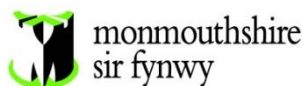


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Neuadd y Cyngor
Y Rhadyr
Brynbuga
NP15 1GA

Dydd Llun, 29 Ionawr 2024

Hysbysiad o gyfarfod

Pwyllgor Cynllunio

Dydd Mawrth, 6ed Chwefror, 2024, 2.00 pm
Neuadd Y Sir, Y Rhadyr, Brynbuga, NP15 1GA

AGENDA

| Eitem Ddim | Eitem | Tudallennau |
|------------|---|-------------|
| 1. | Ymddiheuriadau am absenoldeb. | |
| 2. | Datganiadau o Fuddiant. | |
| 3. | Cadarnhau cofnodion y cyfarfod blaenorol. | 1 - 6 |
| 4. | I ystyried yr adroddiadau Cais Cynllunio canlynol gan y Prif Swyddog, Cymunedau a Lle (copïau ynghlwm): | |
| 4.1. | Cais DM/2022/01831 - Gwelliannau i'r cysylltedd presennol i gerddwyr a beicwyr ar draws Dolydd y Castell trwy ddarparu llwybrau sy'n cydymffurfio â Theithio Llesol. Gan gynnwys uwchraddio llwybrau presennol, pwyntiau mynediad ac ailosod y bont droed bresennol dros Afon Gafenni. Tir yn Nolydd y Castell, Y Fenni, Sir Fynwy. | 7 - 50 |
| 4.2. | Cais DM/2023/01562 - Amnewid ac adleoli'r man chwarae presennol i blant ym Mhant y Castell. Bwriedir symud yr holl eitemau offer chwarae presennol ac ail-leoli ychydig ar ffin y maes chwarae i'r gogledd, oddi wrth Wal y Dref. Gosod offer ychwanegol rhwng y man chwarae wedi'i hadleoli a'r ffynnon ddŵr a gosod llithren fanc uchel o lefel uchaf y safle i lawr i'r llwybr troed isaf. Man Chwarae, Pant y Castell, Welsh Street, Cas-gwent. | 51 - 60 |
| 5. | Cod Ymarfer Cynllunio (Diwygiedig). | 61 - 92 |
| 6. | ER GWYBODAETH - Apeliadau Cynllunio a Dderbyniwyd - 1 Hydref i 31 Rhagfyr 2023. | 93 - 94 |

Paul Matthews

Prif Weithredwr

CYNGOR SIR FYNWY

MAE CYFANSODDIAD Y PWYLLGOR FEL SY'N DILYN:

Cynghorwyr Sir:

Jill Bond
Fay Bromfield
Emma Bryn
Sara Burch
Jan Butler
John Crook
Tony Easson
Steven Garratt
Meirion Howells
Su McConnel
Jayne McKenna
Phil Murphy
Maureen Powell
Sue Riley
Dale Rooke
Ann Webb

Gwybodaeth Gyhoeddus

Bydd rhaid i unrhyw person sydd eisiau siarad yn Y Pwyllgor Cynllunio cofrestru gyda Gwasanaethau Democraidd erbyn hanner dydd ar diwrnod cyn y cyfarfod. Mae manylion ynglŷn a siarad yn cyhoeddus ar gael tu fewn i'r agenda neu yma [Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio](#)

Mynediad i gopiâu papur o agendâu ac adroddiadau

Gellir darparu copi o'r agenda hwn ac adroddiadau perthnasol i aelodau'r cyhoedd sy'n mynychu cyfarfod drwy ofyn am gopi gan Gwasanaethau Democraidd ar 01633 644219. Dylid nodi fod yn rhaid i ni dderbyn 24 awr o hysbysiad cyn y cyfarfod er mwyn darparu copi caled o'r agenda hwn i chi.

Edrych ar y cyfarfod ar-lein

Gellir gweld y cyfarfod ar-lein yn fyw neu'n dilyn y cyfarfod drwy fynd i www.monmouthshire.gov.uk neu drwy ymweld â'n tudalen Youtube drwy chwilio am MonmouthshireCC. Drwy fynd i mewn i'r ystafell gyfarfod, fel aelod o'r cyhoedd neu i gymryd rhan yn y cyfarfod, rydych yn caniatáu i gael eich ffilmio ac i ddefnydd posibl y delweddau a'r recordiadau sain hynny gan y Cyngor.

Y Gymraeg

Mae'r Cyngor yn croesawu cyfraniadau gan aelodau'r cyhoedd drwy gyfrwng y Gymraeg neu'r Saesneg. Gofynnwn gyda dyledus barch i chi roi 5 diwrnod o hysbysiad cyn y cyfarfod os dymunwch siarad yn Gymraeg fel y gallwn ddarparu ar gyfer eich anghenion.

Nodau a Gwerthoedd Cyngor Sir Fynwy

Ein Pwrpas

- i ddod yn sir ddi-garbon, gan gefnogi lles, iechyd ac urddas i bawb ar bob cam o'u bywydau.

Amcanion rydym yn gweithio tuag atynt

- Lle teg i fyw lle mae effeithiau anghydraddoldeb a thlodi wedi'u lleihau;
- Lle gwyrdd i fyw a gweithio gyda llai o allyriadau carbon a gwneud cyfraniad cadarnhaol at fynd i'r afael â'r argyfwng yn yr hinsawdd a natur;
- Lle ffyniannus ac uchelgeisiol, lle mae canol trefi bywiog a lle gall busnesau dyfu a datblygu;
- Lle diogel i fyw lle mae gan bobl gartref maen nhw'n teimlo'n ddiogel ynddo;
- Lle cysylltiedig lle mae pobl yn teimlo'n rhan o gymuned ac yn cael eu gwerthfawrogi;
- Lle dysgu lle mae pawb yn cael cyfle i gyrraedd eu potensial.

Ein gwerthoedd

- **Bod yn agored:** anelwn fod yn agored ac onest i ddatblygu perthnasoedd ymddiriedus
- **Tegwch:** anelwn ddarparu dewis teg, cyfleoedd a phrofiadau a dod yn sefydliad a adeiladwyd ar barch un at y llall.
- **Hyblygrwydd:** anelwn fod yn hyblyg yn ein syniadau a'n gweithredoedd i ddod yn sefydliad effeithlon ac effeithiol.
- **Gwaith tîm:** anelwn gydweithio i rannu ein llwyddiannau a'n methiannau drwy adeiladu ar ein cryfderau a chefnogi ein gilydd i gyflawni ein nodau.
- **Caredigrwydd** – Byddwn yn dangos caredigrwydd i bawb yr ydym yn gweithio gyda nhw, gan roi pwysigrwydd perthnasoedd a'r cysylltiadau sydd gennym â'n gilydd wrth wraidd pob rhyngweithio.

Diben

Diben yr adroddiadau a atodir a'r cyflwyniad cysylltiedig gan swyddogion i'r Pwyllgor yw galluogi'r Pwyllgor Cynllunio i wneud penderfyniad ar bob cais yn y rhestr a atodir, ar ôl pwysu a mesur y gwahanol ystyriaethau cynllunio perthnasol.

Dirprwywyd pwerau i'r Pwyllgor Cynllunio wneud penderfyniadau ar geisiadau cynllunio. Mae'r adroddiadau a gynhwysir yn yr atodlen yma'n asesu'r datblygiad arfaethedig yn erbyn polisi cynllunio perthnasol ac ystyriaethau cynllunio eraill perthnasol, a rhoi ystyriaeth i'r holl ymatebion ymgynghori a dderbyniwyd. Daw pob adroddiad i ben gydag argymhelliad swyddog i'r Pwyllgor Cynllunio ar p'un ai yw swyddogion yn ystyried y dylid rhoi caniatâd cynllunio (gydag awgrym am amodau cynllunio lle'n briodol) neu ei wrthod (gydag awgrymiadau am resymau dros wrthod).

Dan Adran 38(6) Deddf Cynllunio a Phrynu Gorfodol 2004, mae'n rhaid i bob cais cynllunio gael eu penderfynu yn unol â Chynllun Datblygu Lleol Sir Fynwy 2011-2021 (a fabwysiadwyd yn Chwefror 2014), os nad yw ystyriaethau cynllunio perthnasol yn awgrymu fel arall.

Disgwylir i'r holl benderfyniadau a wneir fod o fudd i'r Sir a'n cymunedau drwy ganiatáu datblygu ansawdd da yn y lleoliadau cywir, ac ymwrthod â datblygiad amhriodol, ansawdd gwael neu yn y lleoliad anghywir. Mae cysylltiad uniongyrchol i amcan y Cyngor o adeiladu cymunedau cryf a chynaliadwy.

Gwneud penderfyniadau

Gellir cytuno ar geisiadau yn rhwym ar amodau cynllunio. Mae'n rhaid i amodau gyflawni'r holl feini prawf dilynol:

- Angenrheidiol i wneud y datblygiad arfaethedig yn dderbyniol;
- Perthnasol i ddeddfwriaeth cynllunio (h.y. ystyriaeth cynllunio);
- Perthnasol i'r datblygiad arfaethedig dan sylw;
- Manwl;
- Gorfodadwy; a
- Rhesymol ym mhob cyswllt arall.

Gellir cytuno i geisiadau yn amodol ar gyfundeb cyfreithiol dan Adran 106 Deddf Cynllunio Tref a Gwlad 1990 (fel y'i diwygiwyd). Mae hyn yn sicrhau goblygiadau cynllunio i wrthbwysu effeithiau'r datblygiad arfaethedig. Fodd bynnag, mae'n rhaid i'r goblygiadau cynllunio hyn gyflawni'r holl feini prawf dilynol er mwyn iddynt fod yn gyfreithlon:

- Angenrheidiol i wneud y datblygiad yn dderbyniol mewn termau cynllunio;
- Uniongyrchol gysylltiedig â'r datblygiad; ac
- Wedi cysylltu'n deg ac yn rhesymol mewn maint a math i'r datblygiad.

Mae gan yr ymgeisydd hawl apelio statudol yn erbyn gwrthod caniatâd yn y rhan fwyaf o achosion, neu yn erbyn gosod amodau cynllunio, neu yn erbyn methiant y Cyngor i benderfynu ar gais o fewn y cyfnod statudol. Nid oes unrhyw hawl apelio trydydd parti yn erbyn penderfyniad.

Gall y Pwyllgor Cynllunio wneud argymhellion sy'n groes i argymhelliad y swyddog. Fodd bynnag, mae'n rhaid rhoi rhesymau am benderfyniadau o'r fath ac mae'n rhaid i'r penderfyniad fod yn seiliedig ar y Cynllun Datblygu Lleol (LDP) a/neu ystyriaethau cynllunio perthnasol. Pe byddai penderfyniad o'r fath yn cael ei herio mewn apêl, bydd yn ofynnol i Aelodau Pwyllgor amddiffyn eu penderfyniad drwy'r broses apêl.

Prif gyd-destun polisi

Mae'r LDP yn cynnwys y prif bolisiâu datblygu a dylunio. Yn hytrach nag ail-adrodd y rhain ar gyfer pob cais, caiff y geiriad llawn ei osod islaw er cymorth Aelodau.

Polisi EP1 - Gwarchod Amwynderau a'r Amgylchedd

Dylai datblygiad, yn cynnwys cynigion ar gyfer adeiladau newydd, estyniadau i adeiladau presennol a hysbysebion roi ystyriaeth i breifatrwydd, amwynder ac iechyd defnyddwyr adeiladau cyfagos. Ni chaniateir cynigion datblygu a fyddai'n achosi neu'n arwain at risg/niwed annerbyniol i amwynder lleol, iechyd, cymeriad/ansawdd cefn gwlad neu fuddiannau cadwraeth natur, tirlun neu bwysigrwydd treftadaeth adeiledig oherwydd y dilynol, os na fedrir dangos y gellir cymryd mesurau i oresgyn unrhyw risg sylweddol:

- Llygredd aer;
- Llygredd golau neu sŵn;
- Llygredd dŵr;
- Halogiad;
- Ansefydlogrwydd tir; neu
- Unrhyw risg a ddynodwyd i iechyd neu ddiogelwch y cyhoedd.

Polisi DES1 – Ystyriaethau Dylunio Cyffredinol

Dylai pob datblygiad fod o ddyluniad cynaliadwy ansawdd uchel a pharchu cymeriad lleol a nodweddion neilltuoel amgylchedd adeiledig, hanesyddol a naturiol Sir Fynwy. Bydd yn ofynnol i gynigion datblygu:

- a) Sicrhau amgylchedd diogel, dymunol a chyfleus sy'n hygyrch i bob aelod o'r gymuned, yn cefnogi egwyddorion diogelwch y gymuned ac yn annog cerdded a seiclo;
- b) Cyfrannu tuag at naws o le wrth sicrhau fod maint y datblygiad a'i ddwyyster yn gydnaws gyda defnyddiau presennol;
- c) Parchu ffurf, maint, lleoliad, casglu, deunyddiau a gweddllun ei osodiad ac unrhyw adeiladau cyfagos o ansawdd;
- d) Cynnal lefelau rhesymol o breifatrwydd ac amwynder defnyddwyr adeiladau cyfagos, lle'n berthnasol;
- e) Parchu'r golygfeydd adeiledig a naturiol lle maent yn cynnwys nodweddion hanesyddol a/neu amgylchedd adeiledig neu dirlun deniadol neu neilltuoel;
- f) Defnyddio technegau adeiladu, addurniad, arddulliau a golau i wella ymddangosiad y cynnig gan roi ystyriaeth i wead, lliw, patrwm, cadernid a saerniaeth mewn defnyddio deunyddiau;
- g) Ymgorffori a, lle'n bosibl, wella nodweddion presennol sydd o werth hanesyddol, gweledol neu gadwraeth natur a defnyddio'r traddodiad brodorol lle'n briodol;
- h) Cynnwys cynigion tirlun ar gyfer adeiladau newydd a defnyddiau tir fel eu bod yn integreiddio i'w hamgylchiadau, gan roi ystyriaeth i ymddangosiad y tirlun presennol a'i gymeriad cynhenid, fel y'i diffinnir drwy broses LANDMAP. Dylai tirlunio roi ystyriaeth i, a lle'n briodol gadw, coed a gwrychoedd presennol;
- i) Gwneud y defnydd mwyaf effeithiol o dir sy'n gydnaws gyda'r meini prawf uchod, yn cynnwys y dylai isafswm dwysedd net datblygiad preswyl fod yn 30 annedd fesul hectar, yn amodol ar faen prawf l) islaw;
- j) Sicrhau dyluniad sy'n ymateb i'r hinsawdd ac effeithiol o ran adnoddau. Dylid rhoi ystyriaeth i leoliad, cyfeiriadu, dwysedd, gweddllun, ffurf adeiledig a thirlunio ac i effeithiolrwydd ynni a defnyddio ynni adnewyddadwy, yn cynnwys deunyddiau a thechnoleg;
- k) Meithrin dylunio cynhwysol;
- l) Sicrhau y caiff ardaloedd preswyl presennol a nodweddir gan safonau uchel o breifatrwydd ac ehangder eu gwarchod rhag gor-ddatblygu a mewnlenni ansensitif neu amhriodol.

