

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

**Application Number:** 21/1536/FUL                      **Grid Ref:** E: 328093  
N: 317507  
**Community Council:** Llandrinio And Arddleen                      **Valid Date:** 17.08.2021  
Community

**Applicant:** Powys County Council Affordable Housing Team

**Location:** Land at Trawscoed and At Orchard Croft, Llandrinio, Powys.

**Proposal:** Erection of 48 dwellings comprising 24 affordable homes at Trawscoed site and 24 open market dwellings at Orchard Croft site to include landscaping, sustainable drainage, car parking and all associated works.

**Application Type:** Full Application

### The reason for Committee determination

The applicant is Powys County Council and is for a major planning application.

### Consultee Responses

#### Consultee

#### Received

Community Council

22nd Sep 2021

Llandrinio & Arddleen Community Council have considered the above application at a meeting held on the 16th September 2021.

Councillors were supportive of the proposals but would ask that a Tree Preservation order is made on the Oak Tree situated in Orchard Croft and would also that the boundary fence be a natural hedge rather than chain link fencing installed.

They would also welcome any Interactive signage supplied by Powys County Council and would make the suggestion that the sign is covered up periodically rather than re-located.

PCC-Building Control

1st Sep 2021

Building Regulations application required.

The Highway Authority (HA) has been in discussion with the LPA and the applicant, we understand that revised drawings are to be submitted.

Following the submission of revised drawings, the HA shall be in a position to respond fully.

*Additional comments received 13/04/2022:*

The Highway Authority (HA) has reviewed the recently revised drawings and wish to make the following comments

The HA has been in discussion with the applicant and their appointed agent[s], responded to the PPAE and PAC, for the proposed development, and we note that the revised drawings reflect the comments made by the HA.

The proposed development incorporates two residential sites in Llandrinio named by the applicant as Trawscoed and Orchard Croft. As the sites are not within the same UPRN, our proposed conditions may appear duplicated, however, this acknowledges the separation of the sites, and some conditions require differing aspects between the sites.

We note that the proposed development includes 24 open market dwellings, therefore, the applicant should be aware that if Powys County Council (PCC) are the developer, that a Service Level Agreement (SLA) shall be required for the accesses, off-site works and Estate Road construction, whereas, if a third-party developer is undertaking the works, a S.38/278 highway legal agreement shall be required. The applicant should read the notes below in relation to the latter. In any case, the Estate Roads should be constructed to adoptable standards to comply with the Common Standards Guide 2020.

No works at the site[s] should begin until such time as either an SLA or S.38/278 has been agreed and signed, with all inspection fees, commuted sums and bonds paid/in place. (See notes below)

The proposed development[s] are of a scale which triggers the service of APC's in accordance with Sections 219/220 of the Highways Act 1980 (see notes below). In the case that PCC are the developer, no such APC's shall be served, however, should a private developer be involved, the APC[s] shall be served.

On the basis that the following conditions are attached to any consent given, the HA would not object.

1. Notwithstanding the submitted details on drawing numbers 20/33\_PL\_12, 20/33\_PL\_13, 20/33\_PL\_14, 20/33\_PL\_18, 20/33\_PL\_19 & 20/33\_PL\_20 the Highway

Authority wish the following conditions to be applied to any consent given.

2. No development shall commence on either Trawscoed or Orchard Croft until provision is made within the curtilage of each site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.
3. No other development shall commence until the Trawscoed access onto the B4396 has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.
4. Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.
5. Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material (MOT Type 1), 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.
6. Notwithstanding the submitted details, within 10 days from the commencement of the development detailed highway engineering drawings covering the highway works within the site, including the provision of a 20mph Zone, traffic calming measures and appropriate signing, shall be submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details of construction.
7. Prior to first occupation of any dwelling on either site, a 20mph Zone shall be implemented that covers the internal estate road.
8. Prior to the first occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the

approved site plans 20/33\_PL\_12 & 20/33\_PL\_18. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

9. Prior to the first occupation of any dwelling hereby approved the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence, prior to the occupation of the dwelling and retained as such for as long as the development remains in existence.

10. Prior to the occupation of the development the 2-metre-wide footpath(s) shown on the approved Drawings 20/33\_PL\_12 & 20/33\_PL\_18 shall be constructed to an adoptable standard on both sides of the site access and along the full frontage of the site onto the existing county B4396 road, and shall be retained as such for as long as the development hereby permitted remains in existence.

11. The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

12. No surface water drainage from the site shall be allowed to discharge onto the county highway.

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

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

15. Any vehicular entrance gates installed within the application site shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

16. The gradient from the back of the footway/verge to the vehicle parking areas and

Private Shared Drives shall be constructed so as not to exceed 1 in 20 and shall be retained at this gradient for as long as the dwellings remain in existence.

17. When displayed the sign[s] must be sited so that there is a minimum horizontal clearance of 450mm between the outer edge of the sign and the nearest edge of the adjoining carriageway. This clearance must be maintained for as long as the sign remains in erected.

18. When displayed there must be at least 2.30 metres clearance beneath the sign[s] measured vertically from the highway. This clearance must be maintained for as long as the sign remains erected.

#### Advisory Notes

Where development results in (or retains the potential to) the creation of a private street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways Act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Section E of the CSS Wales Common Standards Guide 2020. All major off-site highway works and access works shall be subject to an agreement (supported by a road bond) under Sections 38 & 278 of the Highways Act 1980. The design and detail required as part of a Section 38/278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 38/278 requirements can be found in Section E of the CSS Wales Common Standards Guide 2020. The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of the requisite Traffic Regulation Order, in addition to the manufacture and erection of all associated signage. Further information relating to Traffic Regulation Orders can be found in Section E of the CSS Wales Common Standards Guide 2020.

**NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;**

1. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew

the apparatus, change its position or remove it.

2. The need to inform and obtain the consent of Statutory Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.

3. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement. Further advice on the above highway matters can be obtained from:- <http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk> Street Works Powys County Hall Spa Road East Llandrindod Wells Powys LD1 5LG 0845 6027035

CPAT

6th Sep 2021

Thank you for the consultation relating to the above proposals.

The proposed development is located in an area of high archaeological potential relating to nearby prehistoric and Roman period enclosures, field boundaries and their associated sub-surface features. Aerial photography since the 1970's has revealed an extensive landscape of prehistoric enclosures and their related field systems (PRN 38064 Ashfields Enclosure; PRN 1245 Crosswood Camp) 100-200 metres west of the development sites and 300 metres to the east (PRN 3646 Punchbowl Inn Enclosure). We anticipate that there will be additional sub-surface archaeology of similar form and date within the two development boundaries and further investigation is required.

The proposed development will disturb any such remains surviving here, but from present knowledge it is impossible to estimate how damaging this might be, and thus to frame an appropriate archaeological response. The planning authority appears to have insufficient information about this archaeological resource, or the applicant's intended treatment of it, to make a balanced decision. As archaeology is a material consideration here, I would advise that this application is not determined until this resource has been properly assessed.

The evaluation would initially consist of a detailed desktop study combined with geophysical survey of the two plots using appropriate magnetometry techniques advised by geophysical specialists. Targeted investigative trenches may be used if significant anomalies are revealed by the geophysics. The evaluation would be completed in accordance with the appropriate CIFA standards and guidance for evaluation, geophysical surveys and desktop studies

Welsh Government Planning Policy Wales (Edition 11, Feb 2021), TAN 24: The Historic Environment (May 2017) suggest that planning authorities should require applicants to supply a suitable archaeological assessment in support of an application where a

potential impact to archaeological remains is identified. The specific guidance is stated in:

Planning Policy Wales (Feb 2021):

Paragraph 6.1.26

Where archaeological remains are known to exist or there is a potential for them to survive, an application should be accompanied by sufficient information, through desk-based assessment and/or field evaluation, to allow a full understanding of the impact of the proposal on the significance of the remains. The needs of archaeology and development may be reconciled, and potential conflict very much reduced, through early discussion and assessment.

