

Planning, Taxi Licensing and Rights of Way Committee Report

Application Number: P/2017/0754

Grid Ref: E: 302533
N: 292267

Community Council: Caersws Community

Valid Date: 01.12.2017

Applicant: Messrs G & A Jarman

Location: Land at Penyborfa, Carno Road, Caersws, Powys, SY17 5JA.

Proposal: Outline: Proposed housing development for 41 residential units, sheltered housing proposal and construction of a bus layby

Application Type: Outline planning

The reason for Committee determination

Consultee Responses

Consultee

Received

Natural Resources Wales (North) DPAS

10th January 2018

Given the extensive history of dialogue between NRW, its predecessors and the developer's consultant, David Floyd, we request that the following are addressed by the applicant before we can provide a detailed response to the content of the FCA and whether it is an accurate assessment of the risks and consequences of flooding.

There has been no submission of modelling files to support the application. Please bear in mind that since the application is based on existing ground levels, we will only consider a model for the "Existing" scenario. We will not make comments on the "Future" scenario. The developer should confirm the FEH and HEC-RAS zip files submitted to NRW's Dave Tarrant via email on the 23rd May 2017 at 15:55 are the correct files to support this application and FCA. These files will only be reviewed, subject to receipt of the developer's confirmation. The developer should confirm his intention as to whether the Additional checklist responses submitted to NRW on the 2nd May 2017 at 19:20 (to Dave Tarrant via email) should be reviewed to support this application. Your local planning authority may require that this information is submitted formally, as part of the planning application process. The developer should confirm the FCA dated May 2017, version 4.1, is the most up to date version that contains all the relevant text to support the modelling and hydrology calculations. In the May 2017 submission, there was no inclusion of mapped GIS outlines. The developer's agent

should send us their mapped outlines in GIS format for at least the 1 in 100 year, 1 in 100 plus CC and 1 in 1000 year events, other scenarios are welcomed. We acknowledge the application is using the NRW Flood Zones, however, the HEC-RAS mapped outlines need to be included to support the 1D modelled information. Two additional figures should be created, showing the Proposed Development Layout, with the HEC-RAS mapped outlines for the 1 in 100 year and 1 in 1000 year scenarios. These can be submitted as image files, or as a picture within a document. We acknowledge the modelling submission is to support the application only and is not a Flood Map Challenge. As such, part of the site will remain within C2 of the DAM associated with TAN15. As discussed over the phone last week, we would therefore, welcome your authority's view with reference to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The developer should be made aware our internal hydrology guidance has been updated in December 2017 (attached). We are providing this for information. The developer's hydrology estimates will be sent to our internal Hydrology team for review. We acknowledge the flow estimates are precautionary. The review is purely for completeness, following the updated guidance. We will formalise a response on all relevant constraints identified by NRW for this consultation once clarifications and additional information is received.

Additional Correspondence received 22nd January 2018

Thank you for consulting Natural Resources Wales (NRW) about the above, which was received on 20 December 2017 and also for your confirmation on 22 January, that you will be following advice as set out within TAN15. Please consider this correspondence as our formal response to the planning application. We have significant concerns with the proposed development as submitted. The application site lies partially within Zone C2, as defined by the Development Advice Map (DAM) referred to under Technical Advice Note 15: Development and Flood Risk (TAN15) (July 2004). Our Flood Map information, which is updated on a quarterly basis, confirms the site to be partially within the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability combined fluvial flood outlines of the River Carno and Manthrig Brook. The developer is not intending to demonstrate that part of the site to be developed is outside of Zone C2. As such, and in view of your confirmation that you will be following advice as set out within TAN15, and Welsh Government Policy, we expect that the application will be refused. Notwithstanding any refusal on Policy grounds (para 6.2 of TAN15), the applicant has submitted insufficient information to demonstrate that the site could be developed in accordance with the acceptability criteria within TAN15 (A1.14 and A1.15). Only if your authority would be minded to consider the application would we advise the applicant to submit further information, as detailed in the following requirement, we would object if the scheme does not meet this requirement: Requirement: The applicant submits further information, clarification and confirmation in order to demonstrate that the site can be developed in accordance with TAN15 criteria. Flood Risk We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9th January 2014, which affirms that highly vulnerable development should not be permitted in Zone

C2 (paragraph 6.2 of TAN15). A Flood Consequences Assessment (FCA) (Ref Report 20117 Rev 4.1, dated May 2017, compiled by David Floyd (Consultant)) has been submitted with the planning application, and this has been informed by hydraulic modelling work. Due to the complex nature of the risk and consequences of flooding associated with the location, nature and scale of the development proposed as part of this planning application, we wish to undertake a more detailed review of the hydraulic modelling information. Prior to undertaking this detailed review (and contrary to Para. 7 of the Pre-Application Consultation Report "C Wozencraft AGENT Messrs A +G Jarman Nov 2017)

we cannot confirm that the submitted FCA is acceptable. Provisionally, we advise that 9 dwellings, 5 flats (part in dry island) and possibly a service building are within the 0.1% annual probability flood outline - Zone C2 of the DAM referred to in TAN15. The developer has provided information with the intention merely to demonstrate that the site can be developed in accordance with TAN 15 criteria. The developer is not intending to demonstrate that part of the site to be developed is outside of Zone C2. The following requirement should only be considered by the applicant if your authority is minded to approve the application contrary Welsh Government Policy. Requirement: The applicant submits further information, clarification and confirmation in order to demonstrate that the site can be developed in accordance with TAN15 criteria The following must be read in conjunction with our letter to David Floyd (CAS-13378- N2K6 dated 8 July 2016) in response to his e-mail of 29 June 2016 (both attached), as options discussed in that letter are broadly similar to options discussed in the current submitted FCA. Given the extensive history of dialogue between NRW, its predecessors and the developer's consultant, David Floyd, we request that the following are addressed before we can provide a detailed response to the content of the FCA and whether it is an accurate assessment of the risks and consequences of flooding. Numerous versions of the FCA/model have been submitted. To avoid confusion, we would ask that the developer uploads the latest version of the FCA/model to our Sharefile system at <https://naturalresourceswales.sharefile.eu/r-rf03b4990d22406ba>. This will need to include the following: In the May 2017 submission, there was no inclusion of mapped GIS outlines. The developer's agent should send us their mapped outlines in GIS format for at least the 1 in 100 year, 1 in 100 plus CC and 1 in 1000 year events, other scenarios are welcomed. We acknowledge the application is using the NRW Flood Zones, however, the HEC-RAS mapped outlines need to be included to support the 1D modelled information. Two additional figures should be created, showing the Proposed Development Layout, with the HEC-RAS mapped outlines for the 1 in 100 year and 1 in 1000 year scenarios. These can be submitted as image files, or as a picture within a document. We acknowledge the modelling submission is to support the application only, and is not a Flood Map Challenge. As such, part of the site will remain within C2 of the DAM associated with TAN15. As the submission would not remove the area from C2 then this may also have implications for the sale of the dwellings and the ability of future home- owners obtaining insurance (TAN15 2.7 - 2.9).

Informative The developer should be made aware our internal hydrology guidance has been updated in December 2017 (attached). We are providing this for information and

no action is required on this aspect. Surface Water Please be aware of the following in respect of NRW's involvement with Surface Water advice. The Welsh Government letter of 9 January 2014 to Chief Planning Officers confirms that the Local Planning Authority should "consult internally with colleagues fulfilling the role of Lead Local Flood Authority (LLFA) to determine whether surface water flood risk is an issue when considering allocations in local development plans or determining individual planning applications". In line with this letter and Section 8 of TAN15, where relevant, the LLFA, Highways Authority and/or Sewerage Undertaker should be consulted on the suitability of drainage proposals to ensure that development does not increase the risk of flooding elsewhere by loss of flood storage or flood flow route, or increase the problem of surface water run off (paragraph 13.2 Planning Policy Wales). In view of the concerns from local residents on the planning portal in respect of flooding and inadequate drainage, (including photographic evidence), your colleagues may be aware of existing drainage difficulties, which may be exacerbated, particularly given the scale of the proposals. Unless the development is situated within an Internal Drainage District (IDD), NRW will not advise developers and local authorities on; Surface water drainage from the site (discharging into a main river or an ordinary watercourse). For new outfall structures to main rivers a Flood Risk Activity Permit (FRAP) may be required from NRW. Pluvial flood risk where no watercourse is involved e.g. run off from the land, artificial drainage systems and ponding. The following comments should only be considered if the above Requirement in respect of flood risk has been met. Protected Species NRW holds several records of bat and otter within a 2 km radius of the proposal. The Preliminary Ecological Appraisal report (Protected Species Ecology Ltd) dated October 2014 submitted in support of the above application has identified some potential for bat and otter use of the linear boundary features of the site. NRW have no significant concerns with reference to bats and otters subject to the imposition of a suitably worded condition regarding the submission and implementation of an otter and bat Reasonable Avoidance Measure Scheme (RAMS), within any permission that the LPA is minded to grant. RAMS will address all potential issues of the development including associated works and following their implementation the proposals will not be detrimental to the maintenance of the favourable conservation status of any otter and bat populations using the site. We would expect RAMS to include, but not be limited to, the following: A site lighting plan. Security lighting must be installed in a way that minimise/avoid light spill in areas that could potentially be used by foraging and commuting bats (all tree lines and hedgerows surrounding the site) and otters (river corridor). Low level and low wattage, as well as low pressure sodium or high pressure sodium lamps, should be preferred to mercury or metal halide lamps. No works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers/otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow badgers to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day. Construction works to be carried out during daylight hours only. Creation of a fenced off buffer area (roost protection area) separating the hedgerows and stream / ditch from the development site. No machinery or works to be carried out within the buffer zone. Foul Drainage On the understanding that connection of foul drainage is to be made to the public foul

drainage system, we have no comment to make on this aspect of the proposals. Waste Any waste excavation material or building waste generated during the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 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. All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website: <http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-ppgs-andreplacement-series/guidance-for-pollution-prevention-gpps-full-list/> 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 Environmental Permitting Regulations 2017. 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. 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. Please do not hesitate to contact me if you require clarification on the above. Our comments above only relate specifically to matters that are included on our checklist "Natural Resources Wales and Planning Consultations" (March 2015) which is published on our website: (<https://naturalresources.wales/planning-and-development/planning-anddevelopment/?lang=en>). We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other interests, including environmental interests of local importance. The applicant should be advised that, in addition to planning permission, it is their responsibility to ensure that they secure all other permits/consents relevant to their development.

Additional Correspondence received 28th March 2019

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales with amended site plans about the above, which was received on 06/12/2018.

Further to our previous letter referenced CAS-50394 dated 22nd January 2018, we have the following advice to provide.

We have significant concerns with the proposed development as submitted. We recommend that you should only grant planning permission if the scheme can meet either of the following requirements. We would object if the scheme does not meet either of these requirements.