Cyfeirir at bolisiau perthnasol allweddol eraill yr LDP yn adroddiad y swyddog.

Canllawiau Cynllunio Atodol (SPG):

Gall y Canllawiau Cynllunio Atodol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio perthnasol:

- Seilwaith Gwyrdd (mabwysiadwyd Ebrill 2015)
- Canllawiau Dylunio Trosi Adeiladau Amaethyddol (mabwysiadwyd Ebrill 2015)
- Polisi H4(g) LDP Trosi/Adfer Adeiladau yng Nghefn Gwlad i Ddefnydd Preswyl - Asesu Ail-dddefnydd ar gyfer Dibenion Busnes (mabwysiadwyd Ebrill 2015)
- Polisiâu H5 a H6 LDP Anheddau yn Lle ac Ymestyn Anheddau Gwledig yng Nghefn Gwlad (mabwysiadwyd Ebrill 2015)

- Arfarniad Ardal Cadwraeth Trellech (Ebrill 2012)
- Garejys Domestig (mabwysiadwyd Ionawr 2013)
- Safonau Parcio Sir Fynwy (mabwysiadwyd Ionawr 2013)
- Ymagwedd at Oblygiadau Cynllunio (Mawrth 2013)
- Drafft Tai Fforddiadwy (Gorffennaf 2015)
- Drafft Ynni Adnewyddadwy ac Effeithiolrwydd Ynni (Rhagfyr 2014)
- Drafft Nodyn Cyngor Cynllunio ar Asesu Tirlun Datblygu ac Effaith Gweledol Tyrbinau Gwynt
- Drafft Prif Wynebau Siopau (Mehefin 2015)

Polisi Cynllunio Cyhoeddus

Gall y polisi cynllunio cenedlaethol dilynol hefyd fod yn berthnasol i wneud penderfyniadau fel ystyriaeth cynllunio berthnasol:

- Polisi Cynllunio Cymru (PPW) 11 2016
- Nodiadau Cyngor Technegol (TAN) PPW:
- TAN 1: Cydastudiaethau Argaeledd Tir Tai (2014)
- TAN 2: Cynllunio a Thai Fforddiadwy (2006)
- TAN 3: Symleiddio Parthau Cynllunio (1996)
- TAN 4: Manwerthu a Chanol Trefi (1996)
- TAN 5: Cadwraeth Natur a Chynllunio (2009)
- TAN 6: Cynllunio ar gyfer Cymunedau Gwledig Cynaliadwy (2010)
- TAN 7: Rheoli Hysbysebion Awyr Agored (1996)
- TAN 8: Ynni Adnewyddadwy (2005)
- TAN 9: Gorfodaeth Rheoli Adeiladu (1997)
- TAN 10: Gorchmynion Cadwraeth Coed (1997)
- TAN 11: Sŵn (1997)
- TAN 12: Dylunio (2014)
- TAN 13: Twristiaeth (1997)
- TAN 14: Cynllunio Arfordirol (1998)
- TAN 15: Datblygu a Risg Llifogydd (2004)
- TAN 16: Chwaraeon, Hamdden a Gofodau Agored (2009)
- TAN 18: Trafnidiaeth (2007)
- TAN 19: Telathrebu (2002)
- TAN 20: Y Gymraeg (2013)
- TAN 21: Gwastraff (2014)
- TAN 23: Datblygu Economaidd (2014)
- TAN 24: Yr Amgylchedd Hanesyddol (2017)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 1: Agregau (30 Mawrth 2004)
- Nodyn Cyngor Technegol Mwynol (MTAN) Cymru 2: Glo (20 Ionawr 2009)
- Cylchlythyr Llywodraeth Cymru 016/2014 ar amodau cynllunio

Materion eraill

Gall y ddeddfwriaeth ddilynol arall fod yn berthnasol wrth wneud penderfyniadau

Deddf Cynllunio (Cymru) 2016

Daeth Adranau 11 a 31 y Ddeddf Cynllunio i rym yn Ionawr 2016 yn golygu fod y Gymraeg yn ystyriaeth cynllunio berthnasol. Mae Adran 11 yn ei gwneud yn ofynnol i'r gwerthusiad cynaliadwyedd, a gymerir wrth baratoi LDP, gynnwys asesiad o effeithiau tebygol y cynllun ar ddefnydd y Gymraeg yn y gymuned. Lle mae cynllun integredig sengl yr awdurdod wedi dynodi bod y Gymraeg yn flaenoriaeth, dylai'r asesiad fedru dangos y cysylltiad rhwng yr ystyriaeth ar gyfer y Gymraeg a'r prif arfarniad cynaliadwyedd ar gyfer yr LDP, fel y'i nodir yn TAN 20.

Mae Adran 31 y Ddeddf Cynllunio yn egluro y gall awdurdodau cynllunio gynnwys ystyriaethau yn ymwneud â'r defnydd o'r Gymraeg wrth wneud penderfyniadau ar geisiadau am ganiatâd cynllunio, cyn belled ag mae'n berthnasol i'r Gymraeg. Nid yw'r darpariaethau yn rhoi unrhyw bwysiad ychwanegol i'r Gymraeg o gymharu ag ystyriaethau perthnasol eraill. Mater i'r awdurdod cynllunio lleol yn llwyr yw p'un ai yw'r Gymraeg yn ystyriaeth berthnasol mewn unrhyw gais cynllunio, a

dylai'r penderfyniad p'un ai i roi ystyriaeth i faterion y Gymraeg gael ei seilio ar yr ystyriaeth a roddwyd i'r Gymraeg fel rhan o broses paratoi'r LDP.

Cynhaliwyd gwerthusiad cynaliadwyedd ar Gynllun Datblygu Lleol (LDP) Sir Fynwy a fabwysiadwyd yn 2014, gan roi ystyriaeth i'r ystod lawn o ystyriaethau cymdeithasol, amgylcheddol ac economaidd, yn cynnwys y Gymraeg. Cyfran cymharol fach o boblogaeth Sir Fynwy sy'n siarad, darllen neu ysgrifennu Cymraeg o gymharu gydag awdurdodau lleol eraill yng Nghymru ac ni ystyriwyd fod angen i'r LDP gynnwys polisi penodol ar y Gymraeg. Roedd casgliad yr asesiad am effeithiau tebygol y cynllun ar y defnydd o'r Gymraeg yn y gymuned yn fach iawn.

Rheoliadau Asesiad Effaith ar yr Amgylchedd 1999

Mae Rheoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Lloegr a Chymru) 1999 fel y'i diwygiwyd gan Reoliadau Cynllunio Tref a Gwlad (Asesiad Effaith ar yr Amgylchedd) (Diwygiad) 2008 yn berthnasol i'r argymhellion a wnaed. Bydd y swyddog yn tynnu sylw at hynny pan gyflwynwyd Datganiad Amgylcheddol gyda chais.

Rheoliadau Cadwraeth Rhywogaethau a Chynefinoedd 2010

Lle aseswyd bod safe cais yn safle bridio neu glwydo ar gyfer rhywogaethau Ewropeaidd a warchodir, bydd angen fel arfer i'r datblygydd wneud cais am "randdirymiad" (trwydded datblygu) gan Cyfoeth Naturiol Cymrau. Mae pob rhywogaeth o ystlumod, pathwod a madfallod cribog mawr yn enghreifftiau o'r rhywogaethau gwarchodedig hyn. Wrth ystyried ceisiadau cynllunio mae'n ofynnol i Gyngor Sir Fynwy fel awdurdod cynllunio lleol roi ystyriaeth i Reoliadau Cadwraeth Rhywogaethau a Chynefinoedd 20120 (y Rheoliadau Cynefinoedd) ac i'r ffaith mai dim ond lle cyflawnir tri phrawf a nodir yn Erthygl 16 y Gyfarwyddeb Cynefinoedd y caniateir rhanddirymiaid. Caiff y tri phrawf eu nodi islaw.

(i) Mae'r rhanddirymiad er budd iechyd a diogelwch y cyhoedd, neu am resymau hanfodol eraill o ddiddordeb pennaf i'r cyhoedd, yn cynnwys rhai o natur economaidd a chanlyniadau buddiol o bwysigrwydd sylfaenol i'r amgylchedd.

(ii) Nad oes dewis arall boddhaol.

(iii) Nad yw'r rhanddirymiad yn niweidiol i gynnal y boblogaeth o'r rhywogaeth dan sylw drwy statws cadwraeth ffafriol yn eu hardal naturiol.

Deddf Llesiant Cenedlaethau'r Dyfodol (Cymru) 2015

Nod y Ddeddf yw gwella llesiant cymdeithasol, economaidd, amgylcheddol a diwylliannol Cymru. Mae'r Ddeddf yn gosod nifer o amcanion llesiant

- **Cymru lewyrchus;** defnydd effeithiol o adnoddau, pobl fedrus ac addysgedig, cynhyrchu cyfoeth, darparu swyddi;
- **Cymru gref;** cynnal a chyfoethogi bioamrywiaeth ac ecosystemau sy'n cefnogi hynny ac a all addasu i newid (e.e. newid yn yr hinsawdd);
- **Cymru iachach;** cynyddu llesiant corfforol a meddyliol pobl i'r eithaf a deall effeithiau iechyd;
- **Cymru o gymunedau cydlynol:** cymunedau yn ddeniadol, hyfyw, diogel a gyda chysylltiadau da.
- **Cymru sy'n gyfrifol yn fyd-eang:** rhoi ystyriaeth i effaith ar lesiant byd-eang wrth ystyried llesiant cymdeithasol, economaidd ac amgylcheddol lleol;
- **Cymru gyda diwylliant egniïol a'r iaith Gymraeg yn ffynnu:** caiff diwylliant, treftadaeth a'r Gymraeg eu hyrwyddo a'u diogelu. Caiff pobl eu hannog i gymryd rhan mewn chwaraeon, celf a hamdden;
- **Cymru fwy cyfartal:** gall pobl gyflawni eu potensial beth bynnag yw eu cefndir neu amgylchiadau.

Caiff nifer o egwyddorion datblygu cynaliadwy hefyd eu hamlinellu:

- **Hirdymor:** cydbwyso angen tymor byr gyda'r hirdymor a chynllunio ar gyfer y dyfodol;
- **Cydweithio:** cydweithio gyda phartneriaid eraill i gyflawni amcanion;
- **Ymggyfraniad:** cynnwys y rhai sydd â diddordeb a gofyn am eu barn;
- **Atal:** rhoi adnoddau i ateb problemau rhag digwydd neu waethygu;
- **Integreiddio:** cael effaith gadarnhaol ar bobl, yr economi a'r amgylchedd a cheisio bod o fudd i bob un o'r tri.

Mae'r gwaith a wneir gan awdurdod cynllunio lleol yn cysylltu'n uniongyrchol â hyrwyddo a sicrhau datblygu cynaliadwy ac yn anelu i sicrhau cydbwysedd rhwng y tri maes: amgylchedd, economi a chymdeithas.

Trefn Troseddu ac Anrhefn 1998

Mae Adran 17(1) Deddf Troseddu ac Anrhefn 1998 yn gosod dyletswydd ar awdurdod lleol i weithredu ei wahanol swyddogaethau gan roi ystyriaeth ddyledus i effaith debygol gweithredu'r swyddogaethau hynny ar, a'r angen i wneud popeth y gall ei wneud yn rhesymol i atal troseddu ac anrhefn yn ei ardal. Gall troseddu ac ofn troseddu fod yn ystyriaeth cynllunio berthnasol. Tynnir sylw at y pwnc hwn yn adroddiad y swyddog lle mae'n ffurfio ystyriaeth sylweddol ar gyfer cynnig.

Deddf Cydraddoldeb 2010

Mae Deddf Cydraddoldeb 2010 yn cynnwys dyletswydd cydraddoldeb sector cyhoeddus i integreiddio ystyriaeth cydraddoldeb a chysylltiadau da ym musnes rheolaidd awdurdodau cyhoeddus. Mae'r Ddeddf yn dynodi nifer o 'nodweddion gwarchoddedig': oedran, anabledd, aillbennu rhywedd; priodas a phartneriaeth sifil; hil; crefydd neu gredo; rhyw; a chyfeiriadedd rhywiol. Bwriedir i gydymffurfiaeth arwain at benderfyniadau a wnaed ar sail gwybodaeth well a datblygu polisi a gwasanaethau sy'n fwy effeithlon ar gyfer defnyddwyr. Wrth weithredu ei swyddogaethau, mae'n rhaid i'r Cyngor roi ystyriaeth ddyledus i'r angen i: ddileu gwahaniaethu anghyfreithlon, aflonyddu, erledigaeth ac ymddygiad arall a gaiff ei wahardd gan y Ddeddf; hybu cyfle cyfartal rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt; a meithrin cysylltiadau da rhwng pobl sy'n rhannu nodwedd warchoddedig a'r rhai nad ydynt. Mae rhoi ystyriaeth ddyledus i hyrwyddo cydraddoldeb yn cynnwys: dileu neu leihau anfanteision a ddioddefir gan bobl oherwydd eu nodweddion gwarchoddedig; cymryd camau i ddiwallu anghenion o grwpiau gwarchoddedig lle mae'r rhain yn wahanol i anghenion pobl eraill; ac annog pobl o grwpiau gwarchoddedig i gymryd rhan mewn bywyd cyhoeddus neu mewn gweithgareddau eraill lle mae eu cyfranogiad yn anghymesur o isel.

Mesur Plant a Theuluoedd (Cymru)

Mae ymgynghoriad ar geisiadau cynllunio yn agored i'n holl ddinasyddion faint bynnag eu hoed; ni chynhelir unrhyw ymgynghoriad wedi'i dargedu a anelwyd yn benodol at blant a phobl ifanc. Yn dibynnu ar faint y datblygiad arfaethedig, rhoddir cyhoeddusrwydd i geisiadau drwy lythyrau i feddianwyr cyfagos, hysbysiadau safle, hysbysiadau yn y wasg a/neu gyfryngau cymdeithasol. Nid yw'n rhaid i bobl sy'n ymateb i ymgynghoriadau roi eu hoedran nac unrhyw ddata personol arall, ac felly ni chaiff y data yma ei gadw na'i gofnodi mewn unrhyw ffordd, ac ni chaiff ymatebion eu gwahanu yn ôl oedran.