This means that Local Planning Authorities in Wales have to take into account archaeological considerations and deal with them from the beginning of the development control process and need to be fully informed about the nature and importance of archaeological remains, and their setting, and the likely impact of any proposed development upon them.

Technical Advice Note 24 (May 2017):

Paragraph 4.7.

'Where archaeological remains are known to exist, or considered likely to exist, and a study has not already been undertaken by the applicant, the local planning authority should ask an applicant to undertake a desk-based archaeological assessment and, where appropriate, an archaeological evaluation. These should be done by a qualified and competent expert to the appropriate standard. The reports of these investigations will form part of the planning application. Applicants should show they have modified their development proposals to minimise any negative impact on the identified archaeological remains, and how they intend to mitigate any remaining negative impacts'.

The developer will need to engage an archaeological contractor to complete this work. In response the archaeological contractor will need to supply a written scheme of investigation along with their cost estimate. The written scheme of investigation will need to be approved by me before work can commence on site.

I would advise that in order to allow sufficient time for an assessment to be carried out, and the discussion of a subsequent mitigation strategy, the determination of the current application is delayed so that this information can be gathered and presented in support of the application.

I have attached a geophysics brief, information on sources for archaeological contractors that the developer may wish to consider engaging to complete evaluation work and a

planning archaeology guide. Please forward these to the applicant so that they are fully advised.

Please contact me if you wish to discuss the above advice or require any more information.

PCC-Outdoor Leisure & Recreation  
(North)

10th Sep 2021

Powys County Councils Countryside & Outdoor Recreation Services (C&ODR) preferred situation would be for any developer to provide, manage and maintain their own fixed play facilities, either organised by themselves or through a resident's organisation, or potentially by working with the local town or community council.

Powys County Councils, Countryside & Outdoor Recreation Service will only ask for a Section 106 contribution, if the proposed developer should/will not provide suitable play provision for their residents, under the LAP, NEAP & LEAP planning arrangements included in the Six Acre Standard as set out by the Fields in Trust.

To reiterate, if the developer decided not to provide adequate play space on their land, and if Powys County Council does have a play facility with fixed play equipment within a short distance (TBC), then the Countryside & Outdoor Recreation Service would seek a monetary package to upgrade the Services nearest existing playing field or playground.

I would suggest on this occasion because PCC has not got a play facilities in the area, if any 106 contributions for play is available, then the offer should go to Llandrinio & Arddleen Community Council, who own and maintain the nearest public play facility.

Hafren Dyfrdwy

6th Sep 2021

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:

- o 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

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

Severn Trent Water advise that there is a public 150mm foul sewer and a pressurised foul sewer located within this site. Public sewers have statutory protection and may not be built close to, directly over or be diverted without consent. You are advised to contact Severn Trent Water to discuss the proposals. Severn Trent will seek to assist in obtaining a solution which protects both the public sewer and the building. Please note, when submitting a Building Regulations application, the building control officer is required to check the sewer maps supplied by Severn Trent and advise them of any proposals located over or within 3 meters of a public sewer. Under the provisions of Building Regulations 2000 Part H4, Severn Trent can direct the building control officer to refuse building regulations approval.

Please note that there is no guarantee that you will be able to build over or close to any Severn Trent sewers, and where diversion is required there is no guarantee that you will be able to undertake those works on a self-lay basis. Every approach to build near to or divert our assets has to be assessed on its own merit and the decision of what is or isn't permissible is taken based on the risk to the asset and the wider catchment it serves. It is vital therefore that you contact us at the earliest opportunity to discuss the implications of our assets crossing your site. Failure to do so could significantly affect the costs and timescales of your project if it transpires diversionary works need to be carried out by Severn Trent.

There is a pumping station close to the site and any new development must not restrict our access to the Sewage Pumping Station (SPS). We will require free access to the SPS at all times in order to complete any programmed routine maintenance tasks and also for any emergency reactive visits in case of failure. Please note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution. In order to minimise disruption to any future occupant(s), we would advise that all habitable buildings are constructed a minimum of 15metres from the curtilage of the SPS compound.

Please note if you wish to respond to this email please send it to [aplanning@hdcymru.co.uk](mailto:aplanning@hdcymru.co.uk) where we will look to respond within 10 working days.

If your query is regarding drainage proposals, please email to the aforementioned email address and mark for the attention of Planning Liaison Technician.

PCC-Ecologist

2nd Dec 2021

No objection - subject to planning conditions and/or planning obligations

Policy background:

- o Planning Policy Wales, Edition 11, 2021
- o Technical Advice Note (TAN) 5
- o Powys Local Development Plan 2011 - 2026:

DM2 - The Natural Environment

DM4 - Landscape

DM7 - Dark Skies and External Lighting

- o Powys Supplementary Planning Guidance: Biodiversity and Geodiversity (2018)

Legislative background:

- o The Conservation of Habitats and Species Regulations 2017 (as amended)
- o Environment (Wales) Act 2016

Statutory sites within 2km:

1. Montgomery Canal Site of Special Scientific Interest (SSSI) - approximately 1.5km from development
2. Montgomery Canal Special Area of Conservation (SAC) - approximately 1.5km from development

Non-statutory sites within 2km:

3. One or more Ancient Woodland (AW) sites are located more than 1km from the development

Records of protected and/or priority species identified within 2km? Yes

Comments:

The application is informed by the following information:

4. Preliminary Ecological Assessment - Land Adjacent Orchard Croft, Llandrinio, Version 1.0, dated 05/08/2020, by Engineering Design Services-Central Wales Infrastructure Collaboration
5. Preliminary Ecological Assessment - Land Adjacent to Trawscoed, Llandrinio, Version 1.0, dated 10/08/2020, by Engineering Design Services-Central Wales Infrastructure Collaboration
6. Arboricultural Report, Project Reference - ArbTS\_1015.1\_Land at Orchard Croft, dated 26th October 2020, by ArbTS.

Survey effort and methods employed for surveys in accordance with current national guidelines? Yes

Land adjacent to Orchard Croft:

The proposed development is located within an area of improved grassland considered to be of relatively low ecological value. Two of the site boundaries comprised native species hedgerows (a priority habitat), a large hawthorn tree and a veteran oak tree, and are of moderate-high ecological value. These features will be retained within the development.

Land adjacent to Trawscoed:

The proposed development is also located within an area of improved grassland considered to be of relatively low ecological value. Three of the site's boundaries comprised native species hedgerow (a priority habitat) considered to be of moderate ecological value; a section of Leylandii hedge along the north-western boundary was of low-moderate value. Scattered trees present along the eastern and western boundary will be retained. The northern hedgerow will be lost to accommodate the development. Compensatory planting of a new native species hedgerow along the southern boundary and replacement of the Leylandii hedge with a native species hedge is proposed and confirmed in the submitted landscaping details.

Both sites:

The trees had negligible potential to support roosting bats. The hedgerows and trees provide foraging and commuting habitat for bats, as well as nesting habitat for birds. Badger setts or evidence of badger activity were not found but precautionary measures were recommended to avoid potential negative impact to badger activity during construction phase. The sites were considered unsuitable for supporting other protected species due to a lack of suitable habitat features, although there was limited potential for reptiles to be present on both sites. No invasive non-native species were found, and no

further species surveys were required.