Requirement 1 - Amendment of site layout plan to show the dwellings to be out of the flood risk area

Following the revision of the site layout, we would require an amended FCA to demonstrate the proposal can comply with TAN15 over the lifetime of the development.
Requirement 2 - Amendment of Flood Consequences Assessment

Flood Risk

We have reviewed the amended site plans:

- o Amended red line boundary, unreferenced (received from the Planning Officer on 06/03/2019 by email)
- o Amended site layout plan titled 'Proposed Housing Development', undated, unreferenced (received from the Planning Officer on 06/03/2019 by email).

The amended plans show the proposal site to be partially within the C2 flood zone, as defined by the Development Advice Map referred to under TAN15 Development and Flood Risk (July 2004).

We note from discussions with the Planning Officer that the revised site layout plans have been drawn based on incorrect flood map data.

Requirement 1 - Amendment of site layout plan to show the dwellings to be out of the flood risk area

The applicants may provide a revised site layout plan showing the proposed site layout plan to be located out of the flood risk area. The amended site plan should consider future climate change projections at 25% for flood extent on the proposal site.

Based on the current submitted plans (referenced above), planning application proposes highly vulnerable development (residential). Our Flood Risk Map, which is updated on a quarterly basis, confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) in TAN15 and the 1% (1 in 100 year) and 0.1% (1 in 1000 year) annual probability of fluvial flooding of the Afon Carno River.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we have reviewed the Flood Consequences Assessment (FCA) (titled 'Carno Road, Caersws, Powys Flood Consequences Assessment' report 20115 dated November 2015 by David Floyd) has failed to demonstrate that the risks and consequences of flooding can be managed to an acceptable level in line with TAN15.

Requirement 2 - Amendment of Flood Consequences Assessment

Following the revision of the site layout, we would require an amended FCA to demonstrate the proposal can comply with TAN15 over the lifetime of the development. The FCA needs to be revised to:

- 1) Provide a copy of the most recent flood modelling work for this site, which will require verification by our Flood Mapping & Data Management team. The modelling needs to employ improved 1D/2D modelling techniques to examine the effects of any works in the floodplain including mitigation. Please find a non-technical advice note provided by NRW's Flood Risk team attached to the same email as this letter. This is for informal advice only. We would welcome the opportunity to explain the flood risk constraints in more detail.
- 2) Include mapped outlines in GIS format for the 1 in 100 year, 1 in 100 year plus climate change and 1 in 1000 year events, and other scenarios are welcomed.
- 3) Two additional figures should be created showing the Proposed Development Layout, with the HEC-RAS mapped outlines for the 1 in 100 year and 1 in 1000 year scenarios. These can be submitted as image files, or as a picture within a document.
- 4) Consider ways of mitigating any adverse flooding impacts and flood risk improvement (reduction) works for the area, potentially by using natural flood risk management options.
- 5) Consider anecdotal information on historic flooding at the site.

The revised FCA would be evidence to demonstrate the amended site plan shows the proposed development to be out of the flood zone.

Should the amended FCA fail to demonstrate that the consequences of flooding can be acceptably managed over the lifetime of the development, then we would object to this application. Guidance is available which contains technical advice and recommendations on preparing an FCA.

Please find a non-technical advice note provided by NRW's Flood Risk team attached to the same email as this letter.

Surface Water

Please be aware of the following in respect of NRW's involvement with Surface Water advice.

The Welsh Government letter of 9 January 2014 to Chief Planning Officers confirms that the Local Planning Authority should "consult internally with colleagues fulfilling the role of Lead Local Flood Authority (LLFA) to determine whether surface water flood risk is an issue when considering allocations in local development plans or determining individual planning applications".

In line with this letter and Section 8 of TAN15, where relevant, the LLFA, Highways Authority and/or Sewerage Undertaker should be consulted on the suitability of drainage proposals to ensure that development does not increase the risk of flooding elsewhere by loss of flood storage or flood flow route, or increase the problem of surface water run off (paragraph 13.2 Planning Policy Wales).

In view of the concerns from residents on the planning portal in respect of flooding and inadequate drainage, (including photographic evidence), your colleagues may be aware of existing drainage difficulties, which may be exacerbated, particularly given the scale of the proposals.

Unless the development is situated within an Internal Drainage District (IDD), NRW will not advise developers and local authorities on;

- Surface water drainage from the site (discharging into a main river or an ordinary watercourse). For new outfall structures to main rivers a Flood Risk Activity Permit (FRAP) may be required from NRW.

- Pluvial flood risk where no watercourse is involved e.g. run off from the land, artificial drainage systems and ponding.

The following comments should only be considered if the requirements above on flood risk are addressed.

Protected Species

NRW holds several records of bat and otter within a 2 km radius of the proposal. The Preliminary Ecological Appraisal report (Protected Species Ecology Ltd) dated October 2014 submitted in support of the above application has identified some potential for bat and otter use of the linear boundary features of the site.

NRW have no significant concerns with reference to bats and otters subject to the imposition of a suitably worded condition regarding the submission and implementation of an otter and bat Reasonable Avoidance Measure Scheme (RAMS), within any permission that the LPA is minded to grant.

RAMS will address all potential issues of the development including associated works and following their implementation the proposals will not be detrimental to the maintenance of the favourable conservation status of any otter and bat populations using the site.

We would expect RAMS to include, but not be limited to, the following:

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

corridor). Low level and low wattage, as well as low pressure sodium or high pressure sodium lamps, should be preferred to mercury or metal halide lamps.

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

Foul Drainage

On the understanding that connection of foul drainage is to be made to the public foul drainage system, we have no comment to make on this aspect of the proposals. 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:

Pollution Prevention

All works at the site must be carried out in accordance with PPG6: '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/>
Waste

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 Environmental Permitting Regulations 2017. 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.

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.

Additional Correspondence received 22nd November 2019

Thank you for consulting Cyfoeth Naturiol Cymru / Natural Resources Wales about the above, which we received on 17/09/2019, and for allowing more time to respond.

Further to our previous letter referenced SO09/GB/CAS-73511-G0R1 dated 28th March 2019, we have the following advice to provide.

We continue to have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met. Otherwise, we would object to this planning application.

Requirement 1: An updated Flood Consequences Assessment to be submitted to include all sources of flooding.

We are in receipt of a revised indicative layout (CW 6081.03 B1 dated September 2019) and revised Flooding Consequences Assessment (FCA) (Report 20119 Revision 1.2 dated September 2019).

In addition, local residents have submitted new photographic evidence of flooding on the proposed development site from March 2010, video footage and an eye witness account of the flooding event which affected the area on the 26th October 2019.

The photographs show a large proportion of the north east corner of the proposed development site being affected while the video footage shows elevated levels in Ditch C on the eastern boundary of the development site (as referred to in FCA), overland flows to the rear of Maesnant and Pendinas and flooding to and around properties across Carno Road.

To address this information, we advise the applicant amends the FCA to include an assessment of the flood risk from other sources (i.e. to include but not limited to, the areas shown in the photos and video referenced above). This will provide assurance

that the proposed development will remain safe during extreme flood events and that third parties will not be affected further.

We also advise that the Lead local Flood Authority (LLFA) is consulted to report on the perceived nature of flooding affecting The Meadows and Erw Hir and how this flooding may have affected the proposed development site, in particular the proposed eastern boundary development extent and the proposed Services Building (marked '3' on drawing CW 6081.03 B1). We advise that you liaise with Graham Astley.

In view of the above a meeting should be arranged between the LLFA, NRW and the Applicant, to be arranged by your Authority, to fully understand what the risks are to both the residents and the proposed development site, from all sources of flooding.

Other Matters Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Additional Correspondence received 16th December 2019

Thank you for re-consulting Cyfoeth Naturiol Cymru / Natural Resources Wales following a site visit on 04/12/2019 about the above.

Further to our previous advice letter referenced CAS-101334-W5Y7 dated 22/11/2019, we have the following advice to provide.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1: There must be no built development, ground raising or recontouring of land and no structures erected within the recognised flood risk areas i.e. the areas shown as DAM C2 on drawing CW 6081.03 B1. This is to protect future occupiers from flooding and ensure that there is no increase in flood risk elsewhere to third parties.

Condition 2: Finished floor levels to be set 300mm above adjacent ground level, to provide an additional safeguard against flooding for future occupiers.

Condition 3: Details of a 'buffer zone' between the built development and the boundary of the area shown as DAM C2 on drawing CW 6081.03 B1 to be agreed in writing with the LPA. The buffer zone is intended to provide an additional safeguard against

flooding for future occupiers and to account for modelling 'uncertainty' by adopting a precautionary approach to the final layout of the built development.

Flood Risk 'We have been re-consulted on a revised indicative layout (CW 6081.03 B1 dated September 2019) and revised Flooding Consequences Assessment (Report 20119 Revision 1.2 dated September 2019).

Local residents have submitted new photographic evidence of flooding on the proposed development site from March 2019 (reportedly after removal of a gate / blockage from the channel of the Manthrig Brook). These photographs show a proportion of the north east corner of the site being affected (Referenced as 1 on the indicative layout plan).

Section 3.3.1 of the FCA has considered the risk of flooding to different parts of the proposed site and attempted to explain the primary causes. Whilst the presence of a stock gate in-channel may have contributed to depths of flooding, the recent submissions from residents, provides uncertainty on when this gate may have been removed.

We have considered the submitted photographs. It is unclear what magnitude of this flood event was and what the likely flood depths were.

We remain satisfied that the HEC-RAS hydraulic model compiled by David Floyd (Consultant Hydrologist) in support of the planning application has produced conservative outputs. As such, we are satisfied the outputs of the model are appropriate to inform the planning decision making process. However, as with all modelling studies, it is important to understand the level of "uncertainty" associated with the outputs, including, for example, the potential impact of the presence of in-stream blockages such as stock gates. Therefore, a suitably precautionary approach should be adopted where uncertainty exists.

We refer to our advice letter dated 22 November 2019 which referred to video footage and an eye witness account of the flooding event which affected the area on the 26th October 2019. We advised that a revised FCA should consider flood risk from other sources to provide assurance that the proposed development will remain safe during extreme flood events and that third parties will not be affected further.

We also advised that a site meeting would be beneficial to discuss the October 2019 event and how it affected Ditch C on the eastern boundary of the development site (as referred to in FCA). Such a meeting took place on 4th December 2019 between representatives from NRW, Lead Local Flood Authority, applicant, agent and consultant.

Following our site visit, it was concluded that a revised FCA would not be necessary in this instance, subject to reassurances by way of suitably worded condition and detailed drainage design to help ensure the long term functioning (water storage and conveyancing) of Ditch C to safeguard against increased risk to both development site and third parties. Opportunity should be taken to provide betterment by way of

increased capacity and ground lowering of the adjacent proposed path, i.e. a terraced channel.

It is our understanding that the Lead Local Flood Authority have already initiated further investigation into the October flood 2019 event. We also understand the flooding did not affect the application site and have committed to further liaison with affected properties and adjacent landowners regarding flood protection measures.