Protocol ar gyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio

Dim ond yn llwyr yn unol â'r protocol hwn y caniateir cyfraniadau gan y cyhoedd mewn Pwyllgorau Cynllunio. Ni allwch fynnu siarad mewn Pwyllgor fel hawl. Mae'r gwahoddiad i siarad a'r ffordd y cynhelir y cyfarfod ar ddisgresiwn Cadeirydd y Pwyllgor Cynllunio ac yn amodol ar y pwyntiau a nodir islaw.

Pwy all siarad

Cynghorau Cymuned a Thref

Gall cynghorau cymuned a thref annerch y Pwyllgor Cynllunio. Dim ond aelodau etholedig cynghorau cymuned a thref gaiff siarad. Disgwylir i gynrychiolwyr gydymffurfio â'r egwyddorion dilynol: -

(i) Cydymffurfio â Chod Cenedlaethol Ymddygiad Llywodraeth Leol. (ii) Peidio cyflwyno gwybodaeth nad yw'n:

- gyson gyda sylwadau ysgrifenedig eu cyngor, neu
 - yn rhan o gais, neu
 - wedi ei gynnwys yn yr adroddiad neu ffeil cynllunio.

Aelodau'r Cyhoedd

Cyfyngir siarad i un aelod o'r cyhoedd yn gwrthwynebu datblygiad ac un aelod o'r cyhoedd yn cefnogi datblygiad. Lle mae mwy nag un person yn gwrthwynebu neu'n cefnogi, dylai'r unigolion neu grwpiau gydweithio i sefydlu llefarydd. Gall Cadeirydd y Pwyllgor weithredu disgresiwn i ganiatáu ail siaradwr ond dim ond mewn amgylchiadau eithriadol lle mae cais sylweddol yn ysgogi gwahanol safbwyntiau o fewn un 'ochr' y ddadl (e.e. cais archfarchnad lle mae un llefarydd yn cynrychioli preswylwyr ac un arall yn cynrychioli manwerthwyr lleol). Gall aelodau'r cyhoedd benodi cynrychiolwyr i siarad ar eu rhan.

Lle na ddeuir i gytundeb, bydd yr hawl i siarad yn mynd i'r person/sefydliad cyntaf i gofrestru eu cais. Lle mae'r gwrthwynebydd wedi cofrestru i siarad caiff yr ymgeisydd neu asiant yr hawl i ymateb.

Cyfyngir siarad i geisiadau lle cyflwynwyd llythyrau gwrthwynebu/cefnogaeth neu lofnodion ar ddeiseb i'r Cyngor gan 5 neu fwy o aelwydydd/sefydliadau gwahanol. Gall y Cadeirydd weithredu disgresiwn i ganiatáu siarad gan aelodau o'r cyhoedd lle gallai cais effeithio'n sylweddol ar ardal wledig prin ei phoblogaeth ond y derbyniwyd llai na 5 o lythyr yn gwrthwynebu/cefnogi.

Ymgeiswyr

Bydd gan ymgeiswyr neu eu hasiantau a benodwyd hawl ymateb lle mae aelodau'r cyhoedd neu gyngor cymuned/tref yn annerch pwyllgor. Fel arfer dim ond ar un achlysur y caniateir i'r cyhoedd siarad pan gaiff ceisiadau eu hystyried gan Bwyllgor Cynllunio. Pan ohirir ceisiadau ac yn arbennig pan gânt eu hailgyflwyno yn dilyn penderfyniad pwyllgor i benderfynu ar gais yn groes i gyngor swyddog, ni chaniateir i'r cyhoedd siarad fel arfer. Fodd bynnag bydd yn rhaid ystyried amgylchiadau arbennig ar geisiadau a all gyfiawnhau eithriad.

Cofrestru Cais i Siarad

I gofrestru cais i siarad, mae'n rhaid i wrthwynebwyr/cefnogwyr yn gyntaf fod wedi gwneud sylwadau ysgrifenedig ar y cais. Mae'n rhaid iddynt gynnwys eu cais i siarad gyda'u sylwadau neu ei gofrestru wedyn gyda'r Cyngor.

Caiff ymgeiswyr, asiantau a gwrthwynebwyr eu cynghori i aros mewn cysylltiad gyda'r swyddog achos am ddatblygiadau ar y cais. Cyfrifoldeb y rhai sy'n dymuno siarad yw gwirio os yw'r cais i gael ei ystyried gan y Pwyllgor Cynllunio drwy gysylltu â'r Swyddog Cynllunio, a all roi manylion o'r dyddiad tebygol ar gyfer clywed y cais. Caiff y drefn ar gyfer cofrestru'r cais i siarad ei nodi islaw.

Mae'n rhaid i unrhyw un sy'n dymuno siarad hysbysu Swyddogion Gwasanaethau Democraidd y Cyngor drwy ffonio 01633 644219 neu drwy e-bost i registertospeak@monmouthshire.gov.uk. Caiff unrhyw geisiadau i siarad a gaiff eu e-bostio eu cydnabod cyn y dyddiad cau ar gyfer cofrestru i

siarad. Os nad ydych yn derbyn cydnabyddiaeth cyn y dyddiad cau, cysylltwch â Gwasanaethau Democrataidd ar 01633 644219 i wirio y cafodd eich cais ei dderbyn.

Mae'n rhaid i siaradwyr wneud hyn cyn gynted ag sydd modd, rhwng 12 canol dydd ar y dydd Mercher a 12 canol dydd ar y dydd Llun cyn y Pwyllgor. Gofynnir i chi adael rhif ffôn y gellir cysylltu â chi yn ystod y dydd.

Bydd y Cyngor yn cadw rhestr o bobl sy'n dymuno siarad yn y Pwyllgor Cynllunio.

Gweithdrefn yng Nghyfarfod y Pwyllgor Cynllunio

Dylai pobl sydd wedi cofrestru i siarad gyrraedd ddim hwyrach na 15 munud cyn dechrau'r cyfarfod. Bydd swyddog yn cynghori ar drefniadau seddi ac yn ateb ymholiadau. Caiff y weithdrefn ar gyfer delio gyda siarad gan y cyhoedd ei osod islaw:

- Bydd y Cadeirydd yn nodi'r cais i'w ystyried.
- Bydd swyddog yn cyflwyno crynodeb o'r cais a materion yn ymwneud â'r argymhelliad
- Os nad yw'r aelod lleol ar y Pwyllgor Cynllunio, bydd y Cadeirydd yn ei (g)wahodd i siarad am ddim mwy na 6 munud
- Yna bydd y Cadeirydd yn gwahodd cynrychiolydd y cyngor cymuned neu dref i siarad am ddim mwy na 4 munud.
- Bydd y Cadeirydd wedyn yn gwahodd yr ymgeisydd neu asiant a benodwyd (os yn berthnasol) i siarad am ddim mwy na 4 munud. Lle mae mwy na un person neu sefydliad yn siarad yn erbyn cais, ar ddisgresiwn y Cadeirydd bydd gan yr ymgeisydd neu'r asiant a benodwyd hawl i siarad am ddim mwy na 5 munud.
- Fel arfer cydymffurfir yn gaeth â chyfyngiadau amser, fodd bynnag bydd gan y Cadeirydd ddisgresiwn i addasu'r amser gan roi ystyriaeth i amgylchiadau'r cais neu'r rhai sy'n siarad.
- Dim ond unwaith y gall siaradwyr siarad.
- Bydd aelodau'r Pwyllgor Cynllunio wedyn yn trafod y cais, gan ddechrau gydag aelod lleol o'r Pwyllgor Cynllunio.
- Bydd y swyddogion yn ymateb i'r pwyntiau a godir os oes angen.
- Yn union cyn i'r mater gael ei roi i'r bleidlais, gwahoddir yr aelod lleol i grynhoi, gan siarad am ddim mwy na 2 funud.
- Ni all cynrychiolydd y cyngor cymuned neu dref neu wrthwynebydd/cefnogwyr neu'r ymgeisydd/asiant gymryd rhan yn ystyriaeth aelodau o'r cais ac ni allant ofyn cwestiynau os nad yw'r cadeirydd yn eu gwahodd i wneud hynny.
- Lle mae gwrthwynebydd/cefnogwr, ymgeisydd/asiant neu gyngor cymuned/tref wedi siarad ar gais, ni chaniateir unrhyw siarad pellach gan neu ar ran y grŵp hwnnw pe byddai'r cais yn cael ei ystyried eto mewn cyfarfod o'r pwyllgor yn y dyfodol heblaw y bu newid sylweddol yn y cais.
- Ar ddisgresiwn y Cadeirydd, gall y Cadeirydd neu aelod o'r Pwyllgor yn achlysurol geisio eglurhad ar bwynt a wnaed.
- Mae penderfyniad y Cadeirydd yn derfynol.
- Wrth gynnig p'un ai i dderbyn argymhelliad y swyddog neu i wneud diwygiad, bydd yr aelod sy'n gwneud y cynnig yn nodi'r cynnig yn glir.
- Pan gafodd y cynnig ei eilio, bydd y Cadeirydd yn dweud pa aelodau a gynigiodd ac a eiliodd y cynnig ac yn ailadrodd y cynnig a gynigwyd. Caiff enwau'r cynigydd a'r eilydd eu cofnodi.
- Bydd aelod yn peidio pleidleisio yng nghyswllt unrhyw gais cynllunio os na fu'n bresennol drwy gydol cyfarfod y Pwyllgor Cynllunio, y cyflwyniad llawn ac ystyriaeth y cais neilltuol hwnnw.
- Bydd unrhyw aelod sy'n ymatal rhag pleidleisio yn ystyried p'un ai i roi rheswm dros ei (h)ymatal.
- Bydd swyddog yn cyfrif y pleidleisiau ac yn cyhoeddi'r penderfyniad.

Cynnwys yr Arweithiau

Dylai sylwadau gan gynrychiolydd y cyngor tref/cymuned neu wrthwynebydd, cefnogwr neu ymgeisydd/asiant gael eu cyfyngu i faterion a godwyd yn eu sylwadau gwreiddiol a bod yn faterion cynllunio perthnasol. Mae hyn yn cynnwys:

- Polisiâu cynllunio cenedlaethol a lleol perthnasol
- Ymddangosiad a chymeriad y datblygiad, gweddllun a dwysedd

- Cynhyrchu traffig, diogelwch priffordd a pharcio/gwasanaethu;
- Cysgodi, edrych dros, ymyriad sŵn, aroglau neu golled arall amwynder.

Dylai siaradwyr osgoi cyfeirio at faterion y tu allan i gylch gorchwyl y Pwyllgor Cynllunio, megis:

- Anghydfod ffiniau, cyfamodau a hawliau eraill eiddo
- Sylwadau personol (e.e. cymhellion neu gamau gweithredu'r ymgeisydd hyd yma neu am aelodau neu swyddogion)
- Hawliau i olygfeydd neu ddibrisiant eiddo.

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Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance
on Wednesday, 10th January, 2024 at 2.00 pm**

PRESENT: County Councillor Phil Murphy (Chairman)
County Councillor Dale Rooke (Vice Chairman)

County Councillors: Emma Bryn, Sara Burch, Jan Butler,
John Crook, Tony Easson, Steven Garratt, Meirion Howells,
Su McConnel, Jayne McKenna, Maureen Powell, Sue Riley and
Ann Webb

County Councillor Malcolm Lane attended the meeting by invitation
of the Chair.

OFFICERS IN ATTENDANCE:

| | |
|------------------|--|
| Craig O'Connor | Head of Planning |
| Philip Thomas | Development Services Manager |
| Amy Longford | Development Management Area Team Manager |
| Paige Moseley | Solicitor |
| Richard Williams | Democratic Services Officer |
| Anna Hawker | Trainee Solicitor |

County Councillor Tony Easson joined the meeting during discussion of application
DM/2023/01329.

County Councillor Jayne McKenna left the meeting during discussion of application
DM/2023/01030 and did not return.

APOLOGIES:

County Councillors: Jill Bond, Fay Bromfield and Ian Chandler

1. Declarations of Interest

County Councillor Sara Burch declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2023/01030, as she was the relevant Cabinet Member when the decision to release the site to Monmouthshire Housing Association (MHA) for affordable Housing was taken.

County Councillor Phil Murphy declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2023/01042. He informed the Committee that posters had been circulated which had been purported to have come from him in relation to a planning enforcement matter on the same land that is now the subject of application DM/2023/01042. Although this current application is separate and distinct from the enforcement case and the posters were not prepared by

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Wednesday, 10th January, 2024 at 2.00 pm

him, he left the meeting taking no part in the discussion or voting thereon in respect of this application.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 5th December 2023 were confirmed and signed by the Chair.

3. Application DM/2023/01042 - Change of use from agriculture to land for the keeping of horses (retrospective) proposed erection of stable block for five horses, erection of ancillary storage building, construction of manege. Land north-west of Holly Lodge Road From A48 To Dewstow Road, Fives Lanes, Caerwent.

We considered the report of the application and late correspondence which was presented for refusal for the reasons outlined in the report.

This application has been re-presented to Planning Committee following the Committee decision not to agree a motion to approve the application at the meeting on 3rd October 2023. Therefore, in accordance with the Planning Code of Practice (February 2023) the application had been deferred for reasons for refusal to be considered based on the discussion within the meeting.

<https://www.youtube.com/live/Xt9tbCEMmCU?si=HYqrgl9FM6S1ZvpK&t=189>

In noting the detail of the application and the views expressed, it was proposed by County Councillor John Crook and seconded by County Councillor Emma Bryn that application DM/2023/01042 be refused for the following reasons:

- The application constitutes overdevelopment as it is of a scale and use that is out of keeping with the open countryside setting resulting in an adverse impact on the character of the landscape failing to comply with LDP Policies LC1 and RE6.
- The development will lead to an unacceptable level of traffic which will be detrimental to current residents and users of the existing single-track lane with few passing places, contrary to LDP Policy MV1.

Upon being put to the vote, the following votes were recorded:

| | | |
|-----------------|---|----|
| For refusal | - | 11 |
| Against refusal | - | 1 |
| Abstentions | - | 0 |

The proposition was carried.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Wednesday, 10th January, 2024 at 2.00 pm

We resolved that application DM/2023/01042 be refused for the following reasons:

- The application constitutes overdevelopment as it is of a scale and use that is out of keeping with the open countryside setting resulting in an adverse impact on the character of the landscape failing to comply with LDP Policies LC1 and RE6.
- The development will lead to an unacceptable level of traffic which will be detrimental to current residents and users of the existing single-track lane with few passing places, contrary to LDP Policy MV1.