Implementation of reasonable avoidance measures during the construction phase for badgers, reptiles and nesting birds, and wildlife sensitive external lighting design were recommended and sufficient details provided. Appropriate pollution prevention measures to safeguard semi-natural habitats, including watercourses, during construction at both sites were also provided.

The submitted tree report confirms the high amenity value of the oak tree at Orchard Croft and is accompanied by a Tree Protection Plan and Arboricultural Method Statement to ensure both trees and hedgerows will be protected during construction. It is recommended that permitted development rights are removed at both sites to ensure that both boundary hedgerows and trees, particularly the veteran oak at Orchard Croft, are retained in perpetuity and that there will be no biodiversity loss as a result of the development.

Biodiversity enhancement:

Within both Orchard Croft and Trawscoed sites, it is recommended to include provision of a range of integral bird nesting boxes and bat boxes (15 minimum per site), a wildlife friendly landscaping scheme and wildlife friendly boundary features to benefit species such as hedgehog. Landscaping details including planting plans and schedules for each site have been submitted with the application. It is recommended that the locations of bird and bat boxes are identified on approved plans to ensure the enhancements will be installed appropriately during construction.

Further information required prior to determination:

i. Biodiversity Enhancement Plan with details of the locations of integral bird and bat boxes to be installed on dwellings within each site. To be secured as an Approved Plan.

Subject to inclusion of the conditions below, would the development result in a significant negative effect on biodiversity? No

Conditions:

Should Development Management be minded to approve this application, inclusion of the following conditions is recommended

1. The development shall be undertaken in strict accordance with the Tree Protection Plan and Arboricultural Method Statement within the Arboricultural Report, Project Reference - ArbTS\_1015.1\_Land at Orchard Croft, dated 26th October 2020, by ArbTS. The measures identified shall be adhered to and implemented in full.

2. The development shall be undertaken in strict accordance with Section 12-Recommendations, Avoidance, Mitigation and Enhancement Measures, Appendix 1 Pollution Prevention Plan and Appendix 2 Biosecurity Risk Assessment, in Preliminary Ecological Assessment - Land Adjacent Orchard Croft, Llandrinio, Version 1.0, dated 05/08/2020, by Engineering Design Services-Central Wales Infrastructure Collaboration. The measures identified shall be adhered to and implemented in full.

3. The development shall be undertaken in strict accordance with Section 11-Recommendations, Avoidance, Mitigation and Enhancement Measures, Appendix 1 Pollution Prevention Plan and Appendix 2 Biosecurity Risk Assessment, in Preliminary Ecological Assessment - Land Adjacent to Trawscoed, Llandrinio, Version 1.0, dated 10/08/2020, by Engineering Design Services-Central Wales Infrastructure Collaboration. The measures identified shall be adhered to and implemented in full.

4. The development shall be undertaken in strict accordance with the following plans prepared by Haire Landscape Consultants

i) Planting Plan, Drawing no. 610/01.1, Rev. C

ii) Plant Schedules, Drawing no. 610/01.2, Rev. C

iii) Schedules and Specifications, Drawing no. 610/02.3, Rev. B

iv) Planting Plan, Drawing no. 610/02.1

v) Plant Schedule, Drawing no. 610/02/2

vi) Schedules and Specifications, Drawing no. 610/02.3

The measures identified shall be adhered to and implemented in full and maintained thereafter.

5. Prior to commencement of development, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include isolux diagrams for street lighting and external lighting on dwellings and demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at <https://theilp.org.uk/publication/guidance-note-8-bats-and-artificial-lighting/>. The approved scheme shall be adhered to and be implemented in full.

Reason: To comply with Powys County Council's LDP Policies DM2, DM4 and DM7 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5:

Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.

Informatives:

The following advice for the applicant is also considered appropriate

Birds - Wildlife and Countryside Act 1981 (as amended)

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

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

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

The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

Natural Resources Wales (Mid Wales)  
DPAS

20th Sep 2021

We have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome by attaching the following condition to any planning permission granted:

Condition - Prior to installation of any lighting, a lighting design plan shall be submitted to and approved in writing by the Local Planning Authority.

Please note, without the inclusion of this condition we would object to this planning

application. Further details are provided below.

### Protected Species

We are satisfied that the following reports submitted in support of the above are satisfactory for the purposes of informing the public decision-making process:

- o Probert, R. (05/08/2020). Land Adjacent to Orchard Croft, Llandrinio: Preliminary Ecological Assessment, Engineering and Design Services, Central Wales Infrastructure Collaboration. Unpublished.

- o Probert, R. (10/08/2020). Land Adjacent to Trawscoed, Llandrinio: Preliminary Ecological

Assessment, Engineering and Design Services, Central Wales Infrastructure Collaboration.

Unpublished.

No European Protected Species (EPS) were found present within the development sites and the potential for bat roosting was considered low/negligible. However, the boundaries of the sites including hedgerows and linear tree features were assessed as being of moderate value for commuting and foraging purposes. Therefore, the impact of artificial lighting on commuting/ foraging bats must be given consideration.

We advise your Authority that a lighting plan condition should be attached to any planning consent ensuring lighting details are agreed prior to installation and reducing the impacts on bats

and wildlife commuting corridors. The Lighting Plan should include:

- o details of the siting and type of external lighting to be used,
- o drawings setting out light spillage in key sensitive areas,
- o details of lighting to be used both during construction and/or operation.

We refer the Applicant to the Bats and artificial lighting in the UK Guidance Note 08/18 published in partnership with the Institute of Lighting Professionals (ILP) and the Bat

Conservation Trust (BCT), 2018.

### Biosecurity

We consider biosecurity to be a material consideration owing to the location/nature of the

proposal. We would therefore recommend any subsequent consent including the imposition of a condition requiring the submission and implementation of a Biosecurity Risk Assessment to the satisfaction of the LPA.

We advise this assessment includes:

(i) appropriate measures to control any identified Invasive Alien Species (IAS) Invasive Non-native Species (INNS) on site; and

(ii) measures or actions that aim to prevent IAS, INNS or other identified diseases being introduced to the site for the duration of construction (and operational phases) of the scheme.

In respect of this case, NRW does not require any further consultation including those concerning any subsequent reserved matters consultations in respect of biosecurity.

#### Powysland Internal Drainage District

The proposal site is located within the Powysland Internal Drainage District (IDD). We (NRW) manage the Powysland IDD and control the introduction of water and any increase in flow or volume of water into the area.

The Applicant will be required to apply for land drainage consent within the Powysland IDD.

Further information with regards to IDD consent and the Powysland Drainage District can be viewed on our website:

#### Other Matters

Our comments above only relate specifically to matters included on our checklist,

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 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.

If you have any queries on the above, please do not hesitate to contact us.



Environmental Protection

2nd Sep 2021

I note that development will be connected to the public main foul drainage therefore I have no objection to the application.

PCC-Contaminated Land Officer

20th Sep 2021

Concerning planning application 21/1536/FUL, the following advice is provided for the consideration of Development Control.

Advice

1. Records identify that the land at Trawscoed is located within 20 metres of a Garage/Petrol Filling Station.

Garages/Petrol Filling Stations are potential high risk sources of land contamination - the Department of the Environment, Industry Profile 'Road Vehicle Fuelling, Service and Repair: Garages and Filling Stations' provides guidance on the potential contaminant sources and contaminants of concern, associated with these land uses.

