

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

**Application Number:** 19/0021/FUL

**Grid Ref:** E: 305498  
N: 262001

**Community Council:** Llandrindod Wells  
Community

**Valid Date:** 04.01.2019

**Applicant:** Mr Steve Griffiths

**Location:** Land East of Ithon Road, Ithon Road, Llandrindod, Powys, LD1 6AS

**Proposal:** Residential development comprising of 55 units

**Application Type:** Full Application

### The reason for Committee determination

The application has been called in by the Head of Service.

### Consultee Responses

**Consultee**

**Received**

**Community Council**

**20th Feb 2019**

The above application was placed before my Council at its meeting held on 19th February 2019.

The Council wish to object to this application on the following grounds:

1. No formal notification was given to local residents
2. Late publication of site notices
3. The scale of the development is not proportionate to the specific needs of the town

4. The mix of development does not meet the needs in providing further social housing
  
5. Serious concerns over the two exits proposed onto the main road on highways safety grounds
  
6. Lack of infrastructure to support the development i.e. schools, health and associated services etc.
  
7. Concerns about the hydraulic overload relating to the strip of land between the boundary fences of Holcombe Drive and the proposed site boundary which has a current easement on it. There is no mitigation to indicate that the new development will not increase the existing ongoing issues. It is also unclear about the ownership and future maintenance of this area.

My Council wish to request that these objections are considered prior to making a decision on this application.

**PCC-Building Control**

**16th Jan 2019**

Planning application 19/0021/FUL will require a building regulations application, should you require any further information please do not hesitate to contact me.

**Wales & West Utilities - Plant  
Protection Team**

**23rd Jan 2019**

Wales & West Utilities have been made aware of a planning application on 14.01.2019 , advising us of the proposals

at:

Ithon Road, LLANDRINDOD WELLS, Powys, LD1 6AS

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

Wales & West Utilities has pipes in the area. Our apparatus may be affected and at risk during construction works.

Should the planning application be approved then we require the promoter of these works to contact us directly to discuss our requirements in detail before any works commence on site. Should diversion works be required these will be fully chargeable.

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

**Welsh Water**

**6th Mar 2019**

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

Firstly, we express concerns that Dwr Cymru Welsh Water (DCWW) have not been consulted on this planning application (Ref: 19/0021/FUL) which relates to a residential development, as per Schedule 4 of the Town & Country Planning (Development Management Procedure) (Wales) (Amendment) Order 2016, and was only drawn to our attention by review of the Council's weekly list. Nonetheless, we can confirm that DCWW have been previously informed of this development by way of statutory Pre-Application Consultation (PAC), in accordance with Schedule 1C Article 2D of the DMPO 2016.

#### SEWERAGE

As part of our Article 2D response, we were able to advise the applicant that adequate capacity exists within the public combined sewer located south of the development site in order to receive the foul only flows from the proposed development site. We acknowledge

a connection to this location is shown on the submitted drainage layout plan (drawing ref: S.7632 - 07) and therefore confirm we have no objections to this. We also acknowledge from the same drawing that surface water is to be discharged to a watercourse of which we also have no objections to.

## SEWERAGE TREATMENT

We were also able to previously advise the applicant that capacity does not currently exist at the Wastewater Treatment Works in order to receive the foul only flows from the proposed development. However, we can confirm that as part of our current capital investment programme, improvements are scheduled for completion by 31st March 2020 which will overcome the issues at the Treatment Works and create capacity for the foul flows only deriving from the application site.

Therefore we request that if you are minded to grant Planning Consent for the above development that the Conditions and Advisory Notes listed below are included within the consent to ensure no detriment to existing residents or the environment and to Dwr Cymru Welsh Water's assets.

### Conditions

No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the Waste Water Treatment Works, into which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water.

Reason: To prevent further hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment.

No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system.

Reason: To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment

### Advisory Notes

The proposed development site is crossed by a public rising main with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public

sewer. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com) The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## WATER SUPPLY

Dwr Cymru Welsh Water has no objection to the proposed development

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

## **PCC-(M) Highways**

**19th Feb 2019**

### Existing and Proposed Trip Generation & Existing Road Network

This proposal is supported by the submission of a Transport Statement which considers the existing highway network characteristics in the vicinity of the site, including provision for cyclists, pedestrians and public transport, and the potential impacts on the network post-development. The projected vehicular movements generated by this proposal, the distribution of that traffic and the effects of such on the existing network is projected to have a "marginal impact" on the existing network during the more critical peak hour periods. The Highway Authority is satisfied that the conclusions contained within the Transport

Statement are robust and that the potential impacts the site may have on the surrounding highway infrastructure is likely to be marginal. As such it raises no concerns in this regard.

### Site Access

The internal site layout includes proposals for a central pedestrianised play area/green space which effectively prohibits the free passage of motor vehicles across the site as a whole. As a result, the proposals include the provision of two separate access points off the A4081. Whilst it is noted that highway safety concerns have been raised by the Town Council on this point, the two access points are designed to have a separation distance of 95metres, which given the setting, the recorded 85% speeds and the most up to date guidance contained within sections 9.2.1- 9.2.2 of Manual for Streets 2, is considered to be acceptable. As both internal roads serving the site are to incorporate a 20 mph Zone, a new 40mph "buffer zone" will need to be installed along Ithon Road which will extend to cover the new access points. The newly developed frontage and introduction of the 40mph buffer should promote a street frontage which should further help reduce speeds at this location. Both proposed access points afford suitable levels of visibility along the A4081.

### Active Travel

The PCC Active Travel Officer has been consulted on the proposals to assess their compliance with the Active Travel (Wales) Act 2013. Whilst the officer would favour the provision of a pedestrian link in the north eastern corner of the site, which would provide a more direct link to the existing residential area of Holcombe Drive, it is acknowledged that the land required is under third party ownership. The required land is not therefore within the application site and as a result, the provision of such a link cannot reasonably be sought or conditioned.

An existing PROW (Footpath CF22) currently runs through the development area; this will be directly affected by the proposed development. The applicant has acknowledged that the footpath needs to be diverted in order to accommodate the development, and has been speaking to Countryside Services on this matter. It is proposed that the link be diverted through the new site, before being extended through land to the south of the site, at which point it will be widened to form a shared pedestrian/cycle route. The combined route is proposed to link with an existing footway which joins Holcombe Drive. Internally there are two proposed links onto Ithon Road to the north and south and, continuous 2m footways are proposed throughout the site. Suitable internal pedestrian crossing facilities will be

secured as part of any future engineering submission. Similarly, the existing footway provision along Ithon Road will be maintained with suitable pedestrian crossing facilities again secured as part of any future engineering submission.

### Internal layout

The following detail has been submitted to demonstrate the appropriateness of the proposed internal highway layout, in terms of gradients, turning provision and geometry.

- o Detailed longitudinal drawings.
- o General layout drawing.

