance of this buffer zone has been included within the Ecological Impact Assessment and will be secured through an appropriately worded condition.

Natural Resources Wales also commented on Biosecurity at the site, in particular issues regarding invasive non-native species (INNS). It has therefore been recommended that

a biosecurity risk assessment be submitted and implemented as part of this consent, which will be secured through an appropriately worded condition.

Subject to the recommended conditions being attached to any grant of consent National Resources Wales and the Powys Ecologist therefore confirmed they had no objections to the proposed development.

The public representation received did raise concern regarding the fence and buffer zone not being appropriately maintained and causing negative impacts upon the SSSI. As confirmed above the maintenance of the buffer zone will be secured through an appropriately worded condition.

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

Flood Zone

Policy DM5 of the Powys Local Development Plan refers to development proposals in flood risk areas. The proposed development would result in highly vulnerable development being located within a C2 Flood Zone, which is contrary to guidance contained within TAN15. However, given the temporary nature of the use of the site, two weeks per year, and the existing permission at the site, Natural Resources Wales have confirmed that they do not require a flood consequence assessment to be submitted in this instance.

NRW have however, recommended that a flood evacuation plan is prepared and should be ready to be implemented in the event of flooding at the site. As stated above given the temporary nature and history of the site it is considered the preparation of a flood evacuation plan can be secured through an appropriately worded condition prior to the commencement of any development on site.

In light of the above and subject to an appropriately worded condition it is therefore considered that the application site can be managed to an acceptable level.

Listed Milestones

Given the application sites location between 2 listed milestones on the A470 consideration has been given to Technical Advice Note 24 and LDP Policy DM13 (Part 3). The Built Heritage Officer was consulted on the proposed development and considered that given the temporary use of the land for 2 weeks per year, there would be no adverse effect upon the setting of the listed monuments.

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

RECOMMENDATION – CONDITIONAL CONSENT

Having carefully considered the proposed development, officers consider that the proposal fundamentally complies with relevant planning policy. The recommendation is therefore conditional consent subject to the conditions below.

Conditions

1. The development to which this permission relates shall be begun no later than the expiration of five years from the date of this permission.
2. The development shall be carried out strictly in accordance with the amended plans stamped as received on 10/05/2018 (drawing no's: Block Plan and Location Plan) and amended plan stamped as received on 19/11/2018 (drawing no: 1914/R001).
3. Improvements to visibility splays as depicted on drawing 1914/R001 shall be implemented every year before the field is brought into use.
4. Prior to the first use of the site each year, the mitigation regarding boundary features, the mature oak tree, otters, Himalayan Balsam and the River Wye SAC/SSSI as identified in Section 7 of the Ecological Report by Powys County Council dated May 2018 shall be adhered to and implemented in full and retained thereafter for the full period of occupation of the site.
5. Prior to first use/construction of the site each year a Biosecurity Risk Assessment, including measures or actions that aim to prevent INNS being introduced / dispersed from the site for the duration of construction and operational phases of the scheme, shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall thereafter be implemented in full prior to the first use of the site and maintained thereafter for the full period of occupation of the site.
6. Prior to the first commencement of the development hereby permitted a flood evacuation scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall thereafter be implemented in full for every future occupation of the site.
7. This consent shall be limited to a time period of 14 days annually, during the period of the Royal Welsh Agricultural Show, until the 31st August 2023.

Reasons

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

3. In the interests of highway safety and in accordance with the provisions of Powys LDP Policy DM13 (Part 10).
4. To comply with Powys County Council's LDP Policy DM2 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 the Environment (Wales) Act 2016.
5. To comply with Powys County Council's LDP Policy DM2 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 the Environment (Wales) Act 2016.
6. To protect the development from flooding in accordance with polices DM5 and TAN: 15.
7. To ensure the retention of planning control by the Local Planning Authority in recognition of the location of the site and to accord with Policy H10 of the LDP.

Informative Notes

YGC – Ecology

Informatics

Otters – Wildlife & Countryside Act 1981 (as amended) and The Conservation of Habitats and Species Regulations 2017

Otters are known to be present on the majority of watercourses in Powys. The otter is fully protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended) and Schedule 2 of The Conservation of Habitats and Species Regulations 2017.

It is therefore an offence to:

- Deliberately capture, injure or kill an otter;
- Deliberately disturb an otter in such a way as to be likely to significantly affect the local distribution or abundance of otters or the ability of any significant group of otters to survive, breed, rear or nurture their young;
- Damage or destroy an otter holt;
- Intentionally or recklessly disturb any otter whilst it is occupying a holt; or
- Intentionally or recklessly obstruct access to a holt.