2. Paragraph 6.9.14, of Chapter 6 'Distinctive and Natural Places', of the Welsh Government document 'Planning Policy Wales' (2021) states:

"Responsibility for determining the extent and effects of surface and subsurface risks remains with the developer. It is for the developer to ensure that the land is suitable for the development proposed, as a planning authority does not have a duty of care to landowners."

3. Based on the available information, it is recommended that the following condition and note, to the applicant, are attached to any permission granted for planning application 21/1536/FUL

## Condition A

### Condition 1. Preliminary Investigation

No development shall commence until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site.

The report of the findings shall include:

- A desk study

- A site reconnaissance

- Formulation of an initial conceptual model

- A preliminary risk assessment

If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

### Condition 2. Site Characterisation

No development shall take place until a site investigation of the nature and extent of contamination has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins.

The written report should include an appraisal of remedial options and identification of the most appropriate remediation option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

### Condition 3. Submission of Remediation Scheme

No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority.

All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

#### Condition 4. Implementation of Approved Remediation Scheme

The approved remediation scheme must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works.

If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied.

Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme.

All work and submissions carried out for the purposes of this condition must

be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

#### Condition 5. Long Term Monitoring and Maintenance

A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority.

Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and submitted to the local planning authority.

This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance'.

Reason (common to all): To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors [in accordance with policy \_\_\_\_ of the adopted Local Plan (date)].

Note to Applicant

Potential Contamination

The Council's guidance leaflet on the development of sites with potential

land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645.

CPAT

31st Jan 2022

This includes the archaeological contractors WSI, the DBA and the geophysical survey report. All of these reports have been received direct from the contractor and were approved in October and November last year.

The pre-determination evaluation of the geophysics anomalies has just been completed last week and we await a formal report which will further supplement the application documents.

Having monitored the evaluation trenching I can already confirm that no significant archaeology was found and we would not require any additional archaeological work at this site. The Full application can therefore proceed to determination.

## **Representations**

Four letters of public representations have been received at the time of writing this report. The letters can be summarised as follows:

- Public rights of way not marked on plans
- Opportunities to contribute to use the local rights of way in the area
- Traffic calming measure needed along the B4393- 50mph largely ignored
- Access inappropriate through Orchard Croft
- Increase in traffic
- Over development
- Residential Amenity

## **Planning History**

<b>App Ref</b>	<b>Description</b>	<b>Decision</b>	<b>Date</b>
P/2016/0790	Up to 15 residential dwellings	Approve	Expired

## **Principal Planning Constraints**

LDP Development Boundaries                      Llandrinio/ Llandrinio

LDP Residential Allocations  
Right of Way  
Mineral Safeguarding

Gwernybatto Land off Orchard C  
221/19/1

### Principal Planning Policies

<b>Policy</b>	<b>Policy Description</b>	<b>Year</b>	<b>Local Plan</b>
PPW	Planning Policy Wales (Edition 11, February 2021)		National Policy
NATPLA	Future Wales - The National Plan 2040		National Policy
TAN2	Planning and Affordable Housing		National Policy
TAN5	Nature Conservation and Planning		National Policy
TAN11	Noise		National Policy
TAN12	Design		National Policy
TAN15	Development and Flood Risk		National Policy
TAN18	Transport		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		Local Development

	Resources and Assets	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
DM7	Dark Skies and External Lighting	Local Development Plan 2011-2026
DM8	Minerals Safeguarding	Local Development Plan 2011-2026
DM10	Contaminated and Unstable Land	Local Development Plan 2011-2026
DM13	Design and Resources	Local Development Plan 2011-2026
T1	Travel, Traffic and Transport Infrastructure	Local Development Plan 2011-2026
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
H6	Affordable Housing Exception Sites	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
SPGLAN	Landscape SPG	Local Development Plan 2011-2026
SPGRES	Residential Design Guide SPG (2020)	Local Development Plan 2011-2026
SPGHE	Historic Environment SPG (2021)	Local Development Plan 2011-2026
SPGARC	Archaeology SPG (2021)	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

Marine and Coastal Access Act 2009

### **Officer Appraisal**

#### Site Location and Description

The application site is located within the Community Council area for Llandrinio and Arddleen and is development within the locality of the Large Village of Llandrinio.

The application site has been submitted as a residential development proposal split across two sites within the village.

The first is land located to the north of the B4393 adjacent to the residential estate of Orchard Croft and the second to the south adjacent to the estate of Trawscoed.

Consent is sought for the erection of 48 dwellings comprising 24 affordable homes and 24 open market dwellings.

The dwellings across the sites will consist of the following:

- 6x 1 Bedroom apartments
- 4x 2 Bedroom apartments
- 13x 2 Bedroom Bungalows
- 14x 2 Bedroom House
- 10x 3 Bedroom House
- 1x 3 Bedroom Bungalow (wheelchair accessible)

### Principle of Development

The application has been submitted across two separate parcels of land within the Large Village of Llandrinio. The sites have been referred to as land at Trawscoed (land to the south of the B4393) and land at Orchard Croft (land to the north of the B4393). The principle for each site will be considered individually as follows:

#### *Land at Orchard Croft-*

Land at Orchard Croft is allocated for housing under allocation P29 HA1 for the Local Development Plan (2018) (LDP) the principle of residential development at this location is therefore in principle considered to comply with policy H1 of the Local Development Plan.

The site area measures approximately 1.1ha with an allocation identified for 30 dwellings.

Proposed plans indicate 24 semi-detached residential units, whilst it is acknowledged that this is under the allocation requirements it is noted that since the allocation was approved in the adopted LDP there are a number of constraints which were not previously considered. These include a mature veteran oak tree and a required buffer zone for a pumping station which is located outside but adjoining the eastern boundary of the application site. This has therefore reduced the developable area of the site, resulting in 24 dwellings rather than the 30 envisaged by the LDP allocation.

#### *Land at Trawscoed-*

The Land at Trawscoed is located outside but adjoins the development boundary for Llandrinio. It is noted that this area of land will provide 24 entirely affordable houses.

Policy H6 of the LDP supports proposals for the development of affordable housing to meet a proven, unmet local need in Towns, Large Villages, Small Villages and Rural Settlements where:

*1. The proposed development is of a size, scale and tenure commensurate with the defined need and appropriate to the settlement tier, and accords with the requirements*

*of Policy H1; and*

*2. The site is solely for affordable housing and there are clear and adequate arrangements to ensure that the benefits of affordable housing are secured for initial and subsequent occupiers, in accordance with the requirements of Policy SP3.*

It is noted that a total of 213 applicants are on the Common Housing Register for Llandrinio and surrounding settlements with 117 confirming they would consider Llandrinio should accommodation be offered. Furthermore, the applicant has considered housing need with the local housing authority Housing Management Team and the housing mix provided has been derived from those discussions resulting in a mix of 1,2, and 3 bedroom properties to include a mixture of apartments, houses and bungalows.

It is therefore considered that there is a recognised need for the development and the 24 houses proposed on this site will contribute to that recognised wider need.

Should the application meet with approval, a condition will be attached to any grant of consent in line with the Conditions Circular by Welsh Government to secure the initial and subsequent occupation of the dwellings.

In light of the above it is therefore considered that the principle of development for the application sites fundamentally complies with national and local planning policies subject to the further materials planning considerations:

#### Density

Policy H4 of the Local Development Plan (2018) seeks to ensure all housing development proposals make the most sustainable and efficient use of land. Llandrinio is defined as a Large Village by the Powys Local Development Plan. Policy H4, as a guide recommends a density of 27+ dwellings per hectare for Towns and Large Villages.