In consideration of the above, with reference to our letter SO09/GB/CAS-73511 - G0R1, dated 28th March 2019 and 22 November 2019, we advise as follows.

We can confirm that the highly vulnerable built development shown on the revised indicative layout is outside Zone C2 of the Development Advice Map (DAM). It should be noted, the blue line labelled as 'DAM C2' on drawing CW 6081.03 B1 is not actually Zone C2 but represents a more precautionary, composite flood extent of the published C2 outline, combined with the HEC-RAS model extreme outlines.

During the site meeting on 4th December 2019, David Floyd (consultant) sought clarification on the published flood map. We confirm that a formal flood map challenge has not been made and so, the published flood map will remain until a time that the new Wales Flood Map (circa Spring 2020) is published.

Consistent with our advice in July 2019, we advised that any future Flood Map alterations could affect the development proposals, although we acknowledge that the agreed flood extent on drawing CW 6081.03 B1 is precautionary.

We advise that if the Planning Authority is minded to grant permission for these proposals, they should secure, by means of formal planning conditions measures to protect the use and function of the floodplain areas for the lifetime of development. The conditions should ensure that: no built development or ground reprofiling takes place and no structures e.g. boundary fences and walls are constructed in the area shown to be at risk of flooding; and as additional safeguards, the finished floor levels of the dwellings are raised above the adjacent ground level and a 'buffer zone' is provided between the built development and the flood risk area.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Access / Egress Safe access/egress is expected onto the Carno Road A470, although the published flood map indicates that the road could be affected during extreme events.

We are not the appropriate body to comment upon the operational effectiveness of such routes. It is for the LPA, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible and consistent with existing contingency incident measures in Caersws.

Surface Water The FCA includes reference to a surface water drainage strategy (Section 5.6.1). We are aware that Powys County Council, in its duty as the SuDS Approving Body (SAB) and Lead Local Flood Authority (LLFA), has been re-consulted in order to advise on the suitability of the drainage design, including techniques available to calculate surface water rates of discharge and to ensure that off-site risks are not increased due to this development proposal, as well as in relation to recent legislative changes requiring developers to obtain drainage approval from the SuDS Approving Body (SAB). NRW does not provide advice in this regard.

<https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

Historic and recent photos of flood events indicate that there are disconnected non-fluvial areas of water evident on the proposed development site. It is expected that the SAB will ensure all elements of surface and groundwater flooding are controlled on site.

During the site meeting of 4th December 2019, Graham Astley (Powys Lead Local Flood Authority) confirmed that Powys Highways have committed to investigate further the mechanism of flooding on 26th October 2019 and advise as to whether highway drainage maintenance/improvements are necessary or possible.

Graham Astley has also confirmed that he will make a more detailed response regarding surface water drainage and control measures to the Planning Authority.'

Additional Correspondence received 16th December 2019

Further to our previous advice letter referenced CAS-101334-W5Y7 dated 22/11/2019, we have the following advice to provide.

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if you attach the following conditions to the permission. Otherwise, we would object to this planning application.

Condition 1: There must be no built development, ground raising or recontouring of land and no structures erected within the recognised flood risk areas i.e. the areas shown as DAM C2 on drawing CW 6081.03 B1. This is to protect future occupiers from flooding and ensure that there is no increase in flood risk elsewhere to third parties.

Condition 2: Finished floor levels to be set 300mm above adjacent ground level, to provide an additional safeguard against flooding for future occupiers.

Condition 3: Details of a 'buffer zone' between the built development and the boundary of the area shown as DAM C2 on drawing CW 6081.03 B1 to be agreed in writing with the LPA. The buffer zone is intended to provide an additional safeguard against flooding for future occupiers and to account for modelling 'uncertainty' by adopting a precautionary approach to the final layout of the built development.

Flood Risk 'We have been re-consulted on a revised indicative layout (CW 6081.03 B1 dated September 2019) and revised Flooding Consequences Assessment (Report 20119 Revision 1.2 dated September 2019).

Local residents have submitted new photographic evidence of flooding on the proposed development site from March 2019 (reportedly after removal of a gate / blockage from the channel of the Manthrig Brook). These photographs show a proportion of the north east corner of the site being affected (Referenced as 1 on the indicative layout plan).

Section 3.3.1 of the FCA has considered the risk of flooding to different parts of the proposed site and attempted to explain the primary causes. Whilst the presence of a stock gate in-channel may have contributed to depths of flooding, the recent submissions from residents, provides uncertainty on when this gate may have been removed.

We have considered the submitted photographs. It is unclear what magnitude of this flood event was and what the likely flood depths were.

We remain satisfied that the HEC-RAS hydraulic model compiled by David Floyd (Consultant Hydrologist) in support of the planning application has produced conservative outputs. As such, we are satisfied the outputs of the model are appropriate to inform the planning decision making process. However, as with all modelling studies, it is important to understand the level of "uncertainty" associated with the outputs, including, for example, the potential impact of the presence of in-stream blockages such as stock gates. Therefore, a suitably precautionary approach should be adopted where uncertainty exists.

We refer to our advice letter dated 22 November 2019 which referred to video footage and an eye witness account of the flooding event which affected the area on the 26th October 2019. We advised that a revised FCA should consider flood risk from other sources to provide assurance that the proposed development will remain safe during extreme flood events and that third parties will not be affected further.

We also advised that a site meeting would be beneficial to discuss the October 2019 event and how it affected Ditch C on the eastern boundary of the development site (as

referred to in FCA). Such a meeting took place on 4th December 2019 between representatives from NRW, Lead Local Flood Authority, applicant, agent and consultant.

Following our site visit, it was concluded that a revised FCA would not be necessary in this instance, subject to reassurances by way of suitably worded condition and detailed drainage design to help ensure the long term functioning (water storage and conveyancing) of Ditch C to safeguard against increased risk to both development site and third parties. Opportunity should be taken to provide betterment by way of increased capacity and ground lowering of the adjacent proposed path, i.e. a terraced channel.

It is our understanding that the Lead Local Flood Authority have already initiated further investigation into the October flood 2019 event. We also understand the flooding did not affect the application site and have committed to further liaison with affected properties and adjacent landowners regarding flood protection measures.

In consideration of the above, with reference to our letter SO09/GB/CAS-73511 - G0R1, dated 28th March 2019 and 22 November 2019, we advise as follows.

We can confirm that the highly vulnerable built development shown on the revised indicative layout is outside Zone C2 of the Development Advice Map (DAM). It should be noted, the blue line labelled as 'DAM C2' on drawing CW 6081.03 B1 is not actually Zone C2 but represents a more precautionary, composite flood extent of the published C2 outline, combined with the HEC-RAS model extreme outlines.

During the site meeting on 4th December 2019, David Floyd (consultant) sought clarification on the published flood map. We confirm that a formal flood map challenge has not been made and so, the published flood map will remain until a time that the new Wales Flood Map (circa Spring 2020) is published.

Consistent with our advice in July 2019, we advised that any future Flood Map alterations could affect the development proposals, although we acknowledge that the agreed flood extent on drawing CW 6081.03 B1 is precautionary.

We advise that if the Planning Authority is minded to grant permission for these proposals, they should secure, by means of formal planning conditions measures to protect the use and function of the floodplain areas for the lifetime of development. The conditions should ensure that: no built development or ground reprofiling takes place and no structures e.g. boundary fences and walls are constructed in the area shown to be at risk of flooding; and as additional safeguards, the finished floor levels of the dwellings are raised above the adjacent ground level and a 'buffer zone' is provided between the built development and the flood risk area.

Other Matters

Our comments above only relate specifically to matters included on our consultation topic list, Development Planning Advisory Service: Consultation Topics (September 2018), which is published on our website. We have not considered potential effects on other matters and do not rule out the potential for the proposed development to affect other environmental interests.

We advise the applicant that, in addition to planning permission, it is their responsibility to ensure they secure all other permits/consents/licences relevant to their development. Please refer to our website for further details.

Access / Egress Safe access/egress is expected onto the Carno Road A470, although the published flood map indicates that the road could be affected during extreme events.

We are not the appropriate body to comment upon the operational effectiveness of such routes. It is for the LPA, in consultation with other appropriate bodies, to satisfy themselves that escape / evacuation is feasible and consistent with existing contingency incident measures in Caersws.

Surface Water The FCA includes reference to a surface water drainage strategy (Section 5.6.1). We are aware that Powys County Council, in its duty as the SuDS Approving Body (SAB) and Lead Local Flood Authority (LLFA), has been re-consulted in order to advise on the suitability of the drainage design, including techniques available to calculate surface water rates of discharge and to ensure that off-site risks are not increased due to this development proposal, as well as in relation to recent legislative changes requiring developers to obtain drainage approval from the SuDS Approving Body (SAB). NRW does not provide advice in this regard.

<https://en.powys.gov.uk/article/5578/Sustainable-Drainage-Approval-Body-SAB>

Historic and recent photos of flood events indicate that there are disconnected non-fluvial areas of water evident on the proposed development site. It is expected that the SAB will ensure all elements of surface and groundwater flooding are controlled on site.

During the site meeting of 4th December 2019, Graham Astley (Powys Lead Local Flood Authority) confirmed that Powys Highways have committed to investigate further the mechanism of flooding on 26th October 2019 and advise as to whether highway drainage maintenance/improvements are necessary or possible.

Graham Astley has also confirmed that he will make a more detailed response regarding surface water drainage and control measures to the Planning Authority.'

Additional Correspondence received 15th January 2020

Just as clarification, the 'buffer zone' referred to in our letter is the area of land already designated on the proposed site plans (plans referenced CW6081.03 amendment B1

dated Sept. 2019 by Wozencraft Design Services) for recreational purposes. We have assumed the buffer zone to be the land to the north of the blue line marked on the plan. Our letter seeks to ensure this land is kept as functional floodplain. Designating this land for recreation purposes would ensure this. I hope this clarifies matters.

Environmental Health

21st December 2017

Thank you for your consultation in respect of this application. I can that Environmental Protection have no objection to this application.

Additional Correspondence received 11th December 2018

Thank you for the additional information, we have no further comment to make on this application

PCC-(N) Land Drainage

28th Jan 2019

10th May 2018

Thanks for consulting the Lead Local Flood Authority (LLFA). In response to your enquiry regarding the above mentioned application, the LLFA would make the following comments/recommendation.

Firstly, the LLFA would like to clarify that it has had no or negligible input to date in respect to this development proposal, particularly with reference to the progression of the three Flood Consequence Assessments (FCA) and the surface water drainage proposals. I would also add that where it is mentioned within the FCA and, the Design & Assess Statement, to the County Council's Drainage Officers involvement to previous discussions taking place, this was a one-off meeting held several years ago with the Applicant's Agent (at which Powys CC's Highway Officer was present), the discussions of which were limited to the general use of sustainable drainage systems and the good practise arrangements that would help manage surface water run-off from the proposed development site.