4. Application DM/2023/01329 - Change of Use of Glebe Bungalow to C3 dwellinghouse from Annex and Holiday Let granted permission under DC/2007/00778 and DC/2017/01200. Glebe Bungalow, Llantilio School Road, Llantilio Pertholey, Abergavenny, NP7 6NU.

We considered the report of the application and late correspondence which was presented for refusal for the reason outlined in the report.

https://www.youtube.com/live/Xt9tbCEMmCU?si=iCHwFEs_uzArSq7P&t=1655

In noting the detail of the application and the views expressed, it was proposed by County Councillor Ann Webb and seconded by County Councillor Maureen Powell that consideration of application DM/2023/01329 be deferred for it to be re-presented to a future meeting of Planning Committee for approval with appropriate conditions.

Upon being put to the vote, the following votes were recorded:

| | | |
|------------------|---|----|
| For deferral | - | 12 |
| Against deferral | - | 1 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that application DM/2023/01329 be deferred for it to be re-presented to a future meeting of Planning Committee for approval with appropriate conditions.

5. Application DM/2023/00711 - Re-open existing gateway. Treetops, Talycoed Road, Llantilio Crossenny, Abergavenny.

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report.

<https://www.youtube.com/live/Xt9tbCEMmCU?si=BIXPa2srm7SD4S4X&t=3386>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Maureen Powell and seconded by County Councillor Su McConnel that application DM/2023/00711 be approved subject to the conditions outlined in the report.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance
on Wednesday, 10th January, 2024 at 2.00 pm**

Upon being put to the vote, the following votes were recorded:

| | | |
|------------------|---|----|
| For approval | - | 14 |
| Against approval | - | 0 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that application DM/2023/00711 be approved subject to the conditions outlined in the report.

6. Application DM/2023/01030 - Proposed residential development of 46 affordable dwellings, car parking, landscaping and associated works. Land to the north of Caldicot School, Situated off Woodstock Way, Caldicot.

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report.

https://www.youtube.com/live/Xt9tbCEMmCU?si=_nptMk7eL4INfDdx&t=4510

In noting the detail of the application and the views expressed, it was proposed by County Councillor Dale Rooke and seconded by County Councillor Su McConnel that application DM/2023/01030 be approved subject to the conditions outlined in the report.

Upon being put to the vote, the following votes were recorded:

| | | |
|------------------|---|----|
| For approval | - | 12 |
| Against approval | - | 0 |
| Abstentions | - | 1 |

The proposition was carried.

We resolved that application DM/2023/01030 be approved subject to the conditions outlined in the report.

7. Application DM/2023/01242 - The construction of a workshop and machinery storage and associated development. Llan Farm, Nant Road To The Grange, The Hendre, Monmouth, NP25 5NX.

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report.

https://www.youtube.com/live/Xt9tbCEMmCU?si=wiJ3trDZs_oCro43&t=6413

In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Maureen Powell that application DM/2023/01242 be approved subject to the conditions outlined in the report.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Wednesday, 10th January, 2024 at 2.00 pm

Upon being put to the vote, the following votes were recorded:

| | | |
|------------------|---|----|
| For approval | - | 13 |
| Against approval | - | 0 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that application DM/2023/01242 be approved subject to the conditions outlined in the report.

8. FOR INFORMATION - The Planning Inspectorate - Appeals / Costs Decisions Received:

<https://www.youtube.com/live/Xt9tbCEMmCU?si=u2d6SrODZxaU1H-4&t=6913>

8.1. Appeal Decision - 25 Beaulieu Barn, Kymin Road, The Kymin, Monmouthshire.

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 25 Beaulieu Barn, Kymin Road, The Kymin, Monmouthshire on 7th December 2023.

We noted that the appeal had been dismissed.

8.2. Costs Decision - 25 Beaulieu Barn, Kymin Road, The Kymin, Monmouthshire.

We received the Planning Inspectorate report which related to the costs decision in respect of 25 Beaulieu Barn, Kymin Road, The Kymin, Monmouthshire.

We noted that the application for an award of costs had been refused.

8.3. Appeal Decision - Land off Hardwick Cottage, Hardwick Hill, Chepstow, Monmouthshire.

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at land off Hardwick Cottage, Hardwick Hill, Chepstow, Monmouthshire on 7th December 2023.

We noted that the appeal had been allowed and planning permission granted subject to the conditions set out in the schedule of the Planning Inspectorate report.

8.4. Appeal Decision - Land opposite Rose Cottage, Llanbadoc, Usk, Monmouthshire.

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at land opposite Rose Cottage, Llanbadoc, Usk, Monmouthshire on 7th December 2023.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
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on Wednesday, 10th January, 2024 at 2.00 pm**

We noted that the appeal had been dismissed.

**8.5. Appeal Decision - Land at Silver Circle Distillery, Pleasant View Barn,
Ninewells Road, Catbrook, Trellech, Monmouthshire.**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at land at Silver Circle Distillery, Pleasant View Barn, Ninewells Road, Catbrook, Trellech, Monmouthshire on 9th May 2023.

Appeal A

We noted that the appeal had been dismissed.

Appeal B

We noted that the appeal had been allowed in respect of ground (g) only, but otherwise dismissed. The Notice was varied by the deletion of the words 'three months' and their substitution with the words 'six months' from the date the Notice took effect. Subject to this variation, the Notice was upheld.

**8.6. Costs Decision - Land at Silver Circle Distillery, Pleasant View Barn,
Ninewells Road, Catbrook, Trellech, Monmouthshire.**

We received the Planning Inspectorate report which related to the costs decision in respect of land at Silver Circle Distillery, Pleasant View Barn, Ninewells Road, Catbrook, Trellech, Monmouthshire.

We noted that the application for an award of costs had been refused.

The meeting ended at 4.07 pm.

Application Number: DM/2022/01831

Proposal: Improvements to the existing pedestrian and cycle connectivity across Castle Meadows by providing Active Travel compliant routes. Including the upgrade of existing routes, access points and the replacement of the existing footbridge over the River Gavenny

Address: Land At Castle Meadows, Abergavenny, Monmouthshire

Applicant: Monmouthshire County Council

Plans: All Proposed Plans 70086673-104-P01 - , All Proposed Plans 70086673-105-P01 - , All Proposed Plans 70086673-1801-P01 - , All Proposed Plans 70086673-1802-P01 - , All Proposed Plans 70086673-401-P01 - , All Proposed Plans 70086673-402-P01 - , All Proposed Plans 70086673-403-P01 - , GI Masterplan 70086673-WSP-EV-DR-LA-0100 - , GI Masterplan 70086673-WSP-EV-DR-LA-0100 - , All Drawings/Plans 70086673-WSP-EV-DR-LA-0102 - , All Drawings/Plans 70086673-WSP-EV-DR-LA-0103 - , All Drawings/Plans 70086673-WSP-EV-DR-LA-0105 - , All Drawings/Plans 70086673-WSP-EV-DR-LA-0106 - , All Drawings/Plans 70086673-WSP-EV-DR-LA-0107 - , Landscaping Plan 70086673-WSP-LMP-LA-RP-0001 - , Location Plan 70086673-106-P01 - , All Drawings/Plans 70086673-101-P01 - , All Drawings/Plans 70086673-102-P04 - , All Drawings/Plans 70086673-103-P01 - , All Drawings/Plans 70086673-WSP-EV-DR-LA-0108 - , Other ARBORICULTURAL STATEMENT - Part 1, Other ARBORICULTURAL STATEMENT - Part 2, FCA FCA - FCAV2.0, Ecology Report BAT SURVEY REPORT - V1, Other ECIA - V2, Other GCN - V1, Other HRA STAGE 1 AND 2 - V1, Other NATIVE SPECIES - , Other OTTER REPORT - V1 (Part 1), Other OTTER REPORT - V1 (Part 2), Other OTTER REPORT - V1 (Part 3), Other PEA - V2,

RECOMMENDATION: Approve

Case Officer: Kate Bingham

Date Valid: 22.12.2022

This application is presented to Planning Committee due to the number of representations made and the fact that the applicant is Monmouthshire County Council

1.0 APPLICATION DETAILS

1.1 Site Description

1.1.1 The application site is located within Castle Meadows, an area of public open space owned by Monmouthshire County Council. The development site has an area of 0.99 hectares (9,927m²). The site area includes 0.49 hectares (4,915m²) of Public Rights of Way (PRoW). The Town and Country Planning (General Permitted Development) Order 1995 (as amended), provides that works to a PRoW are deemed Permitted Development. However, to ensure completeness the PRoW have been included within the total site area, as shown within the red line boundary on the location plan submitted with the application.

1.1.2 The application site is located within a river flood plain and is comprised of improved grassland, amenity grassland and semi-natural broadleaved woodland, with small areas of hard standing, bare ground, scrub, scattered trees and running water, ponds including

tributaries and streams feeding into the River Usk. The surrounding land use is a combination of residential and retail/ commercial within Abergavenny Town Centre.

1.1.3 There are a number of existing Public Rights of Way (PRoW) and unofficial footpaths within the site. Notably, this includes the National Sustrans Route 46 (NR46) which traverses Castle Meadows and connects to NCN Route 49 in Llanfoist.

However, there is a gap in the route across Abergavenny Bridge, including a short section of Merthyr Road to the south of the bridge. Additionally, footpaths 351/2/1 and 352/6/1 run through the site, along the northern bank of the River Usk and east-west across the site, respectively.

1.1.4 Castle Meadows is designated as an Area of Amenity Importance under Local Development Plan (LDP) Policy DES2 and falls within the Abergavenny Conservation Area. It is also located in close proximity to Scheduled Ancient Monuments at Abergavenny Castle (MM056), Abergavenny Roman Fort (MM193) and Abergavenny Bridge (MM010).

1.1.5 The area is within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC) and is also located predominantly within a Zone 3 (Rivers) flood plain with other parts also within Zone 2 (Rivers and Zones 2 and 3 (Surface Water)).

1.2 Value Added

1.2.1 Further information relating to drainage, ecology and landscaping have provided:

- Details of final proposed surface material and colour.
- The applicant has provided clarity with regard to the difference between Stage 1 and Stage 2 activity as well as the provision of the temporary access process and methodology during construction phase (NB these works will be undertaken under Permitted Development Rights)
- The confirmation by the applicant that inner radii will conform to active travel design guidance is acceptable.
- Further clarity in terms of the management of the surface following river flood and silt deposit to ensure surface maintains porosity.
- Additional Otter and Water Vole Survey Reports submitted to inform an updated Appropriate Assessment under the Habitats Regulations.

1.3 Proposal Description

1.3.1 As required by the Active Travel (Wales) Act 2013, MCC has prepared the Integrated Network Map (INM) of walking and cycling routes across six areas of the County, including Abergavenny. Following the publishing of the new Active Travel Act Guidance (2021) and the requirement imposed by Welsh Government on all local authorities in Wales to produce Active Travel Network Maps (ATNM), MCC consulted the public on the existing and proposed walking and cycling routes across the County. The consultation was undertaken between June and October 2021.

1.3.2 The A4143 Merthyr Road connects the two communities of Abergavenny and Llanfoist via the existing Abergavenny Bridge crossing over the River Usk. Castle Meadows and Ysbyty Fields are important leisure areas for the community and are crossed by Public Rights of Way (PRoW) and National Cycle Network routes 42 and 46.

1.3.3 Study findings to date, suggest that many people who would otherwise walk or cycle between Llanfoist and Abergavenny are deterred. This is due to the poor pedestrian and cycling connections provided via the existing Abergavenny Bridge crossing over the River Usk,

as well as through Castle Meadows. Those with impaired mobility are particularly disadvantaged by the current poor connections. Key issues relevant to the scheme's area have been identified during the early stages of the study and are summarised below:

- The existing Abergavenny Bridge crossing over the River Usk provides a very narrow footway on one side and does not cater for cyclists.
- Local surrounding roads (Abergavenny Bridge and A40) are heavily trafficked and do not lend themselves to active travel use. Additionally, owing to the high volumes of vehicles using existing these routes, there is a perceived safety risk which further deters pedestrians and cyclists from using existing routes.
- Existing routes across Castle Meadows do not comply with current active travel standards, and do not cater for all users, especially those with mobility impairment.
- The potential growth in the number of residents in Llanfoist may further impact on local highway performance, in turn making existing routes less attractive for future pedestrian and cyclist trips.
- 15% of drivers in the local area travel less than 2km, and 8% between 2km and 5km. These trips could be accommodated by improved active travel modes if adequate infrastructure was provided.

1.3.4 The objectives of the proposed new Active Travel scheme have been derived through identification of key issues (as summarised above), and also according to the objectives set by the MCC and Welsh Government (WG) transport policies. The objectives are as follows:

- Ensure connections from the town centre through Castle Meadows to Llanfoist are fit for purpose and accessible to all, and provide an alternative to private car use.
- Increase the number of pedestrians and cyclists using Castle Meadows for commuting and leisure purposes;
- Make a positive contribution to air quality by promoting active travel and supporting the reduction of Carbon Dioxide around the Abergavenny / Llanfoist area.
- No significant adverse impacts on environmental sensitive receptors during construction and operation, protect and enhance the historic, built and natural environmental including landscape and settlement character of the area.
- Introduce safe and accessible active travel links and remove conflicts between users on Abergavenny Bridge.

1.3.5 The object of the scheme proposals is to encourage the public to adopt walking and cycling as preferred modes of travel. In addition, the scheme is intended to benefit the local environment by reducing carbon emissions.

1.3.6 The proposed scheme as a whole comprises three stages. This application relates to Stage 1 which seeks to create new and improved paths within Castle Meadows to an active travel act compliant cycle track standard shared with pedestrians at 3m widths tapering to 2m at transition locations as indicated on the general layout linking with existing paths and surfaces.

1.3.7 Stage 2 is proposed to link Abergavenny via Castle Meadows to Llanfoist including Merthyr Road. This is not the subject of this planning application except for two entrance access improvement points included in Stage 1 information.

1.3.8 Stage 3 proposes to link to the A40 from Stage 1 including a southern section of the route to Glyndwr Gardens which is not the subject of the application.

1.3.9 It should also be noted that the proposed bridge across the River Usk linking Castle Meadows to Llanfoist has already been granted consent and therefore does not form part of this application.