The site area for land at Orchard Croft as previously discussed is allocated as 1.1ha of land however the area developable due to constraints reduces the area down to 0.8ha.

Land at Trawscoed also measures approximately 0.8 ha with a further constraint being added to that site in terms of the requirement of a water pumping station as required by Severn Trent which again reduces the area of developable land.

Based on the evidence provided and in line with policy H4 which states that densities may be varied where justified by evidence or local circumstances or constraints it is considered that sufficient evidence has been submitted to justify the density of the application site.

#### Affordable Housing

- *Trawscoed*

Policy H6 of the LDP seeks to ensure that on exception sites such as the Trawscoed site that the site is solely for affordable housing.

It is noted that the application confirms that the application site at Trawscoed will be 100% affordable housing site and will be secured through an appropriately worded condition.

- *Orchard Croft*

Policy H5 of the LDP seeks to ensure that proposals for new housing development of five or more dwelling units or on sites of 0.25ha and above will be required to make contributions towards the provision of affordable housing.

Llandrinio is located within the Severn Valley region where a 20% requirement for affordable housing is therefore required.

The application currently proposes the Orchard Croft site to be entirely open market dwellings however in considering policy H5 of the LDP this would not comply with relevant planning policy.

Further to discussions, conditions will therefore be attached to any grant of consent to ensure that 20% of the proposed dwellings on the Orchard Croft site will meet with the definition of affordable.

It is considered that this is achievable based on the dwellings as currently proposed which would already meet and fall under the scales required in line with the Affordable Housing SPG.

A condition will therefore be attached to any grant of consent to secure the above in line with policy H5.

### Design, Scale and Visual Impact

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.

Both sites have been designed from a single access point into either site with development then located around the estate highway roads which form an organic layout, taking into consideration existing topographies of the land. Parking is to be provided to either the front or side of each property with properties all having a lawn

area to the frontage which softens the development.

### *Orchard Croft*

Orchard Croft site provides 24 residential units all semi-detached providing a mixture of 8x two bedroom bungalows, 10x two bedroom houses and 6x three bedroom houses. The properties will therefore all be either single or two storey properties.

The properties have all been sited and designed to be in-keeping with the existing dwellings on Orchard Croft estate with the bungalows proposed towards the entrance of the site to complement the bungalows sited along Orchard Croft existing estate within that area.

The materials to be used are brickwork for the external walls with slate or similar for the roofs. It is recommended that a condition should be attached to any grant of consent to ensure full details and samples are provided and agreed in writing prior to their first use. However, the use of brickwork is appropriate in its use and complements the materials used within the adjoining estate.

### *Trawscoed*

Trawscoed site is located within the open countryside as defined by the Local Development Plan. Policy DM4 of the LDP states that development outside of Towns, Large Villages, Small Villages and Rural Settlements defined in the Settlement Hierarchy must not, individually or cumulatively, have an unacceptable adverse effect, on the valued characteristics and qualities of the Powys landscape.

It is considered that the Trawscoed site have been sensitively located and designed to be directly adjoining the settlement development boundary for the large village and adjoins existing built development for the village. The site has therefore been well integrated with existing residential properties to the east and the village hall to the west.

Trawscoed site provides a mix of housing sizes and types comprising six one-bedroom apartments, four two-bedroom apartments, five two-bedroom bungalows, one three-bedroom wheelchair accessible bungalow, four two-bedroom houses and four three-bedroom houses. The scheme comprises a mix of one and two-storey dwellings, primarily in semi-detached form, though the two walk-up apartments within the south-western corner of the site have the appearance of a single detached dwelling.

The proposed bungalows have been located to the east of the site, which adjoins the existing residential properties to reduce impact to those existing dwelling on the estate.

Again, the materials to be used are primarily brick walls and slate or similar for the roofs and as above a condition would secure those future details prior to their first use.

Given the location, integration, scale and design of the proposed site at Trawscoed it is

therefore not considered that the proposed development would have an unacceptable effect on the valued characteristics and qualities of the Powys landscape within the surrounding area.

It is considered across both sites, the dwellings proposed are traditional in character and complement the existing built development within the surrounding area. A variation of scale and design has been provided across both sites to ensure variety throughout the development whilst using materials which would bring some uniformity to the developments.

It is therefore considered that the proposed dwellings have been appropriately designed taking into consideration local character and materials which have been reflected through to the proposed scheme. The proposed development is therefore considered to comply with relevant planning policies in terms of design, scale and visual impact.

### Highway Safety

Policies DM13 and T1 of the Powys Local Development Plan (2018) indicate that development proposals should incorporate safe and efficient means of access to and from the site for all transport users, manage any impact upon the network and mitigate adverse impacts.

Llandrinio is split in half by the B4393 which runs directly east to west through the village. Orchard Croft site is located to the north of this highway with access proposed through the adopted highway at Orchard Croft. Trawscoed site is then located to the south of the B4393 with access sought directly off the B4393.

All car parking will be provided within the site and proposed to be on-plot in all instances except for a small number of cases at the Trawscoed site, where small courtyard parking areas are provided.

In terms of public transport the application sites are accessible to bus stops within the village itself, just short distances from either application site.

Footpaths will also be provided throughout the sites which then connect to existing footpaths within the village to provide wider accessibility to local services.

Concerns have been raised regarding access through the Orchard Croft site and the acceptability of increased traffic through this estate.

The Highway Authority have been consulted and initially raised concerns regarding the information provided. However, additional information and plans were submitted which Officers welcomed and subject to conditions confirmed that they would have no objections to the proposed development.

In light of the above it is considered that the proposed development complies with

relevant planning policies subject to recommended conditions.

### Public Open Space

LDP policy DM3 deals with the provision of public open space. It requires that provision for public open space (POS) will be sought from all housing developments of ten or more dwellings. Third party correspondence has raised concern there is a lack of open space associated with the development.

There is one local equipped area of play (LEAP), outdoor pitch space (football pitch, cricket pitch, school playing field and multi-use pitch) and amenity greenspace all located to the rear of the village hall within Llandrinio and directly to the west of the application site at Trawscoed.

Trawscoed site therefore falls within the buffer zone for these facilities and it is not considered through the open space assessment completed for the LDP that further provision is required within this direct area. Following pre-application consultation with the local Community the Trawscoed development does include a new 2m wide footpath which will connect either site to allow residents to access the amenity space.

Land at Orchard Croft however does fall within the buffer zone for outdoor pitch sport (1.2km buffer) and amenity greenspace. However, a majority of the site falls outside the buffer for LEAP provision, through the open space assessment it is noted that only 29% of the population of Llandrinio is within the accessibility buffer for designated equipped playing space.

It is therefore considered that there is a recognised need for that provision. At Orchard Croft the proposal does seek to provide a public open space/informal play space however no equipment was previously proposed.

Following discussions with the agent it has been discussed that a portion of the site will be equipped and the details of the equipment to be provided will be secured through condition including the future management/ maintenance of the site.

Subject to an appropriately worded condition it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### The Natural Environment

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. This is further emphasised within Technical Advice Note (TAN) 5.

Statutory sites within 2km:

1. *Montgomery Canal Site of Special Scientific Interest (SSSI) - approximately 1.5km from development*
2. *Montgomery Canal Special Area of Conservation (SAC) - approximately 1.5km from development*

*Non-statutory sites within 2km:*

3. *One or more Ancient Woodland (AW) sites are located more than 1km from the development*

The application is informed by Preliminary Ecological Assessments and Arboricultural Reports.