The LLFA notes that Natural Resources Wales (NRW) has responded to the Local Planning Authority (LPA) in respect to the flood risk issues and importantly the assessment of the FCA.

The following therefore focuses on surface water drainage but comment is made in respect to Land Drainage / Local Flood Risk, where the LLFA thinks it would be appropriate to do so.

Land Drainage / Local Flood Risk

Historic Ordnance Survey maps show a watercourse along eastern boundary of the site. As far as the LLFA can ascertain, this watercourse system has not been accounted for within the current FCA.

The minimum requirement for this site would be to allow for a 5 metre maintenance strip adjacent to any ordinary watercourse which would also allow for any overland flows. No buildings, structures, fences, planting or changing of contours shall take place within 5 metres of the top of the bank of any watercourse, which would also allow for overland flows, without prior permission of the LPA.

The LLFA is aware of local flood risk issues at Manthrig Lane, Caersws. It is extremely important that any new or re-development proposal within the Manthrig Brook catchment does not exacerbate or create a flood nuisance to any existing properties at Manthrig Lane or elsewhere.

The LLFA would recommend the LPA to follow the advice given by NRW.

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

Surface Water Drainage

Reference is made to surface water drainage under Item 13 - Assessment of Flood Risk on the Planning Application form, where it states surface water runoff is to be disposed through the use of Sustainable Drainage Systems and Soakaways. Further reference to the disposal of surface water drainage is mentioned within the Design & Access Statement (ref: CW 6081 OPA) prepared by Wozencraft Design Services (dated September 2017), over the use sustainable drainage systems to manage surface water run-off (clause 8.06).

The Executive Summary within FCA Report 20117 dated May 2017, states that all surface water from the future development will be managed within the site by appropriate SuDS measures. The FCA Report 20117 also states (clause 2.4) that the site is reported to be well drained and there were no signs of waterlogging away from the immediate confines of Manthrig Brook and surrounding ditched during site visits. However, from the various photographs the LLFA has recently received from local neighbours, it would seem that areas within the site do suffer surface water ponding (pluvial flooding). Displacement of this floodwater through the development of these areas can, if appropriate mitigation measures are not put in place, lead to greater flood risk elsewhere.

With regard to the earlier percolation tests carried out on the site, the LLFA would firstly point out that the test procedure undertaken is that for determining the design and installation of drainage fields for the use in wastewater treatment (BS 6297:2007+A1:2008) and not that for determining surface water soakaway designs, which generally follow BRE Digest 365 procedures or other good practice sustainable drainage guidance. However, the results do provide a reasonable indication of the sub-soil conditions across the site to assess whether or not soakaways or like sustainable drainage systems could be an effective means to dispose surface water run-off. From the evidence provided, it is apparent that not all areas within the site would allow successful use of soakaways or other sustainable drainage systems, particularly at test hole B where no porosity was found. The Report also indicates lower infiltration rates at test holes C and D, which are located in the north-east corner of the site and where it is proposed a surface water detention /attenuation basin could potentially be provided. The success of such a sustainable drainage feature in this location to manage surface water run-off would therefore be limited due not only to the poor good conditions but also due to the fact that this area forms part of the flood storage area of the Manthrig Brook catchment and as such the effectiveness of a soakaway or other forms of sustainable drainage features will be ineffective or compromised when inundation takes place. The generally requirement of TAN15 is to manage surface run-off on site and not increase flood risk elsewhere.

For areas in the vicinity of test holes A and E, better infiltration opportunities are apparent and therefore such locations would be more conducive to the use of soakaways and other such sustainable drainage features.

No surface water drainage details/drawings have been submitted and it is therefore difficult to envisage how or where the various sustainable drainage features could be sited within the current layout arrangement, taking into account their proximity to any new building or road.

The site is classed as Greenfield. Any proposed surface water flows should be equivalent to existing Greenfield run-off in accordance with the principles of TAN15 - Development and Flood Risk and good practice drainage design such as Welsh Government "Recommended non-statutory standards for sustainable drainage (SuDS) in Wales - designing, constructing, operating and maintaining surface water drainage systems" dated January 2017 (<http://gov.wales/topics/environmentcountryside/epq/flooding/drainage/?lang=en>).

The general soil type for the site location is described as being 'loamy and clayey floodplain soils with naturally high groundwater' and are described as naturally wet. Soakage in this type of soil structure will be difficult to achieve and therefore winter waterlogging will more than likely result in very wet ground conditions across the site.

The use of sustainable drainage techniques and or soakaways is recommended, however, it will be extremely challenging to find a suitable SuDS solution, particularly in those areas where there is no porosity and where the site will flood. The LLFA does not recommend any off-site surface water disposal due to flooding downstream, unless it can be demonstrate that there will be no detrimental effect.

The LLFA has significant concerns with the proposed development as submitted. Insufficient information has been submitted and unless the applicant can demonstrate that surface water run-off can be managed within the constraints of the site and, importantly, not exacerbate or create a flood nuisance on site or elsewhere, then the LLFA would recommend that the applicant withdraws the application or the LPA refuse the application until such time these matters can be overcome.

Additional Correspondence received 25th January 2019

I refer to the above mentioned Planning Application and, in particular, the surface water drainage strategy (v2) prepared by Sumner Consultancy Ltd.

Having examined the submitted proposals in detail, the drainage proposals are considered acceptable. They demonstrate that surface water run-off can be managed on this proposed development site and follow relevant best practices. This is in align with Powys LDP (2011 - 2016) requirements on the use of sustainable drainage systems.

The submission also indicates there is further opportunity at detailed design stage to introduce permeable paving for the adopted roadways, which will not only lessen then need for attenuated storage but also improve water quality objectives.

Matters regarding protecting/enhancement of the watercourse located along the eastern boundary will need to be addressed prior to commencement on site and therefore this matter will need to be approved at detailed design stage.

Issues regarding development and floodplains has been addressed by others (Natural Resources Wales) at an earlier stage.

Additional Correspondence received on 17th December 2019

Apologies for the delay in getting back to you.

As indicated in our earlier response dated 25.01.2019, the LLFA consider the drainage principles put forward in the drainage strategy (version 2) prepared by Sumner Consultancy Ltd, are deemed acceptable for this site.

The strategy demonstrates that surface water run-off can be managed on this proposed development site and follow relevant best practices. This is in align with Powys LDP requirements on the use of sustainable drainage systems.

The submission also indicates there is further opportunity at detailed design stage to introduce permeable paving for the adopted roadways, which will not only lessen then need for attenuated storage but also improve water quality objectives.

Matters regarding protecting/enhancement of the watercourse/ditch located along the eastern boundary will need to be addressed at detailed design stage.

I would point out that as the outstanding matters for this planning application are being dealt with on or after the 7th January 2020, the surface drainage proposals for this development will need to conform with the National Standards and approved by the SAB. I would be grateful if you could remind the Applicant of these requirements.

Community Council

Response received 6th January 2018

Caersws Community Council called for an extraordinary meeting on Friday 5th January 2018 in order to discuss the above development and welcomed input and opinions from local residents, many of whom also attended the meeting. The community council were unanimous in their decision to object to the above planning application on the basis of the

points listed below.

Flooding

The main objection that Caersws Community Council has over this application relates to the issue of flooding. The Flood Assessment could be stated as not fit for purpose. Paragraph 2.4 for example states that there is "no sign of water logging" when in reality local residents and Community Councillors have historical and recent experiences of the standing water in fields in that area and flooding from the Manthrig Brook. It is well known locally that the Manthrig Brook cannot empty into the River Severn due to it already being at capacity at the point the brook reaches it. The River Severn therefore cannot alleviate the Manthrig Brook of excess water resulting in flooding.

The percolation tests do not give any information on when they were performed or the prevailing conditions at the time. The Sustainable Urban Drainage System (SuDS) relies on these tests to suggest that soakaways are viable on the site and propose the use of rainwater butts and individual soakaways on individual properties. The consensus is that this would not be sufficient. Also, who would be responsible for the maintenance of these soakaways and water butts? The plan also relies on riparian owners to clear culverts and ditches which is not suitable for this level of development and there are already existing problems with this involving Manthrig Brook.

The thrust of the report seems to be on protecting the new properties but fails to reassure up and down stream residents over either runoff or the impacts on foul drainage and sewage. The new houses are shown to be built above road level alleviating the risk of flooding to the new properties but what will be done to alleviate the flooding to current residents in the area who will inevitably see an increase to current flooding problems due to the extra run off from 50 properties. Caersws Community Council would challenge the assertion that the development will have no impact on other properties and would emphasise that both the Community Councillors and local residents' local knowledge regarding this issue backs this up. Property owners in the immediate vicinity of the development and downstream on the Manthrig Brook running into the centre of Caersws village are increasingly worried about the extra flood risk created and the risk status imposed on them by their insurers if this development takes place.

The Community Council would demand that additional details should be added to the plan stating there would be regular and on-going monitoring of the development into the future with regard to its impact on other properties, and that the developer takes on future liability for this monitoring and for any impacts on neighbouring properties.

Carno Road/A470

The entrance/exit for the site onto the main trunk road has two issues, disputed ownership of the strip of land, including entrance and bus stop, and safety for road users and pedestrians. The residents of The Firs have stated that the ground where the entrance and bus stop are located on the plans are owned by them, also that no communication has been received by them from the developers relating to this.

Given the history of speeding and accidents on the Carno Road (A470) any development without extension of speed limits (30mph) out beyond the site, additional white lining and traffic calming measures would be totally unacceptable as a risk to the community. Siting of the bus bay on the opposite side of the A470 is also high risk for users of the services and is particularly dangerous as it seems the single bay is expected to serve buses in both directions. Turning buses in and out of the site would still be a road traffic risk but would arguably be safer for pedestrians, notably, school children and the elderly, using the service.

Density of Development and Concerns over Infrastructure

Although in favour, in principle, of a development in Caersws, the Community Council would query whether 50 homes in this area is too high density both for the area allocated and for Caersws as a whole. There are already well documented parking issues within Caersws and the worry would be that these would be further aggravated along with a potentially negative impact on the local amenities. There is also no opportunity for any offsite parking near to the development.

Caersws Community Council would also query whether the current sewerage system in the village has the capacity to take this size of development.

Concerns have also been raised as to whether the density of housing is appropriate for the character of this side of the village, concerns are that the number of properties suggested are not in keeping with the current character of this part of the village and the point that a different site nearer the school end of the village would be a more appropriate area.

In light of the fact that there are empty flats in other areas of the village such as Plas Maldwyn, questions have been asked as to whether the flats included in this scheme are necessary and therefore how appropriate this development is for local needs.

Landscape

Caersws Community Council require further information for proposals for landscaping and biodiversity mitigation. Given the potential flooding issues the Community Council would

expect to see the proposals for SuDS rigorously enforced.