The submitted information demonstrates that the proposed development incorporates suitable highway alignment and turning provision. Whilst the internal road gradients are generally acceptable, the initial 10m length of Road 3 will need to be revised slightly to ensure that a 1:30 gradient is achieved from Ithon Road. Road gradients generally follow the existing contours of the field so no large "cut or fill" operations are likely to be required.

### Car Parking Arrangements

Concerns have previously been raised by the Highway Authority regarding the proposed level of parking allocation for the dwellings. It has been acknowledged by the applicant that 1no. three bedroom dwelling has 2 spaces rather than 3 spaces as required by CSS Wales. This is due to a relatively late revision in which a link was made from the site to the proposed new cycle path which resulted in the loss of a parking area between Plots 27-28 with insufficient space available to allocate a full 3 spaces elsewhere.

However, the remaining 54 units are all provided with parking in direct accord with CSS Wales and the house in question is located at the southern end of the site in closest proximity to the new cycle path which links to the High School, Tesco and the town centre. On this basis, the Highways Authority accepts that this minor shortfall in parking is acceptable.

Concerns have also been raised regarding the absence of visitor parking bays for the development, however the internal site layout has been designed to 5.5m width with 2m

footway on both sides. This is generally in line with CSS Wales and a 5.5m carriageway width does cater for on street visitor parking (See 8.3.21 MfS 1). There are numerous places within the site layout where visitors can park on-street. On this basis, it has been decided that the provision of visitor parking on-street is acceptable.

### Highway Surface Water Drainage

The surface water drainage strategy for the roads within the site is duly noted. The suitability or otherwise of the scheme is a matter that needs to be determined by PCC Land Drainage Department before this application is determined. The applicant is advised that a suitable surface water adoption agreement must be in place before a road adoption agreement can be secured.

### Recommendation

It is recommended the following highway conditions be included within the decision notice should this application be approved.

- o No development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 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.
- o No other development shall commence until each access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
- o Before any other development is commenced 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 10 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.

o The gradient of each access shall be constructed so as not to exceed 1 in 30 for the first 15 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.

o Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved Tony King Architects Drawing A112 revision K. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

o A Traffic Regulation Order shall be secured by the developer to introduce a reduced speed 40 mph speed limit along the A4081 county highway. The order must be implemented together with any associated work required by the Order prior to the first occupation of any of the dwellings hereby permitted.

o No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.

o No dwelling hereby approved shall be occupied until the vehicular access serving the respective dwelling is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.

o The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.

o The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.

o Each private drive shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.

o Notwithstanding the submitted details, within 10 days from the commencement of the development' detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.

**PCC Highways**

**14th March 2019**

Regarding the above application, please could highways condition number 4, relating to the gradient of the access roads be amended from 'the first 15m' to 'the first 10m'.

**PCC-Rights Of Way Senior Manager**

**4th Feb 2019**

Thank you for the opportunity to comment on this planning application.

Footpath CF22 runs through the development area and will be directly affected by the proposed development. The applicant has acknowledged that the footpath needs to be diverted in order to accommodate the development, and has been speaking to Countryside Services on this matter.

The applicant needs to understand that a public path diversion is a separate legal process to planning permission, and this will have to be processed and confirmed before any development on the definitive line can take place.

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. This is a separate procedure for which a fee applies. The process can take a couple of

months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required.

We would therefore advise that advice is sought from Countryside Services before any development begins.

**PCC-Affordable Housing Officer**

**18th Jan 2019**

Housing is fully supportive of this scheme which will be grant funded at least in part.

**PCC-Contaminated Land Officer**

The following document has been submitted in support of planning application 19/0021/FUL:

o Terra Firma (Wales) Ltd 'Geotechnical & Geo-environmental Site Investigation Report: Land off Ithon Road, Llandrindod Wells' (ref: 14411) December 2017.

Based on the information submitted, in the above referenced report, the following advice is provided for the consideration of Development Control.

Advice

1. Under section 2.3.2 'Radon', of the report (ref: 14411), it is stated: "[...] no radon protection is required for new dwellings at the investigation site." Development Control should consult with Building Control to confirm the requirements for radon protection in the proposed dwellings.

2. Section 6.2.1 'Human Receptors', of the report (ref: 14411), states: "No substances were encountered at concentrations above their respective human health threshold levels [...] Therefore, it is considered that there is no risk to human receptors at the site."

Furthermore, under section 6.3.1 'Human Health', of the report (ref: 14411), it is stated: "If during development works any unexpected ground conditions or evidence of additional contamination is found, inspection by a geo-environmental engineer should be made, and any required testing or investigation carried out prior to continuation of works."

If during the course of the development any contamination is found that was not identified by the intrusive site investigation, presented in the submitted report (ref: 14411), immediate contact must be made with the local planning authority. An investigation and risk assessment must be undertaken and where remediation is required a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

3. Section 6.3.2 'Aquatic Environment', of the report (ref: 14411), provides proposals to prevent any adverse effects to the aquatic environment during development works. The proposed measures should be implemented during the development works.

## Summary

Based on the information provided, and in consideration of the sensitivity of the proposed development (residential), it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application 19/0021/FUL:

### Unsuspected Contamination

In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority.

Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely

without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy \_\_\_\_\_ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 0870 1923757.

### **Environmental Health**

Environmental Protection has the following comment to make.

Due to the residential setting of the proposed development it is recommended that before any development commences a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases.

In addition it is recommended that the landscaping and construction period working hours and delivery times be restricted as follows:

All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours:

0800 - 1800 hrs Monday to Friday

0800 – 1300 hrs Saturday

At no time on Sunday and Bank Holidays

Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.

During construction (including soil movement and landscaping activities) the contractor shall take all reasonable steps to prevent dust formation from dusty activities and any dust formed shall be prevented leaving the site by continuous watering down.

## PCC-Schools Service

Please find attached the calculations for the S106 contribution based on the adopted LPG guidance from which you will note the requested contribution has increased from £61,802 to £73,070 in line with updated multiplier and calculation.

The rationale for requesting the contribution remains the same as stated in the e-mail from Rosie Davies dated 6<sup>th</sup> April 2018.

Planning application - Outline application for 55 units on land alongside Ithon Road, Llandrindod Wells

Number of dwellings

22

No of Potential Pupils (NB 100% social housing including 18 one bedroom flats and 15 bungalows)

Primary (Number of dwelling x Average School Age Person per Dwelling from Table E1)

=

0.2

4.4

Current Numbers	Trefonnen Primary School	Cefnlllys Primary School
R	29	29
Y1	31	38
Y2	34	39
Y3	24	30
Y4	27	27
Y5	25	29
Y6	28	33
<b>Total</b>	<b>198</b>	<b>225</b>
<b>Published Admission No</b>	<b>28</b>	<b>37</b>
<b>Current capacity</b>	<b>210</b>	<b>276</b>
<b>Projected no on roll - Jan 2022</b>	<b>185</b>	<b>272</b>

	Number of Pupils	Generic Building cost multiplier 2018/19 £	Powys 2018/19 (x0.95)	
Early years & primary education contribution per dwelling	4.4	17481	0.95	<b>£73,070.58</b>

**Natural  
Resources  
Wales  
(North)  
DPAS**

**29th Jan**

Land off Ithon Road, Llandrindod Wells

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which was received on 12/01/2019.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet the following requirement and you attach the conditions listed below. Otherwise, we would object to this planning application.