### *Orchard Croft*

The proposed development is located within an area of improved grassland considered to be of relatively low ecological value. Two of the site boundaries comprised native species hedgerows (a priority habitat), a large hawthorn tree and a veteran oak tree, and are of moderate-high ecological value. These features will be retained within the development.

### *Trawscoed*

The proposed development is also located within an area of improved grassland considered to be of relatively low ecological value. Three of the site's boundaries comprised native species hedgerow (a priority habitat) considered to be of moderate ecological value; a section of *Leylandii* hedge along the north-western boundary was of low-moderate value. Scattered trees present along the eastern and western boundary will be retained. The northern hedgerow will be lost to accommodate the development and compensatory planting of a new native species hedgerow along the southern boundary and replacement of the *Leylandii* hedge with a native species hedge is proposed and confirmed in the submitted landscaping details.

Trees for both sites have been confirmed as having negligible potential to support roosting bats. The hedgerows and trees provide foraging and commuting habitat for bats, as well as nesting habitat for birds. Badger setts or evidence of badger activity were not found but precautionary measures are recommended to avoid potential negative impact to badger activity during construction phase.

The sites were considered unsuitable for supporting other protected species due to a lack of suitable habitat features.

Implementation of reasonable avoidance measures during the construction phase for badgers, reptiles and nesting birds, and wildlife sensitive external lighting design have been provided as part of the application and the Ecologist considers that sufficient details have been provided. Appropriate pollution prevention measures to safeguard semi-natural habitats, including watercourses, during construction at both sites have also been provided.



The oak tree at Orchard Croft was confirmed through the survey report of being high amenity value and is accompanied by a Tree Protection Plan and Arboricultural Method Statement to ensure both trees and hedgerows will be protected during construction.

### *Biodiversity Enhancement*

Within both Orchard Croft and Trawscoed sites, it is recommended to include provision of a range of bird nesting boxes and bat boxes (15 minimum per site), a wildlife friendly landscaping scheme and wildlife friendly boundary features to benefit species such as hedgehog have also been provided in support of the application.

Whilst details of the bird/bat boxes have been requested upfront it is considered that these details can be submitted and approved through an appropriately worded condition which would then also secure their provision in perpetuity.

Subject to the proposed recommended conditions it is considered that the proposed development would not result in an adverse effect on the integrity of any protected sites and the proposal fundamentally complies with relevant planning policy.

### Contaminated Land

Policy DM10 of the Local Development Plan (2018) seeks to ensure that development proposals on contaminated or unstable land will be permitted where they affects can be appropriately managed.

Records identify that the land at Trawscoed is located within 20 metres of a Garage/Petrol Filling Station. Garages/Petrol Filling Stations are potential high-risk sources of land contamination.

The Contaminated Land Officer has been consulted and has confirmed that subject to conditions securing site investigations/remediation scheme the potential impact could be appropriately secured throughout the development of the site.

Subject to appropriately worded conditions it is therefore considered that the proposed development fundamentally complies with relevant planning policy.

### Historic Environment

The following scheduled ancient monument is located within 1km of the application site:

*MG033- Offa's Dyke: Section extending 3000m SE to Bele Brook, Llandrinio (700m west)*

CPAT has been consulted and note that the proposed development is located in an area of high archaeological potential relating to nearby prehistoric and Roman period

enclosures, field boundaries and their associated sub-surface features.

Aerial photography since the 1970's has revealed an extensive landscape of prehistoric enclosures and their related field systems (PRN 38064 Ashfields Enclosure; PRN 1245 Crosswood Camp) 100-200 metres west of the development sites and 300 metres to the east (PRN 3646 Punchbowl Inn Enclosure). CPAT therefore considered that there will be additional sub-surface archaeology of similar form and date within the two development boundaries and further investigation were required.

Additional information was submitted in the form of a written scheme of investigation archaeological evaluation which CPAT confirmed following receipt of the information and having monitored the evaluation trenching that no significant archaeology was found and therefore no further additional archaeological work at the sites is required.

No comments have been received from Cadw at the time of writing this report. It is noted that the SAM for Offa's Dyke runs approximately 700m to the west of the Trawscoed site. In between either site there is built development in the form of a established farmyard and associated buildings and mature landscaping through hedgerow and tree planting. It is therefore acknowledged that the views between either site are obscured through the existing development and landscaping.

On this basis it is therefore considered that the redevelopment of the Trawscoed site which is being built directly adjoining existing residential development would not further impact or harm the setting of the SAM.

### Public Right of Way

There are a several public rights of way which run around the boundary of the site at Orchard Croft. They however are all located outside of the application site and therefore would not be impacted upon because of the development.

An informative will however be attached to any grant of consent reminding the applicant of the requirement to always keep them unobstructed and open at all times.

### Minerals Safeguarding

Mineral Safeguarding areas have been designated by the LDP for sand and gravel, sandstone, limestone, igneous rocks and surface coal. The land at Trawscoed is in an area of sand and gravel.

It is noted that the site at Trawscoed is to provide an entirely affordable site to meet with a recognised housing need within the area.

It is therefore considered that in this instance there is an over-riding need in the public interest for the development which therefore complies with policy DM8 of the Local Development Plan.

## Foul Drainage

Drainage will be directed directly to the mains and Severn Trent water have confirmed that they have no objection to the development proposed.

They have requested that details of surface water drainage are secured through a condition but it is noted that a SUDs application for surface water drainage will be required through separate legislation to the planning process now.

There is a pumping station close to the site at Orchard Croft and Severn Trent note that due to the close proximity of the proposed new development the occupant may experience noise and/or smell pollution and in order to minimise disruption to any future occupant(s), it is advised that all habitable buildings are constructed a minimum of 15 metres from the curtilage of the SPS compound.

The buffer zone has clearly been identified on the site plan providing a buffer zone for all residential development at the Orchard Croft site.

In light of the buffer zone, Environmental Protection have been consulted and confirmed that they have no objection to the proposed development in terms of amenity concerns.

## **RECOMMENDATION**

In light of the above it is therefore considered that the proposed development fundamentally complies with relevant planning policy and the recommendation is therefore one of conditional consent subject to the following conditions.

### **Conditions**

1 The development shall begin not later than five years from the date of this decision.

2 The development shall be carried out in accordance with the following approved plans: 20-33 PCC L01, 20-33 PCC PL01 Rev H, 20-33 PCC PL02 Rev C, 20-33 PCC PL03 Rev C, 20-33 PCC PL04 Rev B, 20-33 PCC PL05 Rev B, 20-33 PCC PL06 Rev H, 20-33 PCC PL07 Rev D, 20-33 PCC PL08 Rev D, 20-33 PCC PL09 Rev A, 20-33 PCC PL10 Rev A, 20-33 PCC PL11 Rev A, 20-33 PCC PL12 (17-12-21), 20-33 PCC PL13 (17-12-21), 20-33 PCC PL14 (17-12-21), 20-33 PCC PL15 (17-12-21), 20-33 PCC PL16 (17-12-21), 20-33 PCC PL17 (17-12-21), 20-33 PCC PL18, 20-33 PCC PL19, 20-33 PCC PL20

3 Prior to the commencement of development a phasing scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include details for the phasing of all housing and infrastructure including (but not limited

to) phasing of open market/affordable dwellings, provision of public open space, landscaping/ biodiversity enhancements and associated infrastructure. Development must thereafter be completed in full accordance with the details as approved.