1.3.10 In this application it is proposed that the existing main route that runs parallel to the River Usk (also National Cycle Route 46), will be upgraded to provide an Active Travel route consisting of a shared pedestrian and cycle route. The upgrades are comprised of widening the 2m - 2.3m existing route to a width of 3m to create a shared surface to enable pedestrians, cyclists and people with reduced mobility to access the route. The routes will be surfaced with permeable resin bonding in a buff colour. The proposed surfacing material is intrinsic to the Drainage Strategy.

1.3.11 It is proposed that the track is a shared surface, to avoid the need of intrusive segregation (raised kerb, contracting materials, etc.) and to allow all users to equally enjoy the surroundings. The proposed construction largely follows the existing Public Rights of Way layout. The existing routes that connect to Byefield Lane Car Park and Mill Street will also be upgraded to a width of 3m to be Active Travel compliant.

1.3.12 The existing route that runs around Abergavenny Castle (also National Cycle Route 42), will be upgraded to provide an Active Travel route linking from Castle Meadows to Abergavenny town centre. However, it should be noted that the width of this route will vary from 2m - 3m due to the existing profile. It should be noted that the existing constraints within this location, including large trees, a culvert and a stone wall will be protected during the works. This route will also be constructed with permeable resin bonded surfacing.

1.3.13 It is also proposed to provide a replacement bridge that will span over the River Gavenny and will follow the footprint of the existing structure. The span of 18m will be maintained, together with the soffit level. Due to the increased width of the structure, the abutments will have to be marginally increased, however the proposed deck thickness is less than the existing, which will allow reduction in the access ramp steepness and length.

1.3.14 The proposed bridge deck will have a 3m clear width to offer an improved user experience (currently one person can cross at a time). A steel deck fitted with anti-slip surfacing and waterproofing systems is proposed to mitigate against the effects of surface water, with a 1:40 crossfall to assist in shedding off the surface water. The handrails are proposed to be at 1.4m height to ensure cyclists' safety, together with handrails at a lower level to accommodate all other users. It should be noted that the replacement bridge proposal has been specifically developed to be accessible by all users. The geometry and proposed materials / finishes reflect the recommendations offered by the Active Travel Act, BS 8300 - Design for an accessible and inclusive built environment and CD 353 Design criteria for footbridges, and the proposed appearance is deemed to complement the surrounding environment.

1.3.15 The proposed new access ramps will be located in the same location as the existing ramps, however they will have a clear width of 3m to maintain Active Travel compliance. The proposed ramps will measure approximately 15m long each and will slope at a gradient of 1 to 25. The proposed ramps will have a lower gradient than the existing ramps to improve accessibility for all users. Side slopes of approximately 1 in 2 gradients will be provided and will be constructed with Class 1 fill, which is a granular free draining material, and lined with a geosynthetic erosion control reinforcement to provide protection during flood events. The access ramps will also be fitted with handrails to maintain safety and stability for all users.

1.3.16 Re-seeding has been proposed along the edges of the Active Travel routes to aid integration into the landscape and also offer visual mitigation. Part of the proposed development is also to replace the existing kissing gates with a solution that offers a free flow

to all users and compliance with the Active Travel Act. In addition, the cattle currently present within the meadows need to be prevented from escaping. Therefore, a hybrid solution including a cattle grid and a self-closing gate with an easy latch has been proposed.

1.3.17 There are two cattle grids and gates proposed at the key access points leading from Merthyr Road. There is another cattle grid and gate proposed at the access point to Byefield Car Park. The third cattle grid and gate proposed are prior to the approach to Abergavenny Castle. There are two cattle grids and gates proposed on either side of the replacement River Gavenny bridge with the final cattle grid and gate proposed at the key access point to Monmouth Road. The proposed cattle grids will be constructed from rails that will be attached to runners to create a grid. There will be galvanised bolts at four corners of the grid and at the mid-point of each side, they will be greased and protected with tape. Bolts are to be easily accessed for removal during maintenance. The proposed gates are comprised of galvanised steel one-way self-closing gates with an easy latch. The latch and catch operational parts will be painted RAL 1021 Yellow to assist all users when operating the gates.

1.3.18 The proposal aims to incorporate additional signage throughout the Active Travel Scheme to address concerns of way-finding that were raised during the stakeholder engagement events. The scheme proposes to reinstate signs at cattle grids and gates, reinstate pedestrian counters and provide safety signage i.e. 'Cyclists Dismount.' This is to ensure that all users are kept informed throughout the route.

1.3.19 With regard to the costs, the scheme will be subject to following a successful bidding process however the current indicative cost for the paths, gates and replacement of the River Gavenny Bridge is estimated to be in the region of £750,000 - £1.25M. This will be updated and more certainty will be known as the Council work towards their 2023/24 Active Travel Fund bid.

1.4 Environmental Impact Assessment

1.4.1 Environmental Impact Assessment(EIA) legislation requires the Local Planning Authority to determine whether a planning application needs be accompanied by an Environmental Statement. The EIA Regulations set out thresholds for Schedule 1 and Schedule 2 developments, where an EIA is always required for Schedule 1 and potentially required for Schedule 2, dependent on the development's size, location or its potential to cause significant environmental effects.

1.4.2 The proposed development has a site area of 0.99 hectares; therefore it does not meet the criteria/ thresholds within Schedule 1 or Schedule 2 developments of the EIA Regulations. However, the Site is considered to be located within a 'sensitive area' as defined by the EIA Regulations (i.e., Site of Specific Scientific Interest or International Site, National Park, Area of Outstanding Natural Beauty, World Heritage Site or Schedule Monument). Therefore, given the proximity to the internationally and nationally designated sites (River Usk SAC and SSSI), an EIA Screening Opinion Request was submitted to the Local Planning Authority on 11th January 2022 (ref DM/2022/00050). Following consultation, including Biodiversity and Landscape Officers, it was concluded that, subject to the necessary supporting surveys and mitigation, an Environmental Statement would not be required to support a planning application for the proposed development.

1.5 Habitats Regulations Assessment

1.5.1 An Appropriate Assessment (AA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended has been undertaken by the Council's Biodiversity Officer. NRW have considered the mitigation measures detailed in the AA and

have agreed with the conclusion that the development is unlikely to have an adverse effect upon the integrity of the River Usk Special Areas of Conservation (SAC), subject to conditions.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|------------------|--|----------|---------------|
| DC/2016/01177 | Path (150m long x 2m wide) (rolled gravel/stone path) level with existing ground around the orchard and providing access from existing hard surfaced area off Mill Street. Interpretation board - non-illuminated, metal, close to the entrance of the orchard. | Approved | 14.12.2016 |
| DM/2018/00408 | Provision of a new cycle and pedestrian bridge spanning approximately 60m across the River Usk between Llanfoist and Abergavenny, provision of earthwork ramps to cater for disabled access, provision of a new footpath link and enhancement of an existing footpath. | Approved | 04.10.2018 |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

SD3 LDP Flood Risk
MV3 LDP Public Rights of Way
MV4 LDP Cycleways
DES1 LDP General Design Considerations
DES2 LDP Areas of Amenity Importance
EP1 LDP Amenity and Environmental Protection
G11 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development

Conservation Area Appraisal

Abergavenny Conservation Area Appraisal: Character Area 8: Riverside, Usk Bridge and Linda Vista Gardens.

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

Active Travel (Wales) Act (2013)

The Active Travel (Wales) Act, enshrined in legislation in 2013 and commencing from September 2014, requires the Welsh Government and local authorities in Wales to actively promote and provide for walking and cycling as a mode of transport. The Act creates new duties for highways authorities to consider the needs of pedestrians and cyclists and make better provision for them.

Active Travel Guidance (2021)

The Active Travel Act Guidance published in July 2021 brings together the previous two sets of statutory supporting guidance documents to the Active Travel (Wales) Act 2013 (i.e. the delivery guidance and the design guidance both published in 2014) and updates them. The updates of the document were based on drawing on a wide range of sources, most notably user experiences, public and stakeholder consultation feedback, policy changes, new infrastructure, and technology developments.

Wales Transport Strategy (2021)

The Wales Transport Strategy (WTS) is a statutory document required by the Transport (Wales) Act 2006 (The Act). The Act places a duty on Welsh Ministers to prepare and publish a WTS, setting out its policies and how they will be discharged. The WTS sets out Welsh Government's strategic priorities and desired outcomes; the WTS addresses all transport modes, including walking, cycling, public transport, electric vehicles and the private car.

Clean Air Plan for Wales: Healthy Air, Healthy Wales (2020)

The aim of the Clean Air Plan for Wales is to improve air quality and reduce the impacts of air pollution on human health, biodiversity, the natural environment and our economy. The Plan aims at supporting delivery of selected commitments, including reduction of emissions and delivery of vital improvements in air quality. The Plan considers the impact of COVID-19 on air quality. Clean Air Plan for Wales includes ambitions to meet and where possible exceed requirements set down in UK and international guidance and legislation.

Technical Advice Notes

TAN 5, Nature Conservation and Planning (2009)

TAN 12, Design (2016)

TAN 15, Development and Flood Risk (2004)

TAN 18, Transport (2007)

Other Guidance

The Transport Act 2000, as amended by the Transport (Wales) Act 2006, introduced a statutory requirement for local transport authorities to produce a Local Transport Plan (LTP) every five years and to keep it under review. The Monmouthshire Local Transport Plan was approved by Welsh Ministers in May 2015. Table 3.2 of the Monmouthshire LTP shows the prioritised programme for the period 2015-2020 for Non-Metro-related projects. This includes reference to the Abergavenny and Llanfoist Active Travel Network. A key aspect of this scheme is to:

Include new River Usk walking & cycling bridge linking Abergavenny with Llanfoist and further elements as identified through the active travel mapping exercise and consultation. These may include new / improved cycle lanes / paths / contraflows, footpaths, junction/crossing facilities, cycle parking / storage, route signage, dropped kerbs / continuity across side roads. The plan development may also identify road safety, safe routes and public transport elements which will be taken forward through Road Safety capital schemes, Safe routes in Community Schemes or as PT schemes.

The proposed development seeks to undertake improvements to the existing pedestrian and cycle routes within Castle Meadows to create an Active Travel Scheme that links the area to the town centre. The proposal has also considered the safety of the routes by widening to 3m and re-surfacing to create a smooth connected route.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council - Recommend approval.

We are pleased to see the extensive environmental and biodiversity input for the area, providing a net biodiversity gain. We note the late submission regarding the permeable resin bound surface for the pathways and approve of this decision. The improvements to the pathways will enable the children attending King Henry School from Llanfoist to safely traverse across by foot, bike or scooter utilising the new bridge that is proposed. Abergavenny Town Council are fully supportive of the proposals and continue to support the Active Travel Plans for the area. Abergavenny Town Council would recommend approval of the proposed plans for the area of Castle Meadows.

We hope to see further information on the management and upkeep of the pathways and area as a whole in due course and would like early notification of the installation of any trial gates.

Cadw - Having carefully considered the information provided, we have no objection to the proposed development in regard to the scheduled monuments, registered historic parks and gardens and World Heritage Site.

Glamorgan Gwent Archaeological Trust (GGAT) - The information in the Historic Environment Record (HER) curated by this Trust shows that the proposal is located in an area of high archaeological potential. It is on the flood plain to the south of Abergavenny Castle, a Scheduled Monument (Cadw ref. MM056) and important medieval castle including stone buildings of the 13th to 15th centuries. It is also located close to the Abergavenny Roman Fort, also a Scheduled Monument (Cadw ref. MM193) and the remains of the auxiliary fort of Gobannium. Accordingly we have recommended archaeological mitigation for previous applications in the vicinity, including a desk-based assessment which includes the current development area.

The assessment indicates that the development area has evidence of paleo channels, as well as historic flooding and gravel deposition events. There is also some evidence of potentially archaeological significant earthworks, but these are unlikely to be affected by the proposed works. Overall, it is not likely that significant archaeological remains will be encountered during the course of the works.

We also note Cadw's response indicating there will be no significant effect on the Scheduled Monuments. As a result, there is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

Natural Resources Wales (NRW) – No objections subject to conditions.

Response to appropriate assessment (AA):

In consideration of the mitigation measures detailed in your AA, we agree with your conclusion that the development is unlikely to have an adverse effect upon the integrity of the River Usk Special Areas of Conservation (SAC), subject to minor amendments as follows:

Habitat loss

We previously had concerns due to the proposed loss of 384m² (0.038 ha) from within the River Usk SSSI and SAC.

We note that footprint of the Active Travel path has now been shifted north to reduce land-take within the SAC, which we welcome. We recommend the Proposed General Arrangement Plan (70086673-102_P04, produced by WSP, dated December 2022), which shows the relocation of the path, is referenced within the Habitat Regulations Assessment Record.

We note that there is predicted to be a loss of 18.69m² of semi-improved/improved grassland during the construction of the scheme, however, this loss will be temporary as grassland planting in the verges of the path has been proposed, leading to grassland restoration.

Mitigation measures

We welcome the proposed conditions to address potential impacts within the Habitat Regulations Assessment Record, which includes conditions for a Construction Environment Management Plan (CEMP), Ecological Management and Monitoring Plan (EcMMP) and for the delivery of green infrastructure and landscaping. We advise that the reason for these conditions should state they are (partly) to safeguard the special interests of the River Usk SAC.

We note that the CEMP includes a measure to ensure the timing of the most disturbing works fall within the late-August to October period. In addition to this, we advise that the CEMP should ensure there will be no piling works between April and June.

The CEMP contains an assessment of risk to otters during construction, including measures to minimise the risk of entrapment from excavations left open. In order to minimise further disturbance, we advise that the CEMP should include a measure ensuring there is to be no construction works between one hour before dusk and one hour after dawn.

With regards to the EcMMP and the delivery of green infrastructure and landscaping, we recommend that the wording of these conditions specifically references the incorporation of measures proposed to avoid impacts on the otter feature of the River Usk SAC.

Therefore, subject to the above amendments being completed in the AA, and the planning conditions being implemented, we are satisfied your Authority can conclude no adverse effects on the Site's integrity.

Lighting

We welcome that paragraph 5.4.42 of the Report to Inform Appropriate Assessment states there will be no operational lighting as part of the scheme. We have no further comments to make on this aspect of the proposals.

In combination assessment

We note that the construction of the proposed new cycle and pedestrian bridge over the River Usk (ref: DM/2018/00408) is expected to be complete by the time work commences on this current scheme. Therefore, it is our understanding the two developments will not be undertaken simultaneously.

Other Comments:

Flood Risk

The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) as contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified. Therefore, we refer you to the tests set out in section 6.2 of TAN15. We have reviewed the FCA undertaken by WSP, document reference 70086673-FCA02, dated December 2022, submitted in support of the above application. The FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, we have no objection on flood risk grounds to the application as submitted.