Summary of Requirements and Conditions:

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

Condition 1: EPS: Conservation measures as described in section 6 of the ecological submission are implemented

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

Protected Sites

The proposed development is in the vicinity of:

- River Ithon Special Area of Conservation (SAC)
- River Ithon Site of Special Scientific Interest (SSSI)
- Crabtree Green Meadow Site of Special Scientific Interest (SSSI)

We note the proposal is near the River Ithon SSSI & SAC, and that the surface water will be drained into this main river. The development proposes the installation of attenuation ponds as described in the Planning Statement.

The following requirement will need to be met before allowing the proposed development to proceed. We would object to the planning application if the requirement is not met.

Requirement 1: Protected Sites: Further information is submitted to carry out a Habitat Regulation Assessment (HRA) under regulation 63 of the Conservation of Habitats and Species Regulations 2017 prior to the determination of the planning application

NRW have identified potential impact pathways to features of this site:

#### 1. Pollution

There aren't any details regarding the discharge outfall of the attenuation infrastructure. In particular, no reference has been made regarding silt traps or oil interceptor. As the attenuation chamber is discharging into a SAC & SSSI (River Ithon) we would require further information to show the pollution prevention measures which are proposed to be implemented.

Should you also conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017.

#### Protected Species

We note that the bat report submitted in support of the above application (Dusk to dawn Ecology Ltd dated 20/03/2017) has identified that bats are not present at the application site.

From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the condition below will be attached to any planning permission for this scheme:

Condition 1: EPS: Conservation measures as described in section 6 of the ecological submission are implemented

Bats and their breeding sites and resting places are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where bats are present and a



development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation.

3

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the proposed development is unlikely to give rise to the need for a licence application. Therefore, we do not object to the proposal, subject to the measures described in Section 6 of the ecological report being set out and secured through the inclusion of suitable planning condition.

#### - 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.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We therefore advise that any future consent includes the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We consider that this assessment must include (i) appropriate measures to control any INNS on site; and (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

#### Geoscience

We have no objection on Geological grounds regarding the documents submitted with this application.

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. In particular the developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are listed in our 'Consultation Topics' document (September 2018) which is published on our website: (<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=13181925684000000>). 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.

4

Advice for the Developer:

- Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

- Works near Watercourse / Construction or Demolition sites

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at

construction and demolition sites' which are available on the following website:  
<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

- Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

- Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site.

5

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated in the course of the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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.

**C P A T**

**15th Jan 2019**

Thank you for the consultation on this application.

I can confirm that there are no archaeological implications for the proposed development at this location and this has been confirmed by three prior stages of archaeological evaluation (geophysics, watching brief on test pits, evaluation trench).

We would therefore have no objection to this development.

**Natural Resources Wales (North)**  
**DPAS**

**22nd Feb 2019**

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with additional information about the above, which was received on 13/02/2019. Further to our previous letter referenced CAS-75949-M0C4 dated 28/01/2019, we have the following advice to provide.

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

Condition 1: EPS: Conservation measures as described in section 6 of the ecological submission are implemented

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

#### Protected Sites

We have reviewed the Pollution Prevention Plan ('Pollution Prevention Plan - Land at Ithon Road, Llandrindod Wells' by Asbri Planning dated February 2018) submitted in support of this proposal.

The plan recognises the presence of protected sites which are hydrologically connected to the development site, and outlines measures of avoiding impacts to these sites.

The pollution prevention measures outlined in the report must be implemented.

We confirm Requirement 1 of our previous letter has been met.

From the information provided, NRW consider that the proposals may affect the following protected sites:

- River Ithon Special Area of Conservation (SAC)
- River Ithon Site of Special Scientific Interests (SSSI)
- Crabtree Green Meadow SSSI

NRW have identified potential impact pathways to features of this site:

1. pollution

The above pathways may not result in a likely significant effect if the following measures are adhered to/ implemented:

1. Developer adheres to their pollution prevention plan.

No assessment of likely significant effect under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 has been undertaken by your authority or it has not be forwarded to NRW for consideration. Should you conclude that the proposed development is likely to have a significant effect on the European site, we look forward to being consulted on your appropriate assessment. In the absence of this assessment, NRW cannot offer assurances that the proposals would not result in an adverse effect upon the SAC.

#### Protected Species

We note that the bat report submitted in support of the above application (Dusk to dawn Ecology Ltd dated 20/03/2017) has identified that bats are not present at the application site.

From the information submitted, we consider that the proposed development represents a lower risk for bats, as defined in our guidance document 'Natural Resources Wales Approach to Bats and Planning (2015)'. Bats and their breeding and resting places are protected under the Conservation of Habitats and Species Regulations 2017.

We advise that the proposed development is not likely to harm or disturb the bats or their breeding sites and resting places at this site, provided the condition below will be attached to any planning permission for this scheme:

Condition 1: EPS: Conservation measures as described in section 6 of the ecological submission are implemented

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

Paragraph 6.3.7 of Technical Advice Note 5: Nature Conservation and Planning (TAN5) states that your Authority should not grant planning permission without having satisfied itself that the proposed development either would not impact adversely on any bats on the site or that, in its opinion, all three conditions for the eventual grant of a licence are likely to be satisfied.

In this case, the proposed development is unlikely to give rise to the need for a licence application. Therefore, we do not object to the proposal, subject to the measures described in Section 6 of the ecological report being set out and secured through the inclusion of suitable planning condition.

- 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.

Condition 2: Biosecurity: No development shall take place until a Biosecurity Risk Assessment has been submitted and approved to the satisfaction of the LPA.

We therefore advise that any future 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 (i) appropriate measures to control any INNS on site; and
- ii (ii) measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

Geoscience

We have no objection on Geological grounds regarding the documents submitted with this application.

We refer the developer to the Environment Agency (2017) 'Approach to groundwater protection' position statements which have been adopted by Natural Resources Wales. The developer should be aware of the advice under Position Statement G13 (Sustainable drainage systems) which applies to this development.

Please do not hesitate to contact us if you require further information or clarification of any of the above.

Our comments above only relate specifically to matters that are included on our consultation topics list (September 2018) which is published on our website:

(<https://cdn.naturalresources.wales/media/686847/dpas-consultation-topics-august-2018-eng.pdf?mode=pad&rnd=131819256840000000>). 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.