Community Infrastructure

Wider infrastructure improvements should also be added to this proposal in order to alleviate any issues that may arise with such a large development. With the current absence of a Community Infrastructure Levy, the Community Council anticipate that these would occur through a Section 106 agreement. Speed limit reductions and traffic calming measures should be put in place before development work begins to mitigate against increased road risks associated with construction traffic on such a busy and dangerous stretch of road.

These infrastructure improvements should include:

lower speed limits (previously mentioned), extending the 30mph zone beyond the new development and installing automatic speed awareness signage;

improved pedestrian access to the village of Caersws, extending and upgrading the pavement from the development into the village;

ensure the proposed lay-bys are suitable for use by public buses;

secure an agreement with the Council and local bus service provider to reinstate the loop from Caersws to Llanwnog and back to Caersws, using the new lay-by;

a financial contribution of £100k to the renovation of the existing play facilities in Caersws and local green infrastructure improvements, this funding to be allocated to Caersws Community Council via Powys County Council.

Initial Comments to the Planning Proposal

Referring back to the initial proposal stage of this development; Caersws Community Council sent the following comments after being sent the basic proposal:

"The overwhelming feeling from the Council is that this is a good proposal for more homes in Caersws which is a good thing for the community. One query was that the Councillors would like to know what the highlighted piece of land on the opposite side of the road to everything else is?"

The above is the only communication sent regarding the proposal, however, the Design and Access Statement states the following:

"In view of the foregoing it is not surprising that the local County and Community Councillors, through their Planning Officers have expressed their disappointment at the lack of new housing provision in Caersws and are particularly anxious to see this site

developed."

The above comment made in the Design and Access Statement is at best a stretch from the comments actually made and at worst a fabrication.

The Community Council believes that a development would be good for Caersws; however, it must be the 'right' development in the 'right' location. The area of Llys Maldwyn would be an ideal siting for such a development as it is close to the school, road safety would be better in this area and the flood risk is not present. The Community Councillors would like to request that this site be revisited as a potential development site as they feel that this is a prime location for such a development without the grave concerns that the above application holds? Caersws Community Council asks that Powys County Council look into this and responds to the Community Council directly on this point.

Notice

There is an issue of whether proper notice of this application was given. Should a development of this size not have been notified in the press? It seems that residents living very close to this planned site were not notified directly. The submission and response dates also need to be challenged as they did not allow proper time for consultation and representation, especially given the Christmas and New Year holiday period. A further issue here seems to be that the initial submission was made on 1st December to PCC Planning Dept., why in that case was the Community Council only informed on 21st December?

Correspondence has been forwarded to me by a local resident between himself and you from 2nd January 2018 which states that you have not yet had chance to erect a site notice and once this is done a further 21 days consultation period will be undertaken. Could you please clarify the situation here and confirm exactly when the end of the consultation will be?

In addition a statement is made within the planning documentation that local residents were consulted over a period of years in relation to this application. However, local residents who have contacted the Community Council have stated that this is not the case, that they have received no information and no details of the proposed development has shown on searches for those who have bought properties situated very close to the development. The Community Council requests details of when these consultations took place, in what form and who they were sent to.

In conclusion Caersws Community Council strongly objects to this planning application as they believe it is the wrong type of development in a flood risk area and would certainly be classed as a 'Ribbon' development. Through the concerns of many local residents it

has been suggested that a public enquiry should be called to answer some of the anomalies brought about by this surprising application.

Additional Correspondence received 27th December 2018

Caersws Community Council called for an extraordinary meeting on Wednesday 19th December 2018 in order to discuss the above development in light of the recent amended documentation added to the planning application. The Community Council also welcomed input and opinions from local residents, many of whom also attended the meeting.

The Community Council first wish to confirm its disappointment that Powys County Council Planning Department did not confirm the additional documentation added to the application as has been requested and have asked why this was not sent out for consultation as it is a large development which many are concerned about.

It has been acknowledged by both Councillors and residents that yet again information for this development has been submitted to Powys County Council over the Christmas period possibly in the hope that the information will not be picked up by those who may object.

At the meeting this evening the community councillors unanimously agreed that the previous objection to this planning application, see attached letter originally sent on 6th January 2018, still stands as the new information provided still does not reassure that this development would not threaten the local areas of the doctors surgery, the highways and the village of Caersws with further flooding which they already suffer from on a regular basis. There is also a query as to whether SuDs are effective for an area which floods on a regular basis.

It was previously suggested that a public enquiry should be called to answer some of the anomalies brought about by this application. Powys County Council have not responded to this request to date. Local residents have also requested a site meeting which has not been arranged.

Caersws Community Council and local residents do not feel that Powys County Council are involving them enough through the stages of developments such as this and the timescales offered for responding to applications and any additional documentation are far too short. The Community Council would ask for the Planning Department to involve and up date those who are affected by planning applications in a more positive way and offer more time for them to digest and respond effectively to any applications going forward to Planning Committee.

In conclusion Caersws Community Council strongly objects to this planning application as they believe it is the wrong type of development in a flood risk area and the amended details do not rectify the inherent problems with a development of this size on this site.

Additional Correspondence received 14th October 2019

Caersws Community Council called for an extraordinary meeting on Tuesday 8th October 2019 in order to discuss the above development, following its resubmission with amended documentation. The Community Council also welcomed input and opinions from local residents, many of whom also attended the meeting.

At the meeting this evening the community councillors unanimously agreed that the previous objections to this planning application sent on 6th January 2018 and again on 19th December 2018, still stand as the new information provided still does not reassure that this development would not threaten the village of Caersws with further flooding.

Local residents and the Community Council have requested a site meeting which has been promised to them but not yet happened. Caersws Community Council would urge Powys County Council to honour this promise and make a site visit for this development a priority so that the Committee can see first-hand the issues that Caersws faces on a regular basis. In the mean-time the Community Council would ask for a response from Powys County Council as to the reason why this has not yet happened.

The above proposed housing development has raised serious concerns among local residents on the scale, density and location of this scheme. Officers appraisal for Committee previously placed much reliance on the inclusion for housing within the LDP which followed an application to PCC Cabinet some years ago to amend an earlier draft. It is contended that at the date of this amendment planning officers lacked knowledge of the extent of the flooding issues, had little regard to the C2 flood zone on the development site which has since been extended, had received no representations on the impact of flooding in Caersws village caused by the stream on the perimeter of the site and no knowledge of poor ground porosity for site drainage. Additionally, the site lies outside the village on a fast section of trunk

road, a classic example of ill-judged sporadic development. Officers have failed to address the serious concerns of residents and are now heavily influenced by its earlier designation for housing, a decision based on inadequate information and ill-informed members of Cabinet. At the date of the earlier amendment to include this site for housing, no opportunity was given to local residents to raise representations due to either inadequate or non-existent public notice and as a consequence officers were not in possession of all facts which would clearly now condemn this site as unsuitable for

development.

Flood Zone

The site lies within a C2 flood zone and suffers flooding from the watercourse on the north east corner known as the Manthrig Brook. The stream lies within the wetland valley basin just north of Caersws village and collects ground drainage, surface water and feeder ditches from an extensive catchment of some 1500 acres (600ha), facts unlikely to have been brought to the attention of Planning Officers as witnessed by the need for recent modifications to the site layout plan to avoid the

now extended flood zone. It is noted also that a local resident living close to the proposed development site has been advised by Powys Planning Department not to submit an application to convert a building from a cow bay to a residential dwelling as it is in the flood plain.

Poultry units

Unknown to Officers and members at the date of the LDP amendment, four large poultry units have been granted planning consent within the catchment area all discharging roof and site drainage efficiently to ditches feeding into the Manthrig Brook. Until these units are all constructed the full effect on flooding cannot be properly assessed.

Ground Conditions

In regard to the site itself local residents are well aware of the poor ground conditions for drainage. An FCA report in 2017 describing the site as well drained with no signs of waterlogging brings into question the validity of this report commissioned by the applicants. This ground is incapable of absorbing not just

extreme rainfall with flash flooding but regular seasonal rainfall. This is naturally a wet field. The Manthrig Brook on the north east corner provides the only natural outlet for all surface water from hard surfaces, internal service roads and roof drainage if the scheme were to proceed. This site is quite unsuitable for development.

Flooding in Caersws

Flooding in Caersws village from the Manthrig Brook is a longstanding problem and development of this site if permitted would discharge surface and stormwater through efficient site drainage directly to this watercourse with serious implications for residents downstream. Photographic evidence of the most recent flooding incident in Manthrig Lane at Caersws has been made available to the planning department. There is little prospect that the site P09 HA1 would have been seriously considered or approved by members on the LDP amendment if provided with this evidence. The Manthrig Brook passes close to

housing in the heart of the village and is channelled through a culvert beneath Main Street, which regularly fails to cope with the volume of water during periods of heavy and persistent rain. It is unlikely that investigations were carried out on the downstream effect from such a development

and this is evident from the later inclusion of attenuation systems into the development plans. Such systems in any event are unlikely to contain the volumes and force of water in full flood conditions. Hydrology reports commissioned and paid for by the applicants cannot be regarded as independent and in the absence of long-term studies and a degree of local knowledge they must be viewed with suspicion.

The current measures put in place within this plan are not sufficient and rendered useless for this site. It must be recognised that tree planting, SuDS schemes and holding ponds are only of use when the water is below ground level and not of any use when the water table is above ground level which is when the most severe problems occur at this site. It should be noted also that the Doctors surgery has expressed concern over the risk of increased flooding that this development poses as there are many infirm, elderly and vulnerable people who could be put at risk or not be able to get to the doctor when the flooding occurs which is already on a frequent basis.

It will be too late for Caersws residents if this scheme is approved and flooding intensifies as a consequence. If at that stage remedial works to the culvert become a necessity to alleviate flooding there will be a significant cost implication to the Highways budget. Have the Highways Department been consulted on this or is a replacement culvert the responsibility of the developer for which a specification of works is to be incorporated into the planning conditions?

House Insurance Issues

Insurance issues are a real and genuine problem as it affects housing and residents particularly in the Manthrig Lane and Main Street areas of Caersws. It is unlikely that the Planning Department was aware of the problems already experienced by local residents in the form of flood exclusive clauses, increased premiums and insurance refusals. It is of serious concern to home owners who would be further affected by the prospect of reduced house values and resale difficulties, quite apart from living with the worry of ongoing seasonal flooding. Once again this is directly relevant information unlikely to have been brought to the attention of members at the date of LDP amendment.