4 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 Trawscoed site the affordable housing provision to be made which shall consist of not less than 100% of housing units/bed spaces;
- ii) the numbers, type, tenure and location on the Orchard Croft site the affordable housing provision to be made which shall consist of not less than 20% of housing units/bed spaces;
- iii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iv) 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)];
- v) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- vi) 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.

5 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) for the proposed affordable dwellings hereby approved under Condition 4 above, 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.

6 Prior to the first use of any external materials, samples/details of all external finishes shall be submitted to and approved in writing by the Local Planning Authority. Development thereafter shall be completed in full accordance with the details as approved.

7 No development shall commence on either Trawscoed or Orchard Croft until provision is made within the curtilage of each site for the parking of all construction vehicles together with a vehicle turning area. The parking and turning area shall be constructed to a depth of 0.4 metres in crusher run or sub-base and maintained free from obstruction at all times such that all vehicles serving the site shall park within the site and both enter and leave the site in a forward gear for the duration of the construction of the development.

8 No other development shall commence until the Trawscoed access onto the

B4393 has been constructed so that there is clear visibility from a point 1.05 metres above ground level at the centre of the access and 2.4 metres distant from the edge of the adjoining carriageway, to points 0.6 metres above ground level at the edge of the adjoining carriageway and 43 metres distant in each direction measured from the centre of the access along the edge of the adjoining carriageway. Nothing shall be planted, erected or allowed to grow on the area(s) of land so formed that would obstruct the visibility and the visibility shall be maintained free from obstruction for as long as the development hereby permitted remains in existence.

9 Upon formation of the visibility splays as detailed above the centreline of any new or relocated hedge should be positioned not less than 1.0 metre to the rear of the visibility splay and retained in this position as long as the development remains in existence.

10 Before any other development is commenced the area of the access to be used by vehicles is to be constructed to a minimum of 410mm depth, comprising a minimum of 250mm of sub-base material (MOT Type 1), 100mm of bituminous macadam base course material and 60mm of bituminous macadam binder course material for a distance of 15 metres from the edge of the adjoining carriageway. Any use of alternative materials is to be agreed in writing by the Local Planning Authority prior to the access being constructed.

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

12 Prior to the first occupation of each of the dwellings hereby approved, provision shall be made within the corresponding plot for the parking of vehicles as detailed on the approved site plans 20/33\_PL\_12 & 20/33\_PL\_18. The parking areas shall be retained for their designated use for as long as the development hereby permitted remains in existence.

13 Prior to the first occupation of any dwelling hereby approved the area of the access to be used by vehicles is to be finished in a 40mm bituminous surface course material for a distance of 15 metres from the edge of the adjoining carriageway. This area will be maintained to this standard for as long as the development remains in existence, prior to the occupation of the dwelling and retained as such for as long as the development remains in existence.

14 Prior to the occupation of the development the 2-metre-wide footpath(s) shown on the approved Drawings 20/33\_PL\_12 & 20/33\_PL\_18 shall be constructed to an adoptable standard on both sides of the site access and along the full frontage of the site onto the existing county B4393 road, and shall be retained as such for as long as

the development hereby permitted remains in existence.

15 The gradient of the access shall be constructed so as not to exceed 1 in 20 for the first 15 metres measured from edge of the adjoining carriageway along the centre line of the access and shall be retained at this gradient for as long as the development remains in existence.

16 No surface water drainage from the site shall be allowed to discharge onto the county highway.

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

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

19 Any vehicular entrance gates installed within the application site shall be constructed so as to be incapable of opening towards the highway and shall be retained in this position and form of construction for as long as the dwelling/development hereby permitted remains in existence.

20 The gradient from the back of the footway/verge to the vehicle parking areas and Private Shared Drives shall be constructed so as not to exceed 1 in 20 and shall be retained at this gradient for as long as the dwellings remain in existence.

21 The development shall be undertaken in strict accordance with the Tree Protection Plan and Arboricultural Method Statement within the Arboricultural Report, Project Reference – ArbTS\_1015.1\_Land at Orchard Croft, dated 26th October 2020, by ArbTS. The measures identified shall be adhered to and implemented in full.

22 The development shall be undertaken in strict accordance with Section 12-Recommendations, Avoidance, Mitigation and Enhancement Measures, Appendix 1 Pollution Prevention Plan and Appendix 2 Biosecurity Risk Assessment, in Preliminary Ecological Assessment – Land Adjacent Orchard Croft, Llandrinio, Version 1.0, dated 05/08/2020, by Engineering Design Services-Central Wales Infrastructure Collaboration. The measures identified shall be adhered to and implemented in full.

23 The development shall be undertaken in strict accordance with Section 11-Recommendations, Avoidance, Mitigation and Enhancement Measures, Appendix 1 Pollution Prevention Plan and Appendix 2 Biosecurity Risk Assessment, in Preliminary

Ecological Assessment – Land Adjacent to Trawscoed, Llandrinio, Version 1.0, dated 10/08/2020, by Engineering Design Services-Central Wales Infrastructure Collaboration. The measures identified shall be adhered to and implemented in full.

24 The development shall be undertaken in strict accordance with the following plans prepared by Haire Landscape Consultants i) Planting Plan, Drawing no. 610/01.1, Rev. C ii) Plant Schedules, Drawing no. 610/01.2, Rev. C iii) Schedules and Specifications, Drawing no. 610/02.3, Rev. B iv) Planting Plan, Drawing no. 610/02.1 v) Plant Schedule, Drawing no. 610/02/2 vi) Schedules and Specifications, Drawing no. 610/02.3 The measures identified shall be adhered to and implemented in full and maintained thereafter.

25 Prior to first installation of any external lighting, an External Lighting Design Scheme to avoid and reduce potential impacts on nocturnal wildlife shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include isolux diagrams for street lighting and external lighting on dwellings and demonstrate compliance with the recommendations outlined in the BCT and ILP Guidance Note 8 Bats and Artificial Lighting (12th September 2018). Full details can be found at [https://theilp.org.uk/publication/guidance-note-8-bats\\_and-artificial-lighting/](https://theilp.org.uk/publication/guidance-note-8-bats_and-artificial-lighting/). The approved scheme shall be adhered to and be implemented in full.

26 No development shall commence on the Trawscoed site as identified on drawing ref: PL01 H until a preliminary investigation and assessment of the nature and extent of contamination affecting the application site area has been submitted to and approved in writing by the local planning authority. This investigation and assessment must be carried out by or under the direction of a suitably qualified competent person, in accordance with current guidance and best practice, and shall assess any contamination on the site, whether or not it originates on the site. The report of the findings shall include: – A desk study – A site reconnaissance – Formulation of an initial conceptual model – A preliminary risk assessment If the preliminary risk assessment identifies there are potentially unacceptable risks a detailed scope of works for an intrusive investigation, including details of the risk assessment methodologies, must be prepared by a suitably qualified competent person. The contents of the scheme and scope of works are subject to the approval in writing of the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

27 No development shall take place until a site investigation of the nature and extent of contamination as identified in Condition 26 above has been carried out, by a suitably qualified competent person, in accordance with a methodology which has previously been submitted to and approved in writing by the local planning authority. A written report of the findings of the site investigation shall be made available to the local planning authority before any development begins. The written report should include an appraisal of remedial options and identification of the most appropriate remediation

option(s) for each relevant pollutant linkage. The report is subject to the written approval of the local planning authority.