Advice for the developer:

Waste produced during construction

Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Works near watercourses/construction or demolition sites

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. 5

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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.

Powys Ecology

11th March 2019



Thank you for consulting me with regards to planning application 19/0021/FUL which concerns an application for a residential development comprising of 55 units at Land East Of Ithon Road Ithon Road Llandrindod Powys.

I have reviewed the submitted information including the Extended Phase 1 Survey Report produced by Dusk to Dawn Ecology Ltd dated 20<sup>th</sup> October 2017, Arboricultural Report produced by ArbTS dated 19<sup>th</sup> October 2018, Pollution Prevention Plan produced by Asbri dated February 2018 as well as the consultation responses provided by NRW regarding the application dated 22<sup>nd</sup> February 2019 and 28<sup>th</sup> January 2019.

Given the proposed development is located within 163m of the River Wye SAC consideration has been given to the need for a Habitats Regulations Assessment to be undertaken. Having reviewed the proposed development, it was determined that there was potential for the proposed development to impact the SAC and/or its associated features. I have undertaken a HRA Screening of the proposed development for the River Wye SAC and its associated features. The Screening concluded that the proposed development would not result in Likely Significant Effects to the SAC and/or its associated features in light of the identified features and nature and scale of the proposed development. I have attached a copy of the Screening Assessment for the River Wye SAC for your records.

Having reviewed the submitted information it is considered that the survey effort employed was in accordance with current guidelines and standards, I agree with the conclusion provided by NRW in their consultation response that subject to inclusion of appropriately worded planning conditions the proposed development would not result in negative impacts to or loss of biodiversity.

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

*The development shall be carried out strictly in accordance with the mitigation measures identified in Section 6 of the Extended Phase 1 Survey Report produced by Dusk to Dawn Ecology Ltd dated 20th October 2017. The measures identified shall be adhered to and implemented in full and maintained thereafter.*

Reason: 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*No development shall take place (including ground works and vegetation clearance) until a detailed Tree Protection Plan and Tree Protection Method Statement in accordance with BS:5837:2012 and incorporating the findings of the Arboricultural Report produced by ArbTS dated 19<sup>th</sup> October 2017 shall be submitted to the Local Planning Authority and implemented as approved and maintained thereafter unless otherwise agreed in writing with the Local Planning Authority.*

Reason: 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

*No development shall take place (including ground works and vegetation clearance) until a detailed Biosecurity Risk Assessment with regards to Invasive Non-native species shall be submitted for approval to the Local Planning Authority. The submitted Risk Assessment shall include but not be limited to the following:*

- 1. appropriate measures to control any INNS on site;*
- 2. measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.*

*The approved Biosecurity Risk Assessment shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.*

Reason: To comply with Powys County Council's LDP Policies DM2 in relation to the Natural Environment and DM4 in relation to ecological qualities of the landscape and meet the requirements of Planning Policy Wales (Edition 9, November 2016), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016

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

Reason: To comply with Powys County Council's LDP Policies DM2 and DM7 in relation to The Natural Environment and to meet the requirements of Planning Policy Wales (Edition 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.

In addition, I recommend inclusion of the following informatives:

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the

case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and the Council's Ecologist.

#### Reptiles – Wildlife & Countryside Act 1981 (as amended)

All species of reptiles known to occur within Powys, namely the common lizard, slow-worm, grass snake and adder, are protected under the Wildlife and Countryside Act 1981 (as amended).

It is therefore an offence to:

- Intentionally kill or injure these species of reptiles,
- Trade (live or dead animals) i.e. sale, barter, exchange, transporting for sale and advertising to sell or to buy.

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

In addition these species of reptiles are also listed in Part 1 Section 7 of the Environment (Wales) Act 2016 – which is a list of the living organisms of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. Species of reptiles known to occur in Powys are also listed as Species of Conservation Concern on the Powys LBAP.

If reptiles are discovered while work is being undertaken, all work must stop and advice sought from Natural Resources Wales and/or the Council's Ecologist.

#### Protected Species

Work should halt immediately and Natural Resources Wales (NRW) contacted for advice in the event that protected species are discovered during the course of the development. To proceed without seeking the advice of NRW may result in an offence under the

Conservation of Habitats and Species Regulations 2017 and/or the Wildlife & Countryside Act 1981 (as amended) being committed. NRW can be contacted at: Tel: 0300 065 3000

<b>Natura 2000 Site for consideration</b>	River Wye (Code UK0012642)
<b>Plan or Project Name</b>	19/0021/FUL
<b>Brief description of project or plan</b>	
Residential development comprising of 55 units at Land East Of Ithon Road Ithon Road Llandrindod Powys.	
<b>Is the project or plan directly connected with or necessary to the management of the site?</b>	No

**Description of the Natura 2000 site:**

The River Wye, on the border of England and Wales, is a large river representative of sub-type 2. It has a geologically mixed catchment, including shales and sandstones, and there is a clear transition between the upland reaches, with characteristic bryophyte-dominated vegetation, and the lower reaches, with extensive *Ranunculus* beds. There is a varied water-crowfoot *Ranunculus* flora; stream water-crowfoot *R. penicillatus* ssp. *pseudofluitans* is abundant, with other *Ranunculus* species – including the uncommon river water-crowfoot *R. fluitans* – found locally. Other species characteristic of sub-type 2 include flowering-rush *Butomus umbellatus*, lesser water-parsnip *Berula erecta* and curled pondweed *Potamogeton crispus*. There is an exceptional range of aquatic flora in the catchment including river jelly-lichen *Collema dichotum*. The river channel is largely unmodified and includes some excellent gorges, as well as significant areas of associated woodland.

The Annex I habitats that are a primary reason for selection of the site are:

- Water courses of plain to montane levels with the Ranunculion fluitantis and Callitricho-Batrachion vegetation

Annex I habitats present as a qualifying feature, but not a primary reason for selection of this site:

- Transition mires and quaking bogs

The Annex II species that are a primary reason for selection of this site are:

- White-clawed (or Atlantic stream) crayfish
- Sea lamprey
- Brook lamprey
- River lamprey
- Twaite shad
- Atlantic salmon
- Bullhead
- Otter

Annex II species present as a qualifying feature, but not a primary reason for site selection:

- Allis shad

## Representations

The application was advertised through the erection of a site notice and press advertisement. 22 objections have been received and are summarised below;

- Location of the development is too close to existing dwellings
- Lack of public transport and services in the area
- Concerns regarding increase in traffic and highway safety
- Concerns regarding impact on neighbouring properties in terms of amenity and privacy
- Overdevelopment of the site
- Concerns raised regarding potential impacts on ecology and biodiversity
- The development is not in keeping with the character and appearance of the area
- Location of the new footpath is unacceptable
- The development doesn't provide parking for the cemetery