Trunk Road location

The site layout shows access onto the A470 trunk road, a route linking Cardiff in the south to Conwy in north Wales and is a busy main transport route now carrying increased traffic following the opening of the Newtown bypass. A percentage of drivers previously

looked for alternative routes to avoid long term congestion at Newtown. Site layout plans indicate an access, around half a mile from the village centre

directly onto the trunk road some distance outside the 30-mph restricted area and just outside the 40-mph sign. Beyond this zone for a distance of one mile a speed restriction of 50 mph has recently been introduced. It is understood that the Welsh Government Highways Directorate historically had a policy of advising or directing refusals on new accesses to trunk roads outside 30mph or other restricted zones on the grounds of safety. For the application site with 43 proposed dwellings with vehicles entering into and exiting from a fast-flowing straight section of the trunk road, where speed limits are rarely observed, must be regarded as a serious danger to drivers and pedestrians. Even with upgraded visibility splays this is clearly a safety hazard and additional measures such as filter lanes and traffic calming are

unlikely to be adopted for a trunk road. The danger for drivers entering and exiting this stretch of road is a great concern.

Planning Policy

From a planning view point scattered development on land lying outside the natural settlement boundary contradicts longstanding principles of good planning. Urban sprawl perhaps is too strong a definition in the context of a village community but the principles are the same and continues to be an undesirable practice, to be avoided wherever possible, even for sites not affected by flooding issues and trunk

road locations. Alternative site for Housing Prior to the current LDP the previous Unitary Development Plan identified housing land at the north east end of the village ideally situated on higher ground free from flooding away from the trunk road and the whole block formed a natural extension to existing housing areas. The site is shown cross hatched on the attached plan extracted from the County Council's earlier local plan and much of this land is in County Council ownership. The site is described as 'capable of providing a wide range of dwelling types including significant element of affordable housing for local people'. The locality is described as being within walking distance of the local school. Furthermore, the Council's written submission of which a copy is attached hereto describes "areas unsuitable for development because of flooding and drainage problems lying to the north and south of the village have been excluded from the development boundary". No works have been carried out to alleviate flooding to the north of the village and to most observers it is difficult to find reasoning for the removal a well suited block of land from the LDP and replace it with a difficult main road site outside of village on low lying ground which will inevitably add to flooding in Caersws. These are essential questions for which the planning department must provide answers.

Conclusion

The Community Council submit this objection and information to Powys County Councils' portfolio holder for planning, to direct the Local Planning Authority to carry out a review of the Local Development Plan under Section 68A of the Planning and Compulsory Purchase Act 2004 and submit a Review Report in accordance with Section 69 of the Act to remove the application site P09 HA1 from the Local Development Plan.

An extraordinary meeting with Community Council was called for by the residents of Caersws so that these serious anomalous points and statements could be collated and a further investigation be made so as to determine whether or not any maladministration has taken place.

Attached

Appendix 1 – Map – Manthrig Brook Catchment Area

Appendix 2 – Map – Adopted Local Development Plan

Appendix 3 – Map – Montgomeryshire Local Plan

Appendix 4 – Council's Local Plan Statement, Consultation Draft 1993

Appendix 5 – Map and Report showing the area in and around the flood basin

Caersws Community Council insists that Powys County Council make a site visit a priority for this development site and give due consideration to the objections of the Community Council along with the local residents who have provided detailed objections to this application.

PCC-(N) Highways

9th February 2018

The County Council as Highway Authority

Wish the following recommendations/Observations be applied

Recommendations/Observations

This application should be Refused/Deferred.

Reasons for Refusal/Deferral

This application although Outline includes 'Access' and 'Layout' as being determined at this stage. However, pertinent highway details have not been submitted for consideration, as follows.

No widths have been submitted for the proposed roads and/or footways.

No measurements have been submitted for the proposed turning heads, nor have any swept path drawings been submitted to evidence safe manoeuvres of a Refuse Vehicle.

No service strips have been proposed.

No details of gradients for the proposed footways and roads.

Clear forward visibility has not been indicated across the internal road layout.

The submitted drawing fails to show the proposed parking arrangements.

The application does not provide evidence of compliance with the Active Travel (Wales) Act 2013.

The number of parking bays for the Retirement/Sheltered Housing development needs to be justified in relation to the number of available beds, staff, visitors and deliveries.

The surface water drainage for the proposed carriageways along with the proposed outfall needs to be shown on plan.

No details have been submitted regarding the proposed traffic calming measures, raised tables or street lighting.

The Highway Authority request that revised drawing are submitted, which address the above points.

Additional Correspondence received 17th April 2018

The County Council as Highway Authority

Wish the following recommendations/Observations be applied
Recommendations/Observations

It is noted that the applicant has changed the application to remove 'site layout' as a matter to be considered at this time, the Highway Authority (Powys County Council) therefore would like to add the following comments.

The site layout, demonstrates that the potential development is likely to be of a scale that will require an internal access road to be built to adoptable standards. It is therefore considered appropriate to advise the applicant at this stage that any future reserved matters application would need to include an appropriate highway layout and drainage strategy to meet those standards. The applicant is further advised that Advanced Payment Code Notices in line with legislation within the Highways Act 1980, will be served as and when building regulation approval is granted on any of the proposed dwellings.

Additional Correspondence received 19th November 2019

The County Council as Highway Authority

Wish the following recommendations/Observations be applied

Recommendations/Observations

The Highway Authority object to this application for the following reasons;

The Highway Authority (HA) understands that the applicant wishes for Layout to be determined at this stage and has therefore submitted drawing number CW6081.03 Rev B to show the layout.

It is noted that this drawing states "indicative layout only", however, as layout is being considered, the HA have assessed the submitted layout and make reiterate our previous concerns.

- No widths have been submitted for the proposed roads and/or footways.
- No measurements have been submitted for the proposed turning heads, nor have any swept path drawings been submitted to evidence safe manoeuvres of a Refuse Vehicle.
- No service strips have been proposed.
- No details of gradients for the proposed footways and roads.
- Clear forward visibility has not been indicated across the internal road layout.

- The submitted drawing fails to show the adequate parking arrangements.
- The application does not provide evidence of compliance with the Active Travel (Wales) Act 2013.
- The number of parking bays for the Retirement/Sheltered Housing development needs to be justified in relation to the number of available beds, staff, visitors and deliveries.
- The surface water drainage for the proposed carriageways along with the proposed outfall needs to be shown on plan.
- No details have been submitted regarding the proposed traffic calming measures, raised tables or street lighting.

The Highway Authority request that revised drawing are submitted, which address the above points.

PCC-Affordable Housing Officer

22nd December 2017

We seek provision of affordable housing on residential development sites in accordance with the Affordable Housing Topic Paper September 2016, and the following guidelines to be adhered to:

1. All affordable units will have to be constructed to Welsh Government Design Quality Requirements which include all of the Lifetime Homes and Secured by Design Standards
2. All units will have to meet the floor areas specified in Powys County Council's Affordable Housing Supplementary Planning Guidance
3. The Design Quality Requirements will be those current at the time of the detailed planning application
4. All completed Affordable units that are being sold must reflect local incomes to the local area and shall be bound by the Affordable Housing policies as detailed in the Affordable Housing for Local Needs Supplementary Guidance section HP7, HP8 or HP9.

WG - Highways Directorate

Correspondence received 9th January 2018

I refer to your consultation of 20th December 2017 regarding the above application, and advice that the Welsh Government as highway authority for the A470 trunk road direct that planning permission is not granted at this time as the applicant has provided insufficient information to determine the application.

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

The Design and Access Statement refers to drawing number T16190-106D, the Applicant must supply a copy of the drawing as part of the planning application.

Additional Correspondence received 23rd April 2019

I refer to your consultation of 20/12/2017 regarding the above planning application and advise that the Welsh Government as highway authority for the A489 trunk road directs that any permission granted by your authority shall include the following conditions:

1)The proposed access and improvements to the A489 are to be undertaken in accordance with approved drawings 318-18-05 & 318-18-10

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

Additional Correspondence received 16th October 2019

Our response of 23 April 2019 remains unchanged for planning application P/2017/0754.

Cadw - SAM

10th January 2018

Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monument MG001 Caersws Roman Site. Our assessment of the application is given below.

Our Role

Our statutory role in the planning process is to provide the local planning authority with an assessment concerned with the likely that the proposal will have on scheduled monuments, registered historic parks and gardens, registered historic landscapes where an EIA is required and development likely to have an impact on the outstanding universal value of a World Heritage Site. We do not provide an assessment of the likely impact of the development on listed buildings or conservation areas, as these are matters for the local authority.

It is for the local planning authority to weigh our assessment against all the other material considerations in determining whether to approve planning permission.

National Policy

Applications for planning permission are considered in light of the Welsh Government's land use planning policy and guidance contained in Planning Policy Wales (PPW), PPW (Chapter 6- The Historic Environment) explains that the conservation of archaeological remains is a material consideration in determining a planning application, whether those remains are a scheduled monument or not. Where nationally important archaeological remains, whether scheduled or not, and their settings are likely to be affected by proposed development, there should be a presumption in favour of their physical protection in situ. It will only be in exceptional circumstances that planning permission will be granted if development would result in an adverse impact on a scheduled monument (or an archaeological site shown to be of national importance) or has a significantly damaging effect upon its setting. Technical Advice Note 24 elaborated by explaining that when considering development proposals that affect scheduled monuments or other nationally important archaeological remains, there should be a presumption in favour of their physical preservation in situ, i.e. a presumption against proposals which would involve significant alteration or cause damage, or would have a significant adverse impact causing harm within the setting of the remains.

PPW also explains that local authorities should protect parks and gardens and their settings included in the first part of the Register of Landscapes, Parks and Gardens of Special Historic Interest in Wales, and that the effect of the proposed development on a registered park or garden or its setting should be a material consideration in determination of a planning application.

Assessment

Cadw received a statutory pre-application consultation on this application and responded on the 17th November 2017 (inside the consultation period) but this response has not been included in the Pre-application consultation report. In our response we noted that

the proposed development is located some 166m northwest of scheduled monument MG001 Caersws Roman Site. However, intervening buildings and hedges will provide heavy screening in any views between them. Consequently, it was concluded that the proposed development will cause no damage to the setting of scheduled monument MG001. We are unaware of any new information that will alter the previous advice.

Additional Correspondence received 7th October 2019

Thank you for your letter of 17 September 2019 inviting our comments on the consultation submitted for the above mentioned proposal. We have no change to our previous advice given on 9 January 2018.

PCC-Schools Service

As there is surplus capacity in the catchment schools, the Schools Service would not wish to submit a bid for S106 monies in respect of this development.

Wales and West Utilities

According to our mains records Wales and West Utilities has no apparatus in the area of your enquiry. However, Gas pipes owned by other GT's and also privately owned may be present in this area. Information with regard to such pipes should be obtained from the owners.

Safe diggings practices, in accordance with HS(g)47, must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used.

Severn Trent Water

Thank you for the opportunity to comment on this planning application. Please find our response noted below:

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

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

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

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

Clean Water Comments

We have apparatus in the area of the planned development, the developer will need to contact Severn Trent Water, New Connections team as detailed below to assess their proposed plans for diversion requirements.

Clwyd Powys Archaeological Trust (CPAT)

Thank you for the consultation on this application.