Section 6 of the FCA states 'the proposed footpaths will supplement the existing footpaths crossing the floodplain and are to be constructed at existing ground level and designed to be

flood resilient. On this basis, the proposed footpaths will have no impact on flood risk elsewhere, as there will be no impedance of flood flows and drainage will mimic the existing regime.' We do not dispute these conclusions and consider them valid in flood risk terms. Flood Risk Activity Permit - Please advise the applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Gavenny, a designed "main river".

Phosphorus Loading

We note the application site is within the catchment of the River Usk Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (July 2022), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments.

However, the application as submitted is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

European Protected Species

The application site is located largely in close vicinity to the River Usk. Otters are a designated feature of the River Usk SAC. We also note that the proposed development has the potential to impact upon bats and water voles.

The application site is located largely in close vicinity to the River Usk. As advised above, otters are a designated feature of the River Usk SAC. We also note that the proposed development has the potential to impact upon bats and water voles.

Otters: We note that otter activity on site has been established, and habitat suitable for resting otters is present, although no confirmed holts were identified. No potential holts discovered during surveys are proposed to be directly affected by the proposals. The otter survey report recommends that a Construction Environmental Management Plan (CEMP) and an Ecological Management Plan (EcMP) must be produced in order to safeguard otters during construction. Whilst we have concerns regarding the application in respect to otters, we consider that these concerns can be addressed through the submission of a CEMP (as per condition 1) incorporating the details of the conservation measures for otters.

Bats: Although bats have been evidenced using the site and its surroundings for foraging and commuting, the proposals are unlikely to affect roosting bats, or commuting and foraging bats post-construction. Therefore, we have no further comments, however if proposals change in any way that is likely to lead to impact on bats we should be re-consulted.

Water Voles: We observe that although the surveys undertaken to inform these proposals found no signs of water vole presence in the area, NRW have recent photographic evidence of water voles on Castle Meadows. The presence of the species on or near the site should therefore be assumed. We consider that the conservation measures advised for otters (pre-construction inspections of areas to be affected for signs of water vole presence, restrictions on construction lighting, generic measures for water vole protection during construction) would also suffice for water voles in this instance.

MCC Biodiversity – No objection. Appropriate Assessment provided concludes that the development is unlikely to have an adverse effect upon the integrity of the River Usk Special Areas of Conservation (SAC).

It is noted from the NRW response that water vole presence should be assumed at the site due to recent photographic evidence. We agree that measures included within a CEMP for otter will be acceptable for water vole. We welcome the clarification in the response document that protection measures for otter will be included in a CEMP and EcMP to be submitted following approval.

The proposed biodiversity enhancement measures are broadly acceptable and are illustrated on The Green Infrastructure plan and Landscape Mitigation Plan.

MCC SAB - The proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant un-necessary redesign costs. Details can be found at <https://www.monmouthshire.gov.uk/sab/>

The applicant has engaged with our pre-application advice service and proposes a permeable surface discharging by infiltration. Evidence has been provided to show that soils are sufficiently permeable to allow infiltration drainage. Detail of the SuDS design will be examined by the SuDS approval process. We therefore have no objection on grounds of surface water drainage.

MCC Lead Local Flood Authority - The location of the scheme is within the flood plain of the River Usk and is likely to be subject to frequent (maybe annual) relatively short lived flooding from the River Usk. The application includes a detailed FCA, the content of which we note. The Usk is a significant Main River with a history of flooding. NRW are the body with most expertise on these flooding mechanisms and hold the permissive powers in relation to management of this watercourse. We expect that detailed analysis and checking of the FCA will be undertaken by NRW and recommend that their future comments are given full consideration.

MCC Landscape / Green Infrastructure – No objections subject to conditions.

MCC Heritage - The site is located within the Abergavenny Conservation Area and has the potential to impact on a number of other heritage assets including registered parks and gardens and scheduled ancient monuments however these are the responsibility of Cadw who we note have provided comment.

The proposed route is located within the Castle Meadows and views into and out of the Conservation Area to the southern end of the character area are especially important given that the Castle Meadows is well used and publicly accessible amenity space for the town. The proposed route is considered to be well considered in terms of avoiding direct impact to more sensitive areas and minimising its impact and will improve the current arrangement.

The proposal is not considered to have an adverse impact on the character of the Conservation Area in principle, subject to conditions to control surface materials (sample to be provided) and the finish of the bridge to ensure the materials are muted and in keeping. Subject to conditions being added no adverse heritage impacts are noted.

SEWBRc Search Results – European Protected Species; Otters and Bats recorded within the vicinity of the site.

5.2 Neighbour Notification

121 representations received objecting on the following grounds. These have been divided into three *broad* categories for ease of reference:

1. Visual Impact and the Environment:

- Lack of clarity over avoiding adverse environmental impacts.
- Introduction of artificial lighting may harm the River Usk SAC. A definitive statement that the scheme must not include any artificial lighting during its operational phase is necessary.
- The amount of meadow that will be covered in some sort of surface will totally ruin the area.
- There is no reason to widen the paths, as people who walk the meadows are more than happy to move to one side for mobility scooters etc.
- Paths do not need to be 3m wide. Surely, there must be a less disfiguring way of providing safer access over the bridge.
- Castle Meadows is one of Abergavenny's most iconic locations, much loved for its idyllic, tranquil atmosphere. This proposed eyesore would be inexcusably detrimental to the appearance and feel of the setting.
- Widening the pathways will result in an imposing run-way style blot. It is not difficult to step aside or wait for another user to pass if the path is overcrowded with users, surely manners is the solution in these situations irrespective of path size.
- Have walked, run, pushed buggies and cycled along these pathways (and bridge) countless times and never encountered a problem that a wider pathway could eliminate.
- Why are the current pathways simply not being better maintained if the surface is considered too irregular?
- It seems completely pointless to have to put up a new bridge over the Gavenny when the existing bridge is no more than 10 years old.
- No point in replacing the existing footpaths to make them 3m wide. There is just not the amount of people using the meadows to warrant it.
- This proposal would have a negative impact on the countryside and wildlife and become an eyesore and impact on the existing walking routes at Castle Meadows.
- It is not in-keeping with the character of a rural market town.
- Apart from benefitting cyclists going into town or to the station the wide tracks will be an eyesore are superfluous to all other users of the Meadows.
- The proposed large 2m wide cattle grids seem to be totally unnecessary.
- It does not appear that a full environmental impact has been carried out.
- Not only would the new tracks be liable to flooding, they would ruin the natural beauty of the area.
- No public meeting has been called to find out what local residents want. At the moment it does not appear to be a very democratic decision and is based on a policy to implement Active Travel Plans regardless of the impact on the wellbeing of non cyclists and of the cost.
- The existing plans on display will impact the freedom of movement of those currently enjoying the open space. Surely another solution could be found to enable cyclists to cross the Meadows without affecting those using the area for leisure purposes.
- Short term speed for cyclists or long term safety for all users and protection of the scenic and fragile environment?

- The entrances are fit for purpose at the moment. They allow access for walkers, cyclists and mobility scooters and keep the cattle in. There might be a slight delay for cyclists and mobility scooters. The planned alternatives would speed up the entrance and exits for cyclists, but have the massive disadvantage of allowing access to the Meadow of unauthorised motor vehicles such as motorbikes which would create vast destruction to the Meadow. It would be naive to think that putting up a few signs would deter anti-social people with cars and motorbikes. Also, slow closing gates would not necessarily keep the cows on the Meadow.
- People on their own will not walk through the Meadows alone after dark.
- With 90,000 movements of people through the Meadows every year, I believe there is no need to encourage more.
- The Grasscrete has lasted for. 30+ years and could be re-laid.
- After many years of lobbying by a disabled group, bollards in Mill Street were installed to prevent car parking hindering disabled access. They are to be removed. The proposed path up the side of the castle will be too steep for mobility users.
- Should the farmer decide that there is not enough land to sustain the Welsh Blacks, which maintain the Meadows biodiversity, the land will become scrubland.
- The Meadow is not an urban park, rather a wild space which is enjoyed for leisure purposes. These plans are designed to help cyclists get from A to B in the shortest possible time.
- We are all aware that the Welsh Government is pushing for Active Travel. That said, it is important that councils keep responses to this demand in proportion.
- It is one thing to consider building a pedestrian bridge, to avoid the dangers of walking over the Llanfoist bridge. It is an entirely different matter to think of plastering parts of Castle Meadows with wide pathways.(roadways?)
- The pathways are of a nature that would be detrimental to the area as a whole. They would be very intrusive, both in terms of their size (i.e. width) and their material,
- The widening of the paths which will affect the aesthetic of the meadows, making them appear more like an urban park than an area where local people can get closer to nature.
- Very concerned about the environmental impact on the current, very natural beauty, enjoyed for so long by so many people of all ages.
- The proposal to change entry and exit points to provide speedier access to the Meadows goes against what Castle Meadows is - a tranquil, safe haven for those wishing to enjoy the natural beauty of the landscape.
- Cyclists will still have to negotiate all the usual road hazards to get there in the first place, including the busy roundabout by Waitrose.
- Concerned that the additional and very wide paths (and more open access) will come to totally change the character and appearance of Castle Meadows, especially with ever more popular e-bikes etc and (possibly motorised) vehicles coming into increasing contact with regular walkers, dog walkers, prams etc.
- At the moment the meadows are an attraction to locals and visitors for their peace and quiet. Therefore, please keep any changes to a minimum.
- So much change adding to, digging up and replacing all the pathways with all the muddy, noisy disruption that goes with it for years? How will that help the many locals who enjoy the place now, or the visitors attracted to the meadows by the town council's and Monmouthshire's advertising of it as a natural water meadow, not a cycling highway.
- The impact of the run-off from the path covers a far wider area than that shown on the plans.
- This plan has not been given enough thought, Environmental Impact Studies have not been carried out properly, no thought has been given to safety of pedestrians who use the meadows, having a cycle track shared with pedestrians is asking for accidents.
- Disagree that dogs should be kept on the lead in Castle Meadows.

- People come from all over to walk their dogs here off the lead and bring money into the town spending in the shops and restaurants and sometimes staying locally in hotels and other accommodation with their dogs to use this facility .
- It is the roads and its users that need to be adapted and encouraged to change to better facilitate cycling.
- Cyclists pay no road tax, do not have to be insured and yet benefit from more & more from funding in the creation of cycling facilities.
- Public perception is not helped when projects such as these seem driven by the latest target to meet and tick.
- It is vital that provisions are made to ensure that the environmental impact is kept to an absolute minimum.
- Provisions would also need to be made to ensure that other motorised vehicles cannot access the area. The kind of damage caused by motor cyclists on The Blorenge a year or so ago would be disastrous if it happened in Castle Meadows.
- Turning the Meadows into a commuter route is totally unacceptable and under the current plans its unique environmental value will be destroyed.
- Some very well informed and important objections have been raised under this consultation, particularly by the Friends of Castle Meadows who obviously know this area best and understand the issues which need to be taken into account in order to protect its special qualities.
- It is worrying that the farmer whose cows maintain the meadows does not seem to have been sufficiently consulted. If the cows are taken away (which seems a distinct possibility if the area is turned into a commuter route) then a huge burden will fall upon the local Council to find a way to prevent the Meadows becoming an overgrown wilderness.
- Most of the objections to the plans come from local residents, whereas many of those supporting the plan come from outside the Abergavenny/Llanfoist area. Surely it is inappropriate that these should be included.
- The proposal to have a wide, solid surface track would be detrimental to the natural riverside and require expensive maintenance particularly in view of the regular flooding of the area.
- Changing it for more people to use coming from outside Abergavenny will stop the locals using this beautiful space and impacting on wildlife too.
- The fact that these changes are for bike users for the active travel scheme is very disappointing. Think of the environment first.
- Objectives in the planning statement are unlikely to be achieved. The whole application is about spending the active travel grant money from the Welsh Government so it's not lost, making changes that are not needed or wanted by most of the frequent users of the meadow.
- The statement counted the number of in/out points of meadow incorrectly so how can anything else be taken as accurate.
- The meadow is a tranquil place of beauty and one of the only places we have that has not been built on and spoilt.
- Can the avid cyclist not use the £800 million road literally a few hundred feet away.
- Claiming that 15 percent of people will stop using cars and change to bikes and walking that will reduce emissions is a fairy tale. Where is the evidence that other active travel routes have met the objectives and delivered measured benefits?
- Fear for unintended long term consequences which will be detrimental to the community.
- The environmental impact of these works would be devastating. At a time when preservation is at the forefront of conversation globally, we should be looking to protect our local plant and wildlife at every opportunity.

- Abergavenny's waters are truly fortunate to be frequented by Otters, with stories of their sightings being cherished among the locals. It's difficult to convey the level of anger I feel at the thought of them being disturbed and potentially driven away by this unnecessary project. Surely their loss is unforgivable.
- It is hard to understand why this plan should proceed when it clearly De-wilds a lowland flood plain, undermining its biodiversity and at the same time, promotes climate change. Shouldn't the ambition be Re-wilding, increasing biodiversity and reducing climate change?
- The proposals will take away a large part of this precious habitat. Plans to plant replacement trees and plug plants are unrealistic on a flood meadow with public access. Experience has proved that neither will remain.
- Ecological surveys that have been offered in the planning are inaccurate or lack fine detail.
- Alarmed at the fact that the Environmental Impact Assessment has not been deemed necessary.
- Cattle grids are known to be dangerous for both wildlife and dogs. Wildlife fall in & suffer slow painful death as they can't get out.
- It feels like these off road routes are being sneaked through as a piggy back to the popular new bridge. Please stop at just providing the bridge, plus relevant paths to link this to Merthyr road and making the gates more user friendly.
- Providing wide sealed paths in an attempt to direct cyclist off of local roads is just not appropriate for Castle Meadows.
- The area below the orchard before the Gavenny river is a peaceful place where school children are taken to observe life in the stream etc. Only pedestrians should have Access to this area.
- Insufficient enhancements for biodiversity.