- Concerns regarding impact on Crabtree Green SSSI and Radnor Floodplain grassland area
- The development should all be single storey
- Foul drainage problems already exist at adjacent properties
- Lack of employment opportunities in the area
- Concerns regarding flooding

### Planning History

App Ref	Description	Decision	Date
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No relevant planning history

### Principal Planning Constraints

### Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN6	Planning for Sustainable Rural Community		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN16	Sport, Recreation and Open Space		National Policy
TAN18	Transport		National Policy

SP1	Housing Growth	Local Development Plan 2011-2026
SP3	Affordable Housing Target	Local Development Plan 2011-2026
SP5	Settlement Hierarchy	Local Development Plan 2011-2026
SP6	Distribution of Growth across the Settlement Hierarchy	Local Development Plan 2011-2026
SP7	Safeguarding of Strategic Resources and Assets	Local Development Plan 2011-2026
H1	Housing Development Proposals	Local Development Plan 2011-2026
H2	Housing Sites	Local Development Plan 2011-2026
H3	Housing Delivery	Local Development Plan 2011-2026
H4	Housing Density	Local Development Plan 2011-2026
H5	Affordable Housing Contributions	Local Development Plan 2011-2026
DM1	Planning Obligations	Local Development Plan 2011-2026
DM2	The Natural Environment	Local Development Plan 2011-2026
DM3	Public Open Space	Local Development Plan 2011-2026
DM4	Landscape	Local Development Plan 2011-2026
DM5	Development and Flood Risk	Local Development Plan 2011-2026



DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026

### **Other Legislative Considerations**

Crime and Disorder Act 1998

Equality Act 2010

Planning (Wales) Act 2015 (Welsh language)

Wellbeing of Future Generations (Wales) Act 2015

### **Officer Appraisal**

#### Site Location and Description

The application site lies wholly within the development boundary and community of Llandrindod Wels as defined by the Powys Local Development Plan 2018. The application site is bound to the north by the adjoining cemetery, to the east by existing residential dwellings (Holcombe Drive), to the south by an existing agricultural field and to the west by the adjoining highway, the A4081 known as Ithon Road.

The application site forms part of a large allocation for housing, P28 HA3 which is allocated for 122 dwellings. The application currently being considered seeks full planning permission for the construction of 55 dwellings. The dwellings are proposed to all be affordable and are of the following mix;

- 18 No. One bedroom flats
- 18 No. Two bedroom houses
- 11 No. Two bedroom bungalows
- 4 No. Two bedroom adapted bungalows
- 4 No. Three bedroom houses

The dwellings are all to be completed in either red or buff brick finished with blue/grey concrete roof tiles and white upvc windows. The boundary treatments will be in the form of 1.8 m and 2.1 m feather lapped fencing, 1.2 m painted ball top railings and native hedgerow planting.

#### Principle of Development

LDP policy H1 seeks to ensure that housing development is appropriately located and suitable in scale and type to meet strategic policies SP1, SP3, SP5 and SP6. Housing

development proposals are only permitted in defined towns and large villages where they are located on sites allocated for housing or on other suitable sites within the development boundary.

Llandrindod Wells is defined as a town within policy SP5. The application site falls wholly within the LDP allocation P28 HA3 and entirely within the development boundary of Llandrindod Wells.

It is therefore considered that the principle of the proposed development complies with policies H1 and H2 of the adopted Powys Local Development Plan.

### Scale and nature of development

Policies H3 and H4 of the development plan seek to ensure that developments are designed to make the best use of land and are of a scale that is appropriate to the location.

The application is supported by a Planning Statement and Design and Access Statement (inclusive of Development Brief). It is acknowledged that the application site forms part of a larger allocation however has demonstrated that the remainder of the site can still be brought forward. The development provides the necessary contribution to open space and, as is submitted by an RSL (Newydd Housing) will be providing the required affordable housing provision.

The application site is approximately 2 hectares, and therefore provides 27.5 dwelling per hectare, in accordance with the requirements set out in policy H4 for towns and large villages.

As stated above, the application is part of an allocation for housing, and as such, with the densities provided, it is considered that the development is in accordance with policies H3 and H4 of the Powys Local Development Plan.

### Design

All development proposals are required to demonstrate a good quality of design which will complement or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing and design detailing.

The development is in respect of 55 dwellings that are a mix of house types including bungalows as well as 2 and 3 bedroom two storey houses and one bedroom flats. The plans detail red and buff brick facades with blue/grey concrete roof tiles. The dwellings range in scale with the smallest bungalow measuring 7.6 metres in width, 9.5 metres in depth with a maximum height of 5.8 metres falling to 2.2 metres at the eaves and a 3 bedroom dwelling measuring 5.8 metres in width, 9.2 metres in depth with a maximum height of 8.6 metres falling to 5 metres at the eaves.

The design is generally in keeping with development in Llandrindod Wells, with the adjoining Holcombe Drive being predominantly of buff and red brick construction. Holcombe Drive is primarily single storey dwellings with dormer and two storey dwellings in red and buff brick construction on adjacent roads to Holcombe Drive. The site generally rises to the east with the adjoining Holcombe Drive being located at a higher level than the development site.

It is considered that the dwellings are in keeping with the character and appearance of the area. The use of materials that are common within the area will ensure that the development will be in keeping with its surroundings.

With regards to boundary treatment, between all the dwellings and to the rear of the properties neighbouring Holcombe Drive will be the provision of a 1.8 metres feather lapped fence. To the front of the properties, within the internal highway layout of the development, will be 1.2 metre painted ball top railings providing boundary treatments between properties. Where the site fronts on to Ithon Road a 2.1 metres high fence will be provided to the rear of properties, however in order to soften this additional native hedgerow planting will also be provided.

The parking areas are to be finished in block paving, with the highways and pavements finished in tarmac to an adoptable standard. The existing hedgerow which runs along the northern, eastern and southern boundary will be retained. A section of the hedgerow in the southern boundary will be removed in order to allow for a footpath link to the new cycle/footpath which is being provided as part of the development. An area of open space is provided within the centre of the development, linking both section of the scheme together.

In light of the use of matching materials and the boundary treatment to be used, it is considered that the proposed development is in keeping with the character and appearance of the area and is therefore in accordance with policy DM13 of the Powys Local Development Plan.

### Landscape

Policy DM4 seeks to ensure that new developments do not have an unacceptable adverse effect on the valued characteristics and qualities of the Powys landscape. The characteristics and qualities of the Powys landscape are recorded in LANDMAP, the strategic evidence base to support landscape based decision making in Wales. Development boundaries distinguish the towns and large villages from the open countryside which surrounds them.

With regards to Visual and Sensory, LANDMAP defined the area as being located within the Llandrindod Wells aspect area and is given a moderate evaluation. The justification for the evaluation is given as 'although potentially of high value the present condition and decline of the town centre, and the sprawling periphery, reduces the value to moderate.'