28 No development shall take place until a detailed remediation scheme to bring the site (as identified in Condition 26 above) to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment must be prepared, and is subject to the approval in writing of the local planning authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 and The Contaminated Land (Wales) Regulations 2006, as amended by The Contaminated Land (Wales) (Amendment) Regulations 2012, in relation to the intended use of the land after remediation. The detailed remediation scheme should not be submitted until written approval for Condition 2 has been received from the local planning authority. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

29 The approved remediation scheme (as agreed in condition 28 above) must be carried out in accordance with its terms prior to the commencement of development other than that required to carry out remediation, unless otherwise agreed in writing by the local planning authority. The local planning authority must be given two weeks written notification of commencement of the remediation scheme works. If during the course of development any contamination is found that has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures before the development is occupied. Following completion of the measures identified in the approved remediation scheme, a verification report that demonstrates the effectiveness of the remediation carried out must be produced, and is subject to the approval in writing of the local planning authority. The verification report contents must be agreed with the local planning authority before commencement of the remediation scheme. All work and submissions carried out for the purposes of this condition must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance and the WLGA document 'Development of Land Affected by Contamination: A Guide for Developers' (2017).

30 A monitoring and maintenance scheme to include monitoring the long-term effectiveness of the proposed remediation over a period of duration to be agreed in writing with the local planning authority and the provision of reports on the same must be prepared, both of which are subject to the approval in writing of the local planning authority. Within six months following the completion of the measures identified in that scheme and the achievement of the remediation objectives, reports that demonstrate the effectiveness of the monitoring and maintenance carried out must be produced, and



submitted to the local planning authority. This must be conducted in accordance with DEFRA and the Environment Agency's 'Land Contamination Risk Management (LCRM)' guidance'.

31 Prior to the commencement of development a plan for the provision of children's play equipment in the public open space for the land at Orchards Croft as indicated on drawing no: PL06 Rev H shall be submitted for approval in writing by the local planning authority. The scheme shall also include a future maintenance/management of the play equipment/area to be provided. Thereafter the scheme shall be implemented in accordance with the approved details.

## Reasons

- 1 Required to be imposed by Section 91 of the Town and Country Planning Act 1990.
- 2 To ensure adherence to the approved plans in the interests of clarity and a satisfactory development.
- 3 To ensure adherence to the approved plans and in the interest of clarity and a satisfactory development in accordance with policies H1, H5, H6, DM3, DM13 of the Local Development Plan (2018).
- 4 To ensure a % of the properties hereby approved are available as affordable dwellings in accordance with policy H5 of the Local Development Plan (2018) and Planning Policy Wales (2018).
- 5 To ensure the affordable dwellings hereby approved are available as affordable dwellings in accordance with policy H5 of the Local Development Plan (2018) and Planning Policy Wales (2018).
- 6 To ensure an appropriately designed development in accordance with policy DM13 of the Local Development Plan (2018)
- 7 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 8 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 9 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 10 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 11 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 12 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 13 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 14 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 15 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 16 In the interest of highway safety in accordance with Powys Local Development

- Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
- 17 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
  - 18 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
  - 19 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
  - 20 In the interest of highway safety in accordance with Powys Local Development Plan policies T1 and DM13, TAN 18 (2007) and Planning Policy Wales.
  - 21 To comply with Powys County Council's LDP Policies DM2, DM4 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  - 22 To comply with Powys County Council's LDP Policies DM2, DM4 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  - 23 To comply with Powys County Council's LDP Policies DM2, DM4 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  - 24 To comply with Powys County Council's LDP Policies DM2, DM4 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  - 25 To comply with Powys County Council's LDP Policies DM2, DM4 and to meet the requirements of Planning Policy Wales (Edition 11, February 2021), TAN 5: Nature Conservation and Planning and Part1 Section 6 of the Environment (Wales) Act 2016.
  - 26 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Plan 2018.
  - 27 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Plan 2018.
  - 28 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local

Plan 2018.

- 29 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Plan 2018.
- 30 To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with policy DM10 of the adopted Local Plan 2018.
- 31 To ensure the provision of play equipment/open space in accordance with policy DM3 of the Local Development Plan (2018).

## **Informatives**

1 The following advice for the applicant is also considered appropriate Birds – Wildlife and Countryside Act 1981 (as amended) All nesting birds, their nests, eggs, and young are protected by law and it is an offence to:

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

The maximum penalty that can be imposed - in respect of a single bird, nest or egg - is a fine of up to 5,000 pounds, six months imprisonment or both. The applicant is therefore reminded that it is an offence under the Wildlife and Countryside Act 1981 (as amended) to remove or work on any hedge, tree or building where that work involves the taking, damaging or destruction of any nest of any wild bird while the nest is in use or being built (usually between late February and late August or late September in the case of swifts, swallows or house martins). If a nest is discovered while work is being undertaken, all work must stop, and advice sought from Natural Resources Wales and the Council's Ecologist.

## **2 Potential Contamination**

The Council's guidance leaflet on the development of sites with potential land contamination is attached. Further advice on compliance with this condition may be obtained by contacting the Environmental Health Service on 01597 827645.

3 Where development results in (or retains the potential to) the creation of a private

street (typically development in excess of 5 dwellings) Powys County Council has a statutory duty to issue and enforce an Advance Payment Code Notice (APC) under the provisions of Sections 219/220 of the Highways act 1980. The Notice requires the applicant to secure a sum or bond with the local highway authority that covers the estimated costs of the identified street works. Applicants/developers may choose to discharge their private street works obligations by entering into a formal road adoption agreement with the local highway authority under Section 38 of the Highways Act 1980. Further information relating to the APC procedure and Section 38 road adoption agreements can be found in Section E of the CSS Wales Common Standards Guide 2020. All major off-site highway works and access works shall be subject to an agreement (supported by a road bond) under Sections 38 & 278 of the Highways Act 1980. The design and detail required as part of a Section 38/278 Agreement shall be prepared by the applicant and approved by Powys County Council. Implementation of the approved scheme shall be at the expense of the developer. Further information relating to Section 38/278 requirements can be found in Section E of the CSS Wales Common Standards Guide 2020. The developer shall pay the reasonable costs incurred by Powys County Council for the procurement and implementation of the requisite Traffic Regulation Order, in addition to the manufacture and erection of all associated signage. Further information relating to Traffic Regulation Orders can be found in Section E of the CSS Wales Common Standards Guide 2020.

**NOTE: THE ATTENTION OF THE APPLICANT MUST BE DRAWN TO RELATED HIGHWAYS LEGISLATION WHICH MAKES PROVISION FOR THE FOLLOWING;**

1. Under Section 50 of the New Roads & Street Works Act 1991 it is a requirement that a Streetworks licence is obtained from the Highway Authority to place, or to retain, apparatus in the highway and thereafter to inspect, maintain, adjust, repair, alter or renew the apparatus, change its position or remove it.
2. The need to inform and obtain the consent of Statuary Undertakers (Electricity, Water, Gas, BT), Land Drainage Authority, etc. to the works.
3. The New Roads & Street Works Act 1991 requires that all works, be properly notified and approved prior to commencement. Further advice on the above highway matters can be obtained from:- <http://www.powys.gov.uk/en/roads-transport-parking/street.works@powys.gov.uk> Street Works Powys County Hall Spa Road East Llandrindod Wells Powys LD1 5LG 0845 6027035

4 No public rights of way should be obstructed during the development process and at no time should any materials be placed or stored on the line of any public right of way; any damage caused to the surface of any public right of way must be made good to at least its current condition or better. Should the public footpath be required to be temporarily closed for development purposes then the applicant should make contact with Countryside Services directly to discuss, prior to any works taking place. Any application for a temporary closure needs to be processed and approved before the footpath can be legally stopped-up for a defined period.