2. Conflict Between Cyclists and Other Users and other Safety Issues:

- Don't understand why we need to make the Castle Meadows more accessible for cyclists when it is used so heavily by dog walkers. A lot of dogs are reactive to cyclists and can run free down Castle Meadows. Cyclists can use the road to get into town so why do they require more access at dog owners' expense?
- Castle Meadows are for recreation and nature, not a transit route. While the plans might take a few cycles off the road, the wider paths would reduce green space (grass) thus counteracting any beneficial environmental effects.
- This is the one area locally where dogs can be allowed to run freely off lead without the danger of running into a road or scaring sheep and is a wonderful place to both exercise and socialise pets, getting them used to playing with other dogs.
- General safety concerns are apparently satisfied solely by widening the tracks and providing a smooth surface, elements which would have the opposite effect by making travel faster for cyclists at the expense of the safety of existing users. Raised kerbs are a trip hazard, and would make it even more tricky for pedestrians quickly to step aside.
- Would like a path on the meadows that is even, well drained and maintained for pedestrians, children and dogs and without the hazards and stress of cyclists. They should be on the roads. If they want to come through the meadows then do so, but walk and push your bike.
- Cyclists must be encouraged to slow down and respect the area they are crossing. Wide, smooth paths and cattle grids are not the way to achieve this.
- My experience as a daily dog walker over the last 13 years has been that a high number of cyclists on the existing path show no regard for other users, their children and/or dogs.
- The speeds some cyclists go at are dangerous to everybody and I am fed up with the verbal abuse to get out of the way. On more than one occasion I have seen children

and dogs put in jeopardy. I fear a 3m wide path would become a highway to hell for existing users and all non-cyclists.

- The speed the occasional bikes going past is ridiculously fast and have knocked people over. Feel dictated to by the minority again.
- The Shared Active Routes Policy requires where possible routes to leisure areas should be separate from routes taking you direct to a destination. Options which keep routes for families with young children, those hard of hearing or with mobility issues and dog walkers to be as free as possible from potential conflict with cyclists are needed.
- We pedestrians enjoy the open meadows, the riverside and the beauty of the trees and ponds through the seasons. We vary from parents and grandparents with buggies and small children, to dog walkers and elderly folk. At present, the odd bikers we encounter are usually considerate and respectful towards those walking. The pathways are safe. However, the thought of groups of cyclists speeding along the tarmac behind or towards one is not something to relish.
- People need somewhere to relax take they young children, dog and not worry about cyclist doing very fast speeds. The Meadows will become a place of confrontation between cyclist and walkers.
- Could cyclists be separated from walkers?
- Concern about the cows as a friend was chased and mauled, having to be airlifted to hospital. Can the cows be restricted to certain areas?
- The presence of cyclists travelling across the Meadows and those there for leisure purposes is likely to cause conflict and ultimately an accident.
- Sadly cyclists don't take into consideration of the speed they go past small children and elderly people who can't get out of the way quick enough it will be an accident waiting to happen.
- Please don't allow cyclists to take over our beautiful meadows and river as well as the roads and canal paths. People need a safe place to walk as well. Some spaces should be sacred, Castle Meadows is one of them.
- Cattle grid access is unacceptable - motor cycles will be attracted making walking dangerous.
- The speed at which cyclists travel will be a danger to children, people, and pets as well as themselves.
- The proposed cycle route will not be used very much by local people but it seems it will be used by people from outside of the town to reach the proposed velodrome in Llanfoist.
- The proposed tarmac surface would be very dangerous in icy weather.
- The proposed cattle grids are dangerous to dogs (one dog has sadly already been killed after getting caught).
- The officers report states "The proposal seeks to widen the existing routes to 3m and surface the routes with hard bound surfacing to provide a continuous smooth Active Travel route that will be accessible to all users". It is accepted by the local authority the area is widely used by dog walkers, the recent event of the dog's tragic death is a demonstration that the active travel route will not be accessible to all users, and clearly prejudices certain groups which currently utilise the space.
- The implemented cattle grid is not suitable and should therefore be removed entirely.
- The proposals are sensible for pedestrians, disabled access. Cyclists have no place there. They inconvenience motorists around Abergavenny already, why now in our beautiful meadow? They will as usual have little regard for children and other path users. With the ever increasing use of powered cycles, the 15-20mph speed of these is dangerous there.
- My only concern is around how pedestrians and cyclists are kept apart. People often walk on cycle paths to the frustration of cyclists and the last time I checked our dog is unable to read road signs that tell it not to walk in certain areas.

- The new plan shows cattlegrids 2m wide and no measures to deter motorised vehicles, nor are there any measures to slow down cycles as they approach the entrance.
- The proposed upgraded 2m wide track alongside the castle should have speed reduction measures.
- Health and Safety should refuse the allowing of people and cattle in a confined space.

3. Cost of the Proposed Works:

- The cost of this scheme at a time of public spending cuts and increases in council tax is unacceptable. Priorities spending on education and social care. These are unprecedented times not experienced since the 1980s and a scheme like this is not a priority at this time.
- Waste of money at a time, when families are surviving on food banks. Health & Safety should be the priority and that should focus on an alternative to the present historic bridge for pedestrians and cyclists and for the safety of walkers on the meadows.
- A wider road seems money wasted. The present concrete block path is a bit rough but has survived numerous heavy floods and is virtually maintenance free.
- Why is MCC contemplating a major, non-essential expenditure at the same time as planning huge cuts in funding for essential services and rises in costs for local businesses?
- Consider the current proposals to be excessive and a waste of public funds.
- The use of limited public funds on a controversial and excessively urban scheme when Monmouthshire County Council is considering budget cuts to adult social care and children's services, as well as reduced opening times for community hubs and leisure centres, as part of its 2023 budget. Surely the money allocated to Castle Meadows Active Travel Scheme would be better spent on maintaining (or even enhancing) these existing public services and supporting those most in need?
- 50k spent building a new bridge over the Gavenny that provides flat access to the meadow. It wastes money to accommodate rerouting of cycle path not wanted.
- No paths should be built across Ysbetty Fields to access the station. This project is a complete waste of money as it will not be used.

Other:

- A Protest Walk on Sunday 2nd July was attended by at least 200 local residents, all of whom are against this proposal.
- It's a flood plain, any path that is made will be permanently in a state of disrepair with the flooding.
- The proposed changes are not wanted by most residents of Abergavenny so therefore should not be implemented.
- A year ago, a petition with almost 200 signatures was duly completed by interested parties and submitted to MCC. The petition asked for other surfaces (not tarmac) to be used and further proposed that the installation of cattle-grids/gates be scrapped and an alternative be found. An acknowledgement from MCC that the petition had been received was the last we've heard. It appears that MCC has little or no regard for the public voice. The petitioners would appreciate some feed-back even at this late date.
- Scrap the bridge completely and have traffic lights to cross Llanfoist bridge. If no new bridge scrap all new paths. Existing paths work well with the present pedestrian traffic.

94 representations supporting the proposed development for the following reasons:

- A much needed public facility to enable more people to walk or cycle safely between Llanfoist and Abergavenny. Long overdue.

- These paths across the Meadow and Ysbyty Fields would provide direct, safe, pleasant access to the new bridge, and would give people a great option to make short journeys around town without getting in a car.
- Support the plan for durable, bound-surfaced paths that are wide enough to allow different users to pass one another safely. The present paths are too narrow and create conflict. The Grasscrete path is pretty bumpy for wheeled users. The wooden kissing gates are an off-putting obstacle as they're not big enough. Mini cattle grids are a good idea.
- The paths across the Meadows have been part of National Cycle Network for several decades, yet the standard of infrastructure is well below what you find elsewhere on the network. This scheme will bring the paths and gates up to a good standard, and - together with the new bridge and road improvements on the Llanfoist side - would be a further step towards making Abergavenny and Llanfoist a place where you can get around easily on foot, or by bike, or using a mobility scooter.
- Don't see a problem with shared use so long as the message of priority for pedestrians is clearly understood.
- More cycling and walking are part of the work towards combatting climate change, a key part of council policy and indeed our very survival.
- If people (especially children) can cycle from Abergavenny to Llanfoist (and onwards) safely, conveniently and without having to negotiate busy and impatient motor traffic then this has to be to the benefit of everyone.
- Have a cargo bike which you also can't get through the gates of Castle Meadows currently so this development is really important.
- Any environmental impacts, which will be small can easily be mitigated for.
- Better management of the meadows could improve species diversity and this would have a huge positive in terms of wildlife. The meadows are always cut and grazed to early in the season which prevents providing the maximum benefit to wildlife. More trees would help create more a more diverse habitat as well.
- Please be bold, we desperately need these developments and more of them if we are to reduce car traffic in town and make getting into town and the meadows more accessible to all.
- It is important to create a safe and useable connection between Llanfoist and Abergavenny. By making better active travel connections it might just reduce car traffic too.
- The current surfacing in the meadows breaks up during flooding and is not conducive to cycling.
- This project is well overdue and will have a tremendous impact on active travel opportunities, and reducing car usage for short journeys.
- Concerns about urbanisation of the meadows are unwarranted. It is essentially a pleasant grassy communal space for local residents, as well as an under-utilised route for non-motorised travel between Llanfoist and Abergavenny. Sympathetic enhancements to the infrastructure to allow the latter will have no significant impact on people's enjoyment of the area.
- Significant investment projects like this are essential to encourage sustainable lifestyle choices, given the impending climate crisis.
- The proposed extensive planting will improve the Castle Meadows' experience for everyone.
- The new bridge was granted planning permission in 2018. To be a success and encourage more people out of their cars and onto their bikes and thereby reducing short local car journeys the new bridge needs to link to good quality onward paths into Abergavenny town centre and to the railway station. Unless it meets the standards required of the Active Travel (Wales) Act, the whole scheme, including the new bridge, is unlikely to receive funding from the Welsh Government.

- The Meadows are a lovely place to be enjoyed by the whole population of the town, and these proposals would open up access to a wider variety of people.
- Improving cycle/wheeled access and routes causes less conflict between different users than poor infrastructure because there is clarity about what can happen and where.
- We should all be doing our part to improve the accessibility of Active Travel schemes as it benefits all of us in terms of air quality, pollution, congestion, health and climate change.
- Applaud this application as an effort to comply with the Active Travel requirements and feel proud to be a resident of a town that prioritises these actions as they are of universal benefit.
- Castle Meadows would open up a gateway to the town for cyclists and pedestrians which would also help alleviate traffic volume/congestion in Abergavenny.
- Support widening the paths slightly to give more passing room.
- The meadows should be accessible to all including those with mobility issues / wheelchair users.
- Don't feel like the current meadow path feels like a shared space, which might partly account for it not being well used by cyclists.
- The current surface would make for a very bumpy ride and is too narrow for shared use without conflict.
- In the current uneven state the path is potentially hazardous for pedestrians with mobility issues.
- Especially pleased by the proposed improvement to the path surface between Castle Street and Castle Meadow
- The town is ever growing with more and more developments being built (many south of the River Usk) and it is quite plain that so far there has been a failure to make the town connected from the walking and cycling point of view whilst traffic has increased.
- This whole project will improve access across town for the more vulnerable and I believe will have a positive effect on physical and mental wellbeing of those who choose to use it.
- Safe and convenient routes and infrastructure give people the confidence to walk or cycle, rather than drive, so it's great to see a local scheme aiming to do that.
- Enabling people to travel safely and quickly between the two communities on a bike or by foot is important for the local economy, wellbeing and reducing the environmental impact of travel.
- Please as a regular visitor to shop in Abergavenny by bicycle any improvements to avoid using the congested roads are brilliant plus it will be safer.
- This will support active travel and encourage tourism. In time no-one will notice any difference.
- What a great amenity castle meadow is! Minutes from the centre of town you are in the countryside, cows, meadow flowers, grassy leys, and you might see the blue flash of a kingfisher at home on the river. If you are lucky. What's more, it's free and open to all. All except the disabled, confined to a wheelchair or mobility scooter. Please, please see to it that all the gateways are such that we unlucky ones, who cannot walk can get in and out without having to wait for someone to come and help. Cattle grids would be the answer. Then we could enjoy the fresh air, just like everyone else.
- I support improved access to the meadows and an improved path surface which will particularly benefit people with disabilities and children on bikes.
- Infrastructure is required to ensure that the cycling population which has grown tremendously over the last decade or so and likely to increase with the popularity of electric bikes as people look to greener methods of local transport.

- Changes in the way we modernise cycling infrastructure should be encouraged at all levels.
- The young riders needing to get from Abergavenny to Llanfoist and Gilwern will be able to use this proposed route to access the Velo Park safely.
- Schoolchildren, increasingly riding to school regularly, will appreciate the improvement and will be far safer, so more will cycle, which will remove some school-run cars from the roads. There is currently no "safe" route into Abergavenny town centre via bicycle and this plan would make a great difference.
- This may encourage road users to use their cars less for shorter journeys resulting in less traffic and a reduction in pollution.
- Walking and cycling are not only a means of getting from a to b they bring benefits of physical and mental well-being. This is of course good for the community and could have the added benefit of reducing some of the pressure on the NHS.
- This scheme through Castle Meadows is a great example of what the council should do more of.
- As a long boarder the smoother the paths around Abergavenny the better.
- Want to encourage more people to cycle across the meadows.
- Many of the paths are already nearly 3m wide.
- Dog owners like us can control their dogs on leads when passing by cattle grids.
- Cyclists in and around Abergavenny, in my experience, are polite and courteous and mindful of the space of others and I think their presence in the meadows would enhance it and promote more friendliness and sense of community.
- Shared cycle and walkways are observed safely everywhere and common everywhere these days and nay sayers need to come up to date.

Other General Comments Received:

- Whilst the application is focussed on the Castle Meadows pedestrian/cycle route there appears to be no information on the new footbridge and how this connects with onward pedestrian/cycle/canal towpath routes starting at Llanfoist Crossing car park.
- In order to access these traffic free routes at the Llanfoist Crossing car park from the new river footbridge, there needs to be a safe way for pedestrians/cyclists to cross over the very busy Merthyr road which is currently a hazardous crossing.
- I would encourage a future consultation with the community who use the meadows after the installation/construction to fine tune any issues with access, use and integration with the new bridge.
- I would support provision of a place to lock bikes up so people can use bikes to get to the meadows then explore further on foot.
- Improving the paths on the meadows will be great, but I feel unusable at nights and in winter since there will be no lighting.
- Has the longevity of the resin bonded paving, which has been shown to be less resilient than a tarmac finish, been taken into consideration?
- The opinions of The Friends of Castle Meadows and those of the farmer whose cows graze the meadows are not represented.
- In the Welsh Government Policy on shared Active Travel routes there is a distinction between shared routes to reach a destination and routes that are shared with a leisure area. Castle Meadows is a leisure area. Although the NCN 46 route currently follows the existing path there is no reason not to change it to a more appropriate route if that can be agreed.
- The meadow is mown by the farmer at least once a year and frequent visits by tractor are made during the winter period. The established paths stand up well to being crossed by farm vehicles. What reassurances are there that the proposed path with its concrete kerb will be as resilient.