The application site lies wholly within the development boundary of Llandrindod Wells, however will be a highly visible development on your approach into the settlement from the west. However, the application site is allocated for housing and will be seen against the backdrop of the existing housing in Llandrindod Wells.

Therefore, having taken into account the nature and scale of development together with the information contained within LANDMAP, it is considered that the development will satisfactorily integrate into the landscape in accordance with policy DM4 of the Powys Local Development Plan.

### Residential Amenity

Policy DM13 of the Powys Local Development Plan states that the amenities enjoyed by occupants or users of nearby or proposed properties shall not be unacceptably affected by levels of noise, dust, air pollution, litter, odour, hours of operation, overlooking or any other planning matter.

Environmental Health were consulted on the application and offered no comment on the application objection to the proposed development. However due to the proximity of the scheme to residential properties they considered that should consent be granted that a condition be imposed restricting the hours of construction.

A number of objections have been received relating to the proximity of the proposed development to the existing dwellings along Holcombe Drive. Concern has also been expressed regarding the construction of two dwellings to the rear of 36 Holcombe Drive when the remaining proposed dwellings along the boundary are single storey.

The Powys Residential Design Guide Provides guidance on ensuring that developments do not have a detrimental impact on the amenity and privacy of neighbouring properties. The guidance states that 20 metres should be maintained between rear habitable windows of the existing and proposed dwelling and 10 metres should be provided between the proposed dwelling and the boundary with the neighbouring property. Upon reviewing the plans the distances between the rear of the proposed dwellings and the boundary with the neighbouring properties to the east (Holcombe Drive) range from 15 to 23 metres. The distance between the rear wall of the proposed dwellings and the dwellings to the east (Holcombe Drive) range from 25 to 41 metres. As such, whilst the concern of third parties is acknowledged, it is considered that adequate distance is maintained between properties to ensure that there is no detrimental impact on neighbour amenity.

With regards to the two storey dwelling located to the rear of 36 Holcombe Drive, this property would be approximately 40 metres from the two storey dwellings and taking into consideration the lower level of the land it is considered that this would not have a detrimental impact on neighbour amenity.

Whilst the concerns raised regarding the loss of a view are acknowledged, this is not a material planning consideration and therefore cannot be considered.

In light of the above, it is considered that the proposed development is in accordance with policy DM13 of the Powys Local Development Plan and the Powys Residential Design Guide.

### Highway safety

Policy T1 and Part 10 of the Local Development Plan policy DM13 requires development proposals to meet all highway access requirements, vehicular parking standards and demonstrate that the highway network can absorb the traffic impacts of the development.

The proposed development will provide two accesses to the proposed development. An area of open space in the centre of the development prohibits movement between the two sections by vehicles, although allows for pedestrian and cyclist movement.

A number of objections have been received regarding the impact of the proposed development on highway safety and the increase in traffic numbers and the Town Council have raised concerns.

The application is supported by a detail layout, highways detail and Transport Statement. The Highways Authority were consulted on the application and advised that the projected vehicular movements generated by the development would have a marginal impact on the existing network.

With regards to the proposed accesses, these will be new accesses from the A4081 with a separation distance of 95 metres. The Highways Authority have reviewed the submitted information along with the speed surveys and advise that the development is in accordance with Manual for Streets and is considered to be acceptable.

It is noted that the parking requirements for the site are not wholly in line with the CSS Parking Standards Wales as the three bedroom dwellings only benefit from two parking spaces. This area of parking was originally provided however was removed in order to allow for a pedestrian and cycle path to be provided. Due to the proximity of the site to the school, supermarket and town centre on this occasion the Highways Authority consider the minor shortfall in parking to be acceptable.

In light of the above, the Highways Authority have offered no objection to the scheme subject to conditions being applied to any grant of consent.

### Flood Risk

Concerns have been raised by third parties regarding the potential impact of the development on flooding. The Development Advice Maps produced by Natural Resources Wales demonstrate that the site does not lie within either a C1 or C2 flood zone.

Natural Resources Wales were consulted on the application and offered no objection to the proposed development with regards to flood risk.

demonstrate that the site does not lie within either a C1 or C2 flood zone.

Natural Resources Wales were consulted on the application and offered no objection to the proposed development with regards to flood risk.

### Surface and Foul Water

Concerns have been raised by third parties regarding the impact of the proposed development on the existing sewer system.

Following consultation with Welsh Water they confirm that adequate capacity exists within the public combined sewer to accommodate the development and offer no objection on this ground. The development proposed to collect all surface water and distribute to a dedicated Welsh Water surface water sewer in the road before crossing Ithon Road and outfalling into a new attenuation pond. The attenuation pond has been designed to connect with existing surface water lines that cross the field to the watercourse. Welsh Water note that surface water is to be discharged to a watercourse and offer no objection to this.

With regards to sewerage treatment, Welsh Water have advised that capacity does not currently exist at the Waste Water Treatment Works in order to receive foul flows from the development. Welsh Water have however confirmed that the improvements to the Treatment Works are planned and scheduled for completion by 31st March 2020 whilst will overcome the issues and create capacity for the development. Welsh Water have requested a condition ensuring that no dwellings will be brought into use prior to 31st March 2020, unless the upgrade works have been completed prior to this.

As such, no objection is raised regarding the impact of the development on foul and surface water and whilst the concerns from third parties are acknowledged, it is considered the proposal is in accordance with policy DM6 and DM13 of the Powys Local Development Plan.

### Contaminated Land

Contaminated land can present risk to human health, property and the environment, and long term limitations on the use of soils. Policy DM 10 of the Local Development Plan seeks to ensure that the extent of land contamination on development is investigated and remediated. Responsibility for determining the extent and effects of contamination lies with the developer who must ensure that the land is suitable for the development proposed.

The planning application has been supported by a Geo-technical and Geo-environmental Site Investigation Report. These documents have been reviewed by the Council's Contaminated Land Officer who advise that they have no objection to the proposed development subject to conditions relating to remedial works and unsuspected contamination.

As such it is considered that the proposed development is in accordance with DM10 of the Powys Local Development Plan.

### The Natural Environment

Policy DM2 of the Powys Local Development Plan seeks to maintain biodiversity and safeguard protected important sites. Policy DM2 states that proposed development should not unacceptably adversely affect any designated site, including locally important site designations, or the habitat of any protected species.

#### *SSSIs and SAC*

The development is located on a greenfield site that is currently used as agricultural grazing land. The application site is located within the vicinity of the following sites;

- River Ithon Special Area of Conservation (SAC)
- River Ithon Site of Special Scientific Interest (SSSI)
- Crabtree Green Meadow Site of Special Scientific Interest (SSSI)

Following initial consultation with NRW a pollution prevention plan was submitted. NRW have assessed the information and advised that whilst there were pathways to the above sites provided the developer adheres to the pollution prevention plan then the development may not result in a likely significant effect.