The indicative layout of the intended development makes no provision for the avoidance of the well preserved Roman road remains which run parallel with the southern hedge boundary and extend into the development site by approx. 6 metres (see attached plan and Fig.13 of the archaeological report). The road was fully revealed and partly excavated in 2010 and at that time we recommended that the road is preserved in situ by design. The road area would need to be left as a grass plot on the frontage and could be adapted as part of the green space for the development. This would have the advantage of pushing the buildings back from the frontage so that they do not receive as much noise from traffic on the road and thus making those plots more attractive for potential buyers.

I would be grateful if the applicant/agent could confirm in writing they can accommodate the preservation of the Roman road within the development layout and provide evidence of this with a new indicative layout that excludes the area I have shaded in red.

Representations

130 letters of public representation have been received at the time of writing this report. Whilst a letter of support has been received welcoming the additional housing it will bring to the locality a number of concerns have been raised which can be addressed as follows:

- Increased flood risk on neighbouring properties (Manthrig Brook)
- Highway safety concerns
- Properties out of character with surrounding area
- Need for street lighting
- Insufficient infrastructure
- No need for additional housing
- Inadequate pavement
- Ownership of Land

Planning History

App Ref	Description	Decision	Date
None			

Principal Planning Constraints

Flood Zone
Historic Landscapes

Principal Planning Policies

Policy	Policy Description	Year	Local Plan
PPW	Planning Policy Wales (Edition 10, December 2018)		National Policy
TAN1	Joint Housing Land Availability Studies		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
SP5	Settlement Hierarchy		Local Development Plan 2011-2026
TAN15	Development and Flood Risk		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN13	Tourism		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		National Policy

TAN20	Planning and the Welsh Language	National Policy
TAN23	Economic Development	National Policy
TAN24	The Historic Environment	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
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
DM6	Flood Prevention Measures and Land Drainage	Local Development Plan 2011-2026
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026

DM13	Design and Resources	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
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
SPGAH	Affordable Housing SPG (2018)	Local Development Plan 2011-2026
SPGBIO	Biodiversity and Geodiversity SPG (2018)	Local Development Plan 2011-2026
SPGOBS	Planning Obligations SPG (2018)	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 is located within the settlement development limits and within allocated housing site P09 HA1 for Caersws. The site is located directly adjoining the

A470 trunk road which runs to the south of the application site. To the north is agricultural land whilst to the east and west are neighbouring residential properties which front onto the highway.

Consent is sought in outline with all matters reserved for proposed residential development for 41 dwellings.

Background

Members will be aware that at a previous planning committee in February 2019 it was voted to defer the above application due to insufficient information being received from the Welsh Government Trunk Road Authority. In addition, further clarification was sought from Natural Resources Wales in respect to the flooding concerns raised from Local Residents.

Further discussions have been held and therefore this application comes back before Members for determination.

Principle of Development

Policy H1 of the Local Development Plan 2018 (LDP) seeks to ensure that housing development is appropriately located and suitable in scale and type. The application site is located within the Large Village of Caersws. The application site under policy H2 is allocated for residential development (P09 HA1- Land to north of Carno Road) which is an allocated area of 1.6 ha for 43 dwellings.

Further to the last report forwarded to Members, amended plans have been received from the applicant amending the proposed layout for the application site following discussions with Natural Resources Wales (NRW). The amended layout reduces the area of land to be developed and has therefore reduced the level of housing proposed to 41 units as opposed to the 43 previously proposed.

As previously identified, the application site is located within an LDP housing site allocation and therefore it is considered that the principle of residential development within this location complies with relevant planning policy subject to the following considerations.

Housing Density

Policy H4 of the LDP states that all housing development proposals should seek to make the most sustainable and efficient use of land. It is therefore identified that the density of any proposed housing development should be in accordance with the recommended guide ranges.

It is identified that for Large Villages there should be 27+ units per ha. Under policy H2 it has been identified that the housing allocation extends to 1.6ha in area and therefore a recommended contribution of 43 units has been proposed.

As identified above however due to the flood risk concerns raised by NRW the site area has been reduced to include a 'buffer zone' between the C2 DAM extent and any built development. As a result the scheme has therefore now been reduced to proposed 41 residential units.

An indicative layout has been provided to this effect and in light of the proposal put before us it is considered that the development seeks to make the most sustainable and efficient use of the land available and suitable for development.

Design and Layout

Development proposals must be able to demonstrate a good quality design and shall have regard to the qualities and amenity of the surrounding area, local infrastructure and resources. In line with policy DM13 development proposals should therefore be designed to complement and/or enhance the character of the surrounding area in terms of siting, appearance, integration, scale, height, massing, and design detailing.

Whilst design and layout are reserved matters and will be dealt with at a later point in time, it is relevant to consider whether the number of dwellings proposed could be appropriately developed on the site.

The indicative layout resembles a modern residential layout which is broadly comparable to those as seen in the settlement. More importantly it shows that up to 41 dwellings could be accommodated on the site.

Whilst public representations have raised concerns over the character of the development on the surrounding area, Officers acknowledge that all matters relating to this application have been reserved for future consideration, on the basis of the plans provided, it is considered that the application site is capable of accommodating 41 dwellings without unacceptably adversely affecting the character and appearance of the area or amenities enjoyed by occupants of neighbouring properties. The proposed development is therefore considered to comply with relevant planning policies.

Landscape and Visual Impact

Planning policy seeks to ensure that development proposals are appropriate and sensitive in terms of integration, siting, scale and design to the characteristics and qualities of the landscape including its: topography; development pattern and features; historical and ecological qualities; open views; and tranquillity.

The application site is located within the Registered Historic Landscape known as the Caersws Basin. The Historic Landscapes Register describes the Caersws basin as "*a striking natural arena in the centre of Mid Wales. Visual prospects out of the basin are confined in almost every direction by the surrounding, seemingly unbroken, rim of low hills and ridges between about 300m and 400m above OD. The apparently enclosed but*

wide basin floor is essentially flat, rising only 20m in 5km, from 115m to 135m above OD, east-west. This remarkable, albeit shallow, natural arena has made the basin an area of exceptional strategic and historical importance in Wales, while the confluence of the Rivers Carno and Trannon with the Severn has also made Caersws in the centre of the basin a natural focus for communications.”

The LDP Supplementary Planning Guidance (SPG) for Landscape states that where the development impacts on a Registered Historic Landscape there may also be a need to include an Assessment of the Impact of Development on Historic Landscapes” (ASIDOHL). The need for an ASIDOHL assessment for such developments will be determined by Cadw in consultation with the Clwyd Powys Archaeological Trust, NRW and the Council.

It is noted that Cadw and CPAT have been consulted and have confirmed that subject to conditions they have no objections to the proposed development. In addition it is noted that the site occupies an edge of settlement location. In terms of landscaping the indicative layout plan indicates that there will be existing hedgerows retained within the site. It is noted that landscaping is reserved as a future matter for consideration and therefore detailed proposals would be considered at a later stage.

Whilst the proposal would result in a visual change in comparison to the current use, taking into account the location on the edge of settlement, it is considered that the proposal subject to appropriate consideration of design at reserved matters stage is acceptable and therefore in accordance with relevant planning policy.

Affordable Housing

Under policy H5 the target contributions required to be made by development proposals with regards to affordable housing contributions for the ‘north’ sub-market region is set as a 10% contribution.

The applicant has confirmed that 10% of the units provided will be affordable and this will therefore be secured appropriately via condition.

Subject to the above it is therefore considered that the proposed development complies with relevant planning policy.

Open Space Contribution

Policy DM3 of the Local Development Plan seeks to ensure that provision for new Open Space will, subject to viability, be sought from all housing developments 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.

The application site proposes an open space located within the application site in line with relevant planning policy, subject to a Section 106 agreement being signed to ensure the open space is managed and provided to an acceptable level it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

Flood Risk

Technical Advice Note 15: Development and Flood Risk (TAN15), Policies DM5 and DM6 of the Powys Local Development Plan (LDP), Planning Policy Wales (PPW) aim to minimise and manage environmental risks and pollution and contain relevant policies on flood risk.

Paragraph 6.6.22 of TAN15 states that “Flooding as a hazard involves the consideration of the potential consequences of flooding, as well as the likelihood of an event occurring. Planning authorities should adopt a precautionary approach of positive avoidance of development in areas of flooding from the sea or from rivers.”

It is acknowledged that significant concerns have been raised from public representations in respect to the flooding concerns raised within the Caersws area. Evidence by way of photographs and videos have been provided to NRW, Land Drainage and the Local Planning Authority which provide evidence of the Manthrig Brook being in flood numerous times during the determination of this application.

The Manthrig Brook in connection with this proposed site runs directly to the north of the application site and adjoins the application site.

The applicant has undertaken a Flood Consequences Assessment (FCA) in consultation with Natural Resources Wales (NRW).

Previously, Members may re-call that concerns were raised from NRW as the application site was partially to be located within the C2 flood zone for consideration. Amended plans were then received to remove all of the residential development from the C2 flood zone.

Since the previous Planning Committee numerous discussions and meetings have been held with NRW and the Land Drainage department within Powys County Council which has resulted in a further amended scheme reducing the number of dwellings to 41 units so that a ‘buffer zone’ could also be accommodated within the application site. This buffer zone effectively provides an additional safeguard against flooding for future occupiers and to account also for modelling uncertainty and therefore adopting a precautionary approach to the final layout of the built development. NRW have confirmed that the ‘buffer zone’ as indicated on drawing no. CW 6081.03.B1 appropriately highlights this to ensure the protection of any future occupiers of the site.

NRW have therefore confirmed that they *“remain satisfied that the HEC-RAS hydraulic model compiled by David Floyd (Consultant Hydrologist) in support of the planning application has produced conservative outputs. As such, we are satisfied the outputs of the model are appropriate to inform the planning decision making process.”*

Whilst NRW previously advised that a revised FCA should consider flood risk from other sources to provide assurance that the proposed development will remain safe during extreme flood events and that third parties will not be affected further, following a site visit, it was concluded that a revised FCA would not be necessary, subject to reassurances by way of suitably worded conditions and a detailed drainage design to help ensure the long term functioning (water storage and conveyancing) to safeguard against increased risk to both development site and third parties.

NRW therefore have confirmed that highly vulnerable built development as shown on the revised plans lies entirely outside of Zone C2 of the Development Advice Map (DAM). In line with Technical Advice Note 15 it is therefore considered that the proposed development has been suitably directed away from zone C and takes a precautionary approach providing a further buffer zone of any development in connection with the floodzone boundary.

Concerns were additionally raised regarding the potential for any development on this area of land to have potential increase of flooding downstream. NRW have confirmed that there must be no built development, ground raising or recontouring of land and no structures erected within the recognised flood risk areas i.e. the areas shown as DAM C2 on drawing CW 6081.03 B1. NRW have therefore requested an appropriately worded condition be attached to any grant of consent to this effect. Subject to an appropriately worded condition, NRW are satisfied that this will protect future occupiers from flooding and ensure that there is no increase in flood risk elsewhere to third parties.