Consultation with Powys Ecology was undertaken and a Habitats Regulation Assessment Screening was completed. The HRA concluded that the proposed development would not result in a Likely Significant Effect on the SAC or its associated features.

#### *Protected Species*

A bat survey report undertaken by Dusk to Dawn Ecology Ltd has been submitted in support of the application.

Following consultation with NRW they advise that the development is not likely to harm or disturb the bats or their breeding sites and resting places at this site provided a condition requiring the conservation methods included within the bat report are adhered to. Powys Ecology have reviewed the information and NRW's response and agree with its conclusion.

As such, the development is considered to be in accordance with Policies SP7 and DM2 of the Powys Local Development Plan and Technical Advice Note 5.

### Cultural Heritage

No Scheduled Monuments or Listed Buildings are in the vicinity of the development, however the application is accompanied by an Archaeological Watching Brief and Archaeological Written Scheme of Investigation.

Clwyd Powys Archaeological Trust were consulted on the application and offered no objection to the proposed development.

### Rights of Way

Policy SP7 identifies the public rights of way network as a strategic asset and policy DM13 states the following;

‘The public rights of way network or other recreation assets listed in Policy SP7 (3) are enhanced and integrated within the layout of the development proposal; or appropriate mitigation measures are put in place where necessary.’

Following consultation with the Rights of Way team no objection to the proposed development has been raised, however they have advised that a footpath diversion would be required. The existing rights of way runs from the north western corner of the site to the east of the site. The proposed diversion would take the footpath to the centre of the site and south before providing a new cycle path which links with an existing footpath at Holcombe Drive where it will also link with the footpath to the school. Highways consulted with the Active Travel Officer who offered no objection to the provision of the new cycle path.

Officers are advised that an application to divert the footpath has been made.

As such, it is considered that the footpath can be successfully accommodated within the development and that enhancements are provided in terms of the provision of the cycle path. It is therefore considered that the proposed development is in accordance with policies SP7 and DM13 of the Powys Local Development Plan.

### Planning obligations

Planning authorities are permitted to seek obligations in connection with developments in accordance with circular 13/97.

LDP policy DM3 states that *‘provision for new open space will, subject to viability, be sought from all housing development of 10 or more dwellings. The type and nature of the provision will be determined by the deficiencies identified in the open space assessment*



*for the locality and, depending on the individual circumstances, may be provided on or off site.'*

An area of Local Area of Play space is provided within the centre of the site. Following a review of the Fields in Trust Standard, which required 0.25 hectares of land to be provided for every 1000 population, it is considered that the area of open space (342 square metres) is acceptable. Due to the management of the open space being undertaken in line with the management of the housing, it is considered that this can be secured by a condition rather than a Section 106 Agreement.

Following consultation with Powys Education a contribution of £73,070 has been requested. Detailed calculations of their assessment has been produced, however this demonstrates that the projected on roll for both Trefonnen and Cefnlllys Primary in 2022 is below the capacity of the school. Due to the schools not being at capacity there would be no requirement to request the financial contribution.

### Recommendation

Having carefully considered the details submitted together with all statutory consultee responses and third party representations, Officers are satisfied that the proposed development complies with the relevant policies within the Powys Local Development Plan, Technical Advice Notes and Planning Policy Wales. The recommendation is one of consent subject to the conditions detailed 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 plans and documents approved on xxxx (drawing no's: Site Location Plan Rev (B), L648 – A112 – Rev (K), L648 - A116 - Rev(C), L648 -A117 - Rev(B), L648 -A118 - Rev(B), L648 -A119 - Rev(B), L648 -A120 - Rev(B), L648 -A121 - Rev(B), L648 -A122- Rev(B), L648 -A123 - Rev(D), L648 -A125 - Rev(B), L648 -A126 - Rev(B), L648 - A127 - Rev(C), L648 -A128 - Rev(B), L648 -A130 - Rev(F), L648 -A131 - Rev(G), L648 -A132 - Rev(B), L648 -A133 - Rev(B), L648 -A134 - Rev(B), L648 -A135 - Rev(B), L648 -A136 - Rev(B), L648 -A137 - Rev(B), L648 -A138 - Rev(B), L648 - A139 - Rev(B), L648 -A140 - Rev(A), L648 -A141 - Rev(A), L648 -A142 - Rev(A), L648 -A143 - Rev(A), L648 -A144 - Rev(A), L648 -A145 - Rev(B), L648 -A146 - Rev(A), L648 -A147 - Rev(A), L648 -A148 - Rev(A), L648 -A149 - Rev(A), L648 - A150 - Rev(A), L648 -A151 - Rev(A), L648 -A152 - Rev(B), L648 -A153 - Rev(B), 7632-03b, 7632-04b, 7632-07a, 7632-10b, 7632-11, 7632-12, 7632-13, 7632-14, 7632-15 and documents Planning Statement, Design and Access Statement, Pollution Prevention Plan, Extended Phase One Habitat Survey, Arboricultural

Report. Geophysical Survey Report, Archaeological Watching Brief Written Scheme of Investigation, Archaeological Watching Brief Report, Geotechnical and Geoenvironmental Report and Transport Statement.

3. 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 30% of housing units/bed spaces; 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.
4. The affordable dwelling shall have a maximum gross floor area of 115 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.
5. In the event of the site no longer being in the ownership of the Registered Social Landlord a scheme for the management and maintenance of the Local Area of Play as identified on plan L648 - A112 – Rev(K) shall be submitted to and approved in writing by the Local Planning Authority. This scheme shall be implemented within 3 months of the date of sale or transfer of the land.
6. No buildings on the application site shall be brought into use earlier than 31st March 2020, unless the upgrading of the Waste Water Treatment Works, into

which the development shall drain has been completed and written confirmation of this has been issued to the Local Planning Authority by Dwr Cymru Welsh Water.

7. No building shall be occupied until the drainage system for the site has been completed in accordance with the approved details. Thereafter no further surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage system
8. No other development shall commence until provision is made within the curtilage of the site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.35 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.
9. No other development shall commence until each access has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 160 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
10. Before any other development is commenced 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 10 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.
11. The gradient of each access shall be constructed so as not to exceed 1 in 30 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.
12. Prior to the occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved Tony King Architects Drawing A112 revision K. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.
13. A Traffic Regulation Order shall be secured by the developer to introduce a reduced speed 40 mph speed limit along the A4081 county highway. The order

must be implemented together with any associated work required by the Order prior to the first occupation of any of the dwellings hereby permitted.