Therefore, whilst NRW acknowledge the October 2019 flood event they note that the Lead Local Flood Authority have already initiated further investigation into the event. However, NRW have confirmed and are satisfied that flooding did not affect this application site.

It is noted that parts of the A470 is partially located within a C2 floodzone. Whilst the site is not located itself consideration has to be given to a safe access/egress to be provided. It is considered that levels of flooding along the A470 trunk road are considered to be low with alternative routes available. Due to the nature of this highway being a trunk road it is therefore not considered any further information is required in this instance.

In light of the above whilst the concerns from third party representations have been noted and investigated, it has been confirmed that the development as proposed and subject to appropriately worded conditions would not result in highly vulnerable

development being located in a C2 floodzone nor increase flood risk elsewhere to third parties.

Surface Water Drainage

The Land Drainage Officer for Powys has been consulted on the proposed development and reviewed the additional information received in respect of the drainage strategy prepared in support of the application.

It is noted that foul sewerage is being discharged to the mains and therefore NRW and Environmental Health have confirmed that they have no comment to make with respect to foul sewerage disposal.

In relation to surface water drainage whilst it is noted that the application site for residential housing is located outside of a flood zone, concerns have been expressed over the potential impact surface water drainage and additional discharge into the brook may have on the existing levels of water and potentially increasing risk in flooding down the stream.

A Surface Water Drainage Strategy has been submitted in support of the application. The proposal proposes to install an attenuated drainage system designed to store water up to a 1 in 100-year rainfall event (plus a 35% allowance for climate change) fitted with a passive control device (sometimes referred to as a 'hydro-brake') that regulates peak flow of run-off to the 'greenfield' run-off rate. It is noted that permeable paving has also been mentioned, which will also provide further benefits not only in managing surface water run-off but also water quality benefits.

The Local Lead Land Drainage Officer has been consulted on the proposed development and has confirmed that the applicant has been able to demonstrate that suitable sustainable drainage arrangements can be achieved on this site which meet the requirements set out in the Powys LDP and other planning policy documents.

Matters regarding protecting/enhancement of the watercourse/ditch located along the eastern boundary will need to be addressed at detailed design stage.

It is also noted that the surface drainage proposals for this development will need to conform with the national Standards and approved by the Sustainable Drainage Approval Body (SAB). This is a statutory function delivered by the local authority to ensure that drainage proposals for all new developments of more than 1 house or where the construction area is 100m² are designed and built in accordance with the national standards for sustainable drainage published by Welsh Ministers.

Therefore, whilst concerns have been raised about potential drainage from the development site and also future poultry unit development not yet constructed up stream it is confirmed that they would first be required to go through the SAB approval.

In light of the above it is therefore considered that the proposed surface water drainage scheme is considered to be acceptable and therefore fundamentally complies with relevant planning policy.

Highways

A safe access, parking and visibility splays are a fundamental requirement of any development (LDP: DM13, Part 10), LDP: T1 and Technical Advice Note 18.

Concerns have been raised by public representations over the footpath provision, highway speeds to the application site and the safety of this site in relation to the A470 trunk road.

The application site seeks consent for a new access off the A470 Trunk Road. The Welsh Government Highway Authority have been consulted and have confirmed that subject to an appropriately worded condition ensuring works are completed in full accordance with the details as approved that they would have no objection to the proposed development. The proposal will include footpath provision, road signage and bus stop signage of which final detailed plans will be considered under any reserved matters application.

In relation to the internal layout of the site, clarification has since been provided to the Highway Officer confirming that layout is a reserved matter. It is therefore confirmed that an adoptable internal layout will be therefore be required to be demonstrated at the time of submission of reserved matters application. The Highway Authority have therefore no objection to the proposed development.

Concerns have been raised regarding layout and bus stop provisions, it is noted that this application is submitted in outline with all matters reserved and therefore detailed information will be provided at reserved matters stage. However, it is considered that currently sufficient information has been provided to confirm that the proposed development can fundamentally comply with relevant planning policy.

Biodiversity

Policy DM2 states that proposals shall demonstrate how they protect, positively manage and enhance biodiversity and geodiversity interests. Proposals which would impact on natural environment assets will only be permitted where they do not unacceptably adversely affect those assets. Technical Advice Note (TAN) 5 seeks to maintain biodiversity and safeguard protected important sites.

A preliminary Ecological Appraisal report was completed by Protected Species Ecology Ltd and was submitted in support of the application. NRW and the Powys Ecologist were consulted. Whilst no response has been received from the Powys Ecologist, NRW have confirmed that they hold several records of bat and otter within a 2 km radius of

the proposal. The report also submitted in support of the above application identified some potential for bat and otter use of the linear boundary features of the site.

NRW confirm that they have no significant concerns with reference to bats and otters subject to the imposition of a suitably worded condition regarding the submission and implementation of an otter and bat Reasonable Avoidance Measure Scheme (RAMS), within any permission.

Therefore, subject to the recommended conditions by NRW it is considered that the proposed development would not be seen as having an unacceptable impact on the conservation of protected species and the proposed development therefore is seen to comply with relevant planning policy.

Scheduled Ancient Monuments

Policy SP7 seeks to safeguard strategic resources and assets in the County. Therefore, development proposals must not have an unacceptable adverse impact on the resource or asset and its operation.

The application site is located approximately 166 metres north-west of the Scheduled Ancient Monument MG001 Caersws Roman Site. Cadw have been consulted and have confirmed that due to the intervening buildings and hedges which will provide heavy screening in any views between both sites that consequently it was concluded that the proposed development will cause no damage to the setting of scheduled monument MG001.

In addition, CPAT have identified that there is a well-preserved Roman road remains which run parallel with the southern hedge boundary and extend into the development site. The road was fully revealed and partly excavated in 2010 and at that time we recommended that the road is preserved in situ by design.

It is noted that layout is still a reserved matter and therefore subject to a condition ensuring that the remains are considered and excluded from development during the submission of the reserved matters application.

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

Facilities

Concerns have been raised over the impact the increase number of residential units in Caersws may have on existing facilities; namely schools. Powys County Councils Education department have been consulted and have confirmed that there is a surplus capacity in the catchment schools and therefore no contribution is required to be agreed in respect to this development.

In addition, under the LDP it is noted that Caersws has been allocated as a Large Village. Large Villages under the LDP are identified as being able to accommodate housing growth in proportion to their size and facilities. As the application has been restricted within the guidelines of the allocated housing site and number of recommended houses to be contributed for the allocation it is considered that the proposed development would not be seen as having an unacceptable impact or strain on local facilities.

Public Representations

It is considered that the majority of the concerns raised have been addressed above previously within the report. However, the outstanding matter can be addressed as follows:

- Land Ownership

Concerns have been raised by a neighbouring property who own a portion of land which fronts the application site and in which works will be required. The owner has been made aware of the development and provided their concerns directly. However, it is considered that land ownership is a civil matter and not to be considered at this planning stage. Therefore, whilst the comments have been noted it is for either party to resolve directly.

RECOMMENDATION

In light of the above, whilst the concerns raised have been noted it is considered that the development can be managed to an acceptable level and therefore would not be seen as having an unacceptable adverse impact on the character and appearance of the surrounding area.

Therefore, subject to the signing of a Section 106 agreement to secure the provision and management of the proposed open space it is considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent.

Conditions

1 Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out as approved.

2 Any application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

3 The development shall begin either before the expiration of five years from the date of this permission or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

4 The development shall be carried out in accordance with the following approved plans and documents CW 6081.03 B1, 318-18-05 & 318-18-10.

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

- i) the numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 10% 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.

6 Development shall be completed in full accordance with the Surface Water Drainage Strategy (v2) report prepared by Sumner Consultancy Ltd which shall thereafter be implemented in full prior to the first use of any residential unit.

7 Prior to the commencement of development an Otter and Bat Reasonable Avoidance Measure Scheme (RAMS) shall be submitted to and approved in writing by the Local Planning Authority. The RAMS shall include (but not limited to): A site lighting plan and no works which include the creation of trenches or culverts or the presence of pipes shall commence until measures to protect badgers/otters from being trapped in open excavations and / or pipe and culverts are submitted to and approved in writing by the local planning authority. The measures may include a) creation of sloping ramps to allow badgers to exit excavations; b) open pipework greater than 150mm outside diameter, being blocked off at the end of each working day. Development thereafter shall be completed in full accordance with the details as approved.

8 Prior to the commencement of development details of a fenced off buffer area (root protection area) separating the hedgerows and stream/ditch from the development site shall be submitted to and approved in writing by the Local Planning Authority. No machinery works shall be permitted within the buffer zone as approved and shall remain as approved for the perpetuity of the construction works.

9 Demolition or construction works shall not take place outside the hours of 07.30 to 18.00 Mondays to Fridays and 07.30 to 13.00 on Saturdays and at no time on Sundays or Public Holidays.

10 The Affordable Housing hereby approved and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2013, (or any Order revoking and re-enacting that Order) no development under Schedule 2, Part 1, Classes A to E other than that hereby permitted shall be carried out without the written permission of the Local Planning Authority.

11 At the time of the submission of any reserved matters application the proposed layout shall accommodate the preservation of the Roman Road remains which runs parallel with the southern hedge boundary of the application site.

Reasons

1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

2 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

3 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.

4 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.

5 To ensure that the dwellings remain affordable in perpetuity in line with policy H5 of the Local Development Plan, SPG Affordable Housing and Planning Policy Wales (2018).

6 To ensure a satisfactory development in accordance with policies DM5 and DM6 of the Local Development Plan (2018) and Planning Policy Wales (2018).

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

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

9 To comply with Powys County Council's LDP Policies DM2, DM7 in relation to The Natural Environment and policy DM13 in relation to amenity and to meet the requirements of Planning Policy Wales (Edition 10, 2018), TAN 5: Nature Conservation and Planning and Part 1 Section 6 of the Environment (Wales) Act and Technical Advice Note 11 (Noise) 1997.

10 In order to control further development which has the potential to have adverse effects on privacy and/or amenity in contradiction to policy DM13 and to secure the scale of the affordable housing approved in accordance with policy H5 of the Powys Local Development Plan and Planning Policy Wales (2018).

11 To ensure an appropriate layout safeguarding the strategic asset as identified in accordance with policy SP7 of the Local Development Plan, Technical Advice Note 24 The Historic Environment and Planning Policy Wales (2018).

Informative Notes

1 Waste

Any waste excavation material or building waste generated during the course of the development must be disposed of satisfactorily and in accordance with Section 33 and 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.

All works at the site must be carried out in accordance with PPG6: 'Working at construction and demolition sites' which are available on the following website:

<http://www.netregs.org.uk/environmental-topics/pollution-prevention-guidelines-pgpsand-replacement-series/guidance-for-pollution-prevention-gpps-full-list/> 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 Environmental Permitting Regulations 2017. 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. 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.