14. No dwelling hereby approved shall be occupied before the estate road carriageway and footways are constructed to binder course level to an adoptable standard including the provision of any salt bins, surface water drainage and street lighting in front of that dwelling and to the junction with the existing county highway.
15. No dwelling hereby approved shall be occupied until the vehicular access serving the respective dwelling is finished in a 40mm bituminous surface course material for a distance of 10 metres from the edge of the adjoining carriageway. The area will be maintained to this standard for as long as the development remains in existence.
16. The estate road carriageway and all footways shall be fully completed, in accordance with the details to be agreed in writing by the Local Planning Authority, upon the issuing of the Building Regulations Completion Certificate for the last house or within two years from the commencement of the development, whichever is the sooner. The agreed standard of completion shall be maintained for as long as the development remains in existence.
17. The gradient from the back of the footway/verge to the vehicle parking areas shall be constructed so as not to exceed 1 in 15 and shall be retained at this gradient for as long as the dwellings remain in existence.
18. Each private drive shall be metalled and surfaced in bituminous macadam, concrete or block pavements, prior to the occupation of that dwelling and retained as such for as long as the development remains in existence.
19. Notwithstanding the submitted details, within 10 days from the commencement of the development' detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
20. In the event that the presence of unsuspected contamination is encountered when carrying out the approved development immediate contact must be made with the local planning authority and works must cease in that area. An investigation and risk assessment must be undertaken and where remediation is necessary a remediation scheme must be prepared, which is subject to the approval in writing of the local planning authority. Following completion of the remedial works identified in the approved remediation scheme, a verification report that demonstrates compliance with the agreed remediation objectives and criteria shall be produced, and is subject to the written approval of the local planning authority, prior to commencement of use of the development.

21. Prior to the commencement of development, a Construction Method Statement shall be submitted to and agreed in writing by the Local Planning Authority in respect of the control of noise and dust during the landscaping and construction phases of the development. Development shall be carried out in strict accordance with the approved method statement.
22. All works and ancillary operations which are audible at the site boundary shall be carried out only between the following hours: 0800 - 1800 hrs Monday to Friday, 0800 – 1300 hrs Saturday and no time on Sunday and Bank Holidays. Deliveries to and removal of plant, equipment, machinery and waste, including soil, from the site must also only take place within the permitted hours detailed above.
23. The development shall be carried out strictly in accordance with the mitigation measures identified in Section 6 of the Extended Phase 1 Survey Report produced by Dusk to Dawn Ecology Ltd dated 20th October 2017. The measures identified shall be adhered to and implemented in full and maintained thereafter.
24. No development shall take place (including ground works and vegetation clearance) until a detailed Tree Protection Plan and Tree Protection Method Statement in accordance with BS:5837:2012 and incorporating the findings of the Arboricultural Report produced by ArbTS dated 19th October 2017 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. No development shall take place (including ground works and vegetation clearance) until a detailed Biosecurity Risk Assessment with regards to Invasive Non-native species shall be submitted for approval to the Local Planning Authority. The submitted Risk Assessment shall include but not be limited to the following:
  1. appropriate measures to control any INNS on site;
  2. measures or actions that aim to prevent INNS being introduced to the site for the duration of construction and operational phases of the scheme.

The approved Biosecurity Risk Assessment shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

## **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
2. To ensure adherence to the plans stamped as approved in the interests of clarity and a satisfactory development.
3. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
4. To ensure that affordable housing is secured in accordance with policies SP3 and H6 of the Powys Local Development Plan (2018).
5. In order to secure adequate amenity space in accordance with policy GP1 of the Powys Unitary Development Plan (2010).
6. To prevent further hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with policy DM13 of the LDP.
7. To prevent hydraulic overloading of the public sewerage system, to protect the health and safety of existing residents and ensure no pollution of or detriment to the environment in accordance with DM13 of the LDP.
8. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
9. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
10. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
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16. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
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18. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
19. In order to ensure the safety and free flow of traffic in accordance with policies T1 and DM13 of the Powys LDP and Technical Advice Note 18 – Transport.
20. To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted LDP.
21. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
22. In order to ensure that there is no harm to the amenity of neighbouring properties during the construction of the development in accordance with policy DM13 of the LDP.
23. To ensure biosecurity issues concerning invasive non-native species and diseases are addressed in accordance with policies SP7 and DM2 of the Powys Local Development Plan and Technical Advice Note 5.
24. 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 10, December 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act 2016.
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## **Informatives**

## Dwr Cymru Welsh Water

The proposed development site is crossed by a public rising main with the approximate position being marked on the attached Statutory Public Sewer Record. The position shall be accurately located and marked out on site before works commence and no operational development shall be carried out within 3 metres either side of the centreline of the public sewer. The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water Industry Act 1991. If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of [www.dwrcymru.com](http://www.dwrcymru.com). The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

## Rights of Way

No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better.

If the safety of the public cannot be guaranteed at all times during construction, consideration should be given to applying for a temporary closure of the public right of way. This is a separate procedure for which a fee applies. The process can take a couple of months to put into place so early consultation with Countryside Services is recommended if a temporary closure is required.

## Natural Resources Wales

## Waste produced during construction



Waste produced during the construction phase of your development must be dealt with appropriately and be in line with all relevant waste legislation including Duty of Care Regulations and Hazardous Waste Regulations. As part of your waste duty of care you must classify the waste produced:

- o before it is collected, disposed of or recovered
- o to identify the controls that apply to the movement of the waste
- o to complete waste documents and records
- o to identify suitably authorised waste management options
- o to prevent harm to people and the environment.

Any waste removed from site will be subject to waste management controls. The links below provide information on how to classify waste and register as a waste carrier or hazardous waste producer:

<https://naturalresources.wales/permits-and-permissions/waste/?lang=en>

<https://naturalresources.wales/permits-and-permissions/waste/waste-permits/?lang=en>

Further guidance can be found on the GOV website here:

<https://www.gov.uk/managing-your-waste-an-overview/duty-of-care>

Works near watercourses/construction or demolition sites

Due to the proximity of the site to watercourses, all works at the site must be carried out in accordance with GPP5 and PPG6: 'Works in, near or over watercourses' and 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-and-replacement-series/guidance-for-pollution-prevention-gpps-full-list/>

Pollution Prevention

During the construction phase you should take any precaution to prevent contamination of surface water drains and local watercourses. Oils and chemicals should be stored in bunded areas and spill kits should be readily available in case of accidental spillages.

For further guidance please refer to GPP 5 and PPG 6 at the following link:

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

Environmental Management

The activity of importing waste into the site for use as, for example hardcore, must be registered with Natural Resources Wales as an exempt/permittable activity under the Environmental Permitting Regulations 2016. The developer should contact Natural Resources Wales to discuss the necessity for an exemption/permit for any material imported to and exported from the site. 5

If during construction/excavation works any contaminated material is revealed, then the movement of such material either on or off site should be done in consultation with Natural Resources Wales. Any waste excavation material or building waste generated during the development must be disposed of satisfactorily and in accordance with Section 34 of the Environmental Protection Act 1990. Carriers transporting waste from the site must be registered waste carriers and movement of any Hazardous Waste from the site must be accompanied by Hazardous waste consignment notes.

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.