- A planning committee tour of all the proposed links should be undertaken and by cycle for those who have one.
- The Phase 2 proposal to create a link with Station Road and onwards to the station needs to be considered now and not wait until after the current proposals have been determined.
- The Nesting Birds Informative suggested should be a condition given the severity of the punishment if the law were to be broken.
- Given the flooding of the Castle Meadows for long periods of the year, the proposed active travel route shall be both unsafe and impassable for many weeks, likely months of the year. This flooding is likely to become more exaggerated and less predictable as we continue with the climate crisis. The lack of ability to use the route for long periods of time calls into question its cost effectiveness.

Alternative Options Suggested:

- Would it not be better to build a road bridge on or near the line of the old rail bridge to divert the vehicular traffic away from the existing river crossing? The old bridge can then be given over to pedestrians and cyclists at leisure; concerns for the wear and tear on the old bridge, anxiety for humans due to vehicular traffic would disappear. One only needs to look to Monmouth to find a comparable solution, one that has been evidently successful.
- A separate bridge is required for pedestrians- this should be upstream of the present bridge, to ensure that the classic view of the historic bridge is not lost and is usable at times of flooding.
- The present scheme leaves all with the issue of crossing the road - it is presently a death trap - a walk to the cemetery is risking an early internment there. By providing a lights controlled pedestrian crossing near the existing roundabout on the town side (& Llanfoist side) would give safe access to the new bridge upstream (in the location of the old railway bridge). There would then be safe access for pedestrians and cyclists to Llanfoist , cemetery and the Coopers estate and significantly at all states of the river as the planned new bridge would be cut off at flood times.
- A better route to get pedestrians and cyclists from Llanfoist to the railway station would be down the access road to the sewerage plant, across a bridge similar to the proposed bridge erected next to the sewerage pipe over the Usk and out onto the Monmouth Road via the Ysbyty Fields estate. It would be shorter and cheaper than the proposed route and avoid annoying devotees of Castle Meadows as it is.
- It would make more sense to have the cycle track from the new bridge over the meadows to Merthyr Road - Tudor Street - Castle Street thereby keeping cyclists and pedestrians apart.
- If MCC is serious about promoting 'active travel' and encouraging cyclists to commute to work in Abergavenny, then the provision of dry, secure cycle stores in the town centre would be a good plan. If someone working in a shop in town wants to cycle to work, where do they store their bicycles? This is likely to be a greater incentive than cycle tracks across Castle Meadows.
- The existing Grasscrete cycle track, should it be replaced with a 'bonded surface' there is scope for the existing blocks to be reused in the Castle Copse to replace the stone dust and woodchip paths offering a permeable surface requiring minimal maintenance/repair. The Grasscrete has already demonstrated that it can withstand 30+ years of flooding with minimal maintenance.
- I don't object to improving Castle Meadows but feel maybe the roads in the Abergavenny area should take priority over a cycle path which is rarely used.
- Instead of building a new structure why not just make the existing bridge one way if at all do able.
- Have MCC considered having a separate cycle path on the other side of the field?

- Look at alternative routes for cyclists around the town to link with the cycle lane in Lion Street.
- Paths are needed up to the Plas Derwen residential area as many walk from there to Waitrose etc as parts of the year it is too muddy to walk the top part.

5.3 Other Representations

Abergavenny & District Civic Society - We have considered this application against the most relevant LDP management policies:

DES2 and CRF3: The Area of Amenity Importance will not be adversely affected in terms of any of the listed considerations, and there will be no loss of recreational open space.

HE1: The Conservation Area will be protected and enhanced (subject to details) by the replacement of the present distressed path surfacing and other elements of this proposal. We note that the paths will be hard bound smooth surfaced with a concrete kerb edging. The use of recycled material has not been excluded and no colour has yet been specified. It is not clear whether a permeable material is required, but this may be inconsistent with the silting effect of flooding. The path details were much debated in pre-application discussions with stakeholders; despite its tendency to weather to grey, 'black' tarmac was not favoured; a more natural colour of tarmac or a resin-based material was favoured. This may need to be a reserved matter.

MV3 and MV4: The paths are mostly public footpaths over which there has long been permissive use of some for cycling as part of a National Route. The surface condition and width of the paths will be greatly improved for safe shared use by pedestrians, cyclists and the disabled, achieving Welsh Government Active Travel standards, a necessary requirement for grant aid. The improvements are essential to give access to, and encourage use of, the already-permitted new bridge over the Usk.

NE1 and GI1: We consider that the damaging effect of widening and edging of paths from 2-2.3m to 3.0m has been exaggerated by some, and, subject to expert opinion, we welcome the mitigation measures planned to provide a net biodiversity gain. These reinforce the largely open character of the meadows rather than introduce change.

SD3: the well-known flood risk appears not to be worsened by the proposals and dealt with by management measures.

Accordingly, the Society, which has encouraged active travel for some years, welcomes the proposals subject to comments made above and those that follow:

We are aware that some consider the replacement of the narrow Gavenny bridge to be an unnecessary expense on a less well-used part of the network. However, MCC's Active Travel Network Map and the General Arrangement Sheet 2 plan show an intention to extend the paths forming part of this application to Station Road, the rail station (and even possibly to the proposed East Abergavenny development area). The opportunity to have a wider Gavenny bridge should be taken now.

While we have no objection to the proposed gates and cattle grids, there may be some trespass by motorcycles; this would be a site management problem rather than a planning matter. The right-angled junction between the riverside path and the route towards the castle seems likely to provoke corner-cutting and it may need management action to deter this. The application has much to say about landscape and wildlife management (for the first five years) but nothing about path management responsibilities and resources.

Further to the Civic Society's letter of 15 February, having seen further information on the path surfacing material, I am reassured that the options have been fully considered. I am sure that the 'resin bound (permeable) surfacing in a buff colour' will, in use and after being flooded a few times, blend into the landscape rather better than the illustration suggests.

Abergavenny Cycle Group - Overall, our group strongly supports the proposals. We have a reservation about whether replacing the Gavenny Bridge is justified (see below).

While the existing paths across the meadows have been part of the National Cycle Network for years, they are underused as active travel routes. The overwhelming reason for this is road danger on the old bridge across the Usk. With planning permission already granted for a new walking and cycling bridge across the Usk, it makes sense to ensure that the onward routes into Abergavenny are made suitable for the widest range of potential users. The new bridge and good onward routes into the town centre will provide people with a convenient and attractive alternative to making short local journeys by car. Increasing the share of local trips made by walking and cycling reduces traffic congestion, lowers pollution including carbon emissions, and contributes to healthier and happier lifestyles.

As well as the paths within Castle Meadows, ACG very much welcomes the proposal to upgrade the path around the back of Abergavenny Castle between Castle Street and Mill Street. This is a key connectivity route within the town, providing a 'contraflow' for Cross Street, which is one-way in its top section. We also recognise the potential of upgraded routes into the eastern side of the town (Ysbyty Fields) and a new, direct, traffic-free route to the railway station.

Further detailed comments from the Cycle Group can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

Friends of Castle Meadows - Friends of Castle Meadows (FCM) welcome the plans for the proposed footbridge over the River Usk. It should make the route from Llanfoist to Abergavenny much safer for all residents and visitors. However, we have a number of concerns regarding the proposals for the 22 hectare floodplain meadows themselves and which form the major part the planning application.

These relate to the Council's and their project contractor's plans for the pathways which are supposedly designed to better enable active travel from the new bridge to the town and to the railway station. Our concerns are focussed around the proposed extensions to the current routes, their additional width, and their proposed composition. We also have strong reservations about the proposed access and egress arrangements in the application.

We are still baffled as to why the council decided that no EIA (Environmental Impact Assessment) was necessary for a project of this size in such an environmentally valuable and sensitive site.

In these planning proposals, there is no reference to the importance of the floodplain meadow as a protected, priority habitat under the terms of the Environment Wales Act 2016. (EWA16) MCC & their consultants do not acknowledge the fragile nature of this environment, a protected habitat which we must conserve for future generations.

The following is a summary of the objections raised. The comments from the Friends of Castle Meadows can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

The proposal is that the new and replacement pathways be at least 3 metres wide in order to be compliant with Active Travel Wales requirements where there is mixed use (walkers,

cyclists etc.) and, therefore, qualify for the Welsh Government grant monies. We do not believe that the applicants have made any attempt to query whether the general stipulation that such paths be at least 3 metres wide should apply in such an environmentally valuable location, one which runs alongside an SSSI. In addition, the requirement that the cycle route must be 3 metres will mean the demolition of the relatively recently built footbridge over the River Gavenny and its replacement.

We would also suggest that an accurate and realistically drawn artists impressions of these massively enlarged and additional pathways and routes across the meadows and Ysbyty be shown to members of the public.

Under NERCA06 due regard must also be shown for tree planting decisions to conserving biodiversity. This includes maintaining, restoring & enhancing habitats. Why is it only given lip service in the current planning document?

On grounds of cost. The current bridge was installed in 2012 we do not perceive the necessity to replace this functioning bridge built to an MCC approved specification. It already serves to permit multi-purpose users to cross the Gavenny & restricts cattle to using the ford. The disruption caused to the floodplain meadow grassland & potential pollution to the River Gavenny is unnecessary.

We would ask that alternatives to cattle grids & gates be considered. We are unhappy that the trial of said cattle grids will be from February 2023 when cattle are off the meadow. Frequent flooding results in much detritus being left after the water subsides. This may well result in the Cattle Grids being fouled & requiring significant maintenance.

We are particularly concerned about the proposed works to NCN42 from the Castle to the Meadows, which is very steep. The incline, if travelled at great speed, could cause serious accidents for cyclists & other users.

A survey has been carried out of 117 trees on site at Castle Meadows, it does however seem to have excluded the Black Poplars, *Populus nigra* which grows best near ditches & floodplains. This is the most endangered native timber tree in Britain (Woodland Trust). It grows in several sites on the Meadows.

As part of the upgrading of the cycle track NCN 42 it is proposed that at least 6 identified healthy, mature trees will be removed. One of these with a remaining lifespan greater than 20+ years, is *Fraxinus excelsior* it has a lifespan of over 200 years & is known to support over 1000 different species of organism. What possible justification can there be for removing such a tree? The plan proposes replacement whips which will take in excess of 25 years to mature.

MCC proposes increasing the number of trees on the Meadows. This is an inappropriate strategy because it reduces the area of floodplain meadow & grazing available to the farmer. Further, it erodes a protected grassland habitat. The cows grazing maintain & increase the biodiversity of the Meadows.

Tree planting may not sequester net carbon for 10-20 years. The focus should be on grassland restoration not covering up meadowland by planting trees. Floodplain meadows trap sediment & excess nutrients during floods. Phosphates contained in the sediment left by floods is trapped by the Meadow it is then exported in terms of the annual hay crop.

Castle Meadows is not a park. It is a lowland floodplain meadow. The planting of plugs is completely & utterly inappropriate because experience from the volunteer groups indicate that damage from flooding & theft of plug plants/whips is rife.

Another serious concern Friends of Castle Meadows has is the proposals for access and egress to the meadows. In order to (mainly) enable cyclists a continuous, speedy throughway, it is proposed that existing gate arrangements be removed and that a wider, slow closing gate be installed along with cattle grids. All this will mean easier access to the meadows which will make it so much more likely that all sorts of motorised vehicles will be able to enter the site and enjoy the 3 metre width hard bound pathways. If this happens then it will not just be the cattle affected, but the vast majority of users who enjoy the tranquillity and escape presently offered in Castle Meadows.

The farmer whose cattle graze the land has barely been consulted about the plans and this seems sadly typical of the entire process. This lack of consultation with those who know the site well is shown up, to provide just one example of many, from the planning documents referring to the contractors planting trees and shrubs in places which we can see are inappropriate and will, anyway, be swept away by flooding and/or nibbled away by cattle-guarded or not. It is also proposed that perfectly good, mature trees near the copse are to be felled because they might overhang at certain times of the year!

As a volunteer group, the Friends of Castle Meadows have devoted tens of thousands of hours to the meadows, planting trees and shrubs, arranging bird, bat, moth and other nature walks, organising visits for local school children with activities based on the national curriculum etc. etc. We have worked for over a decade with Monmouthshire County Council to help maintain and manage the site (often using our own raised funds to do so) for the benefit of local people and visitors. Our local knowledge and views, along with the farmer's and other key personnel, have not been sought and suggestions have largely been ignored.

The Friends of Castle Meadows group include mobility scooter users and keen cyclists so we are fully aware of the need for continuous, smooth surfaces in the Meadows. But we also know how valuable the area is as a destination in and of itself for the hundreds of walkers, dog walkers and other users on a daily basis.

The PEA is inadequate & inaccurate. Its bat & otter surveys are cursory. It failed to identify the presence on the Meadows of the Hornet Robber Fly (a Section 42 Species). This invertebrate is a priority species under the UK Biodiversity Framework. This fly is so rare that only 40 breeding sites in the UK are known. Castle Meadows is one. In 2015 MCC stated the reduction in grazing over the site will hinder the success of the species as it lays its larvae in dung. The management of Castle Meadows grazing livestock benefits the fly species. Larvae can survive in dung or surrounding soil for 2-3 years. To reduce the impact on this species no topsoil is to be taken away from the site; levelling should be minimal & the grassland restored as per the details set out in the Green Infrastructure Restoration & Enhancement Plan.

In 2016 16 species of dragonfly were recorded. Castle Meadows is recognised as a sight of significance by the British Dragonfly Society. Invertebrate sampling in the Large Pond indicates that this is a pond of relatively high quality however the large Pond (P4 ref figure 4 & table 3.5) is described in the ATP as being below average. Why the discrepancy? At Gland in Switzerland, in 2021, the International Union for the Conservation of Nature (IUCN) stated that the destruction of wetlands is driving the destruction of dragonflies worldwide. Furthermore the planting of trees to absorb water from the Meadows could affect the water-table & erode the area of wetland our 16 species currently inhabit. If the amount of grazing land diminishes then fewer cattle can graze resulting in less dung as a food source for the Hornet Robber Fly.

Who will carry out the maintenance & watering? Any planting on the Meadows should be done in consultation with the Floodplain Meadows Partnership who are instrumental in the restoration of floodplain meadows. The Active Travel Plan pays no regard to this.

Plant species recorded in the Active Travel Planning appendix C 2022/23 is a totally inadequate report, as it fails to record that there are 132 different plant species; including 13 indicator species for the selection for an area to be recognised as a local wildlife site. The 2013 survey was carried out by a qualified & registered ecologist. Consultation of members of the Monmouthshire & Newport Nature Partnership in 2023 identified lowland meadows as second in the list of priority habitats to be conserved. Under Section 7 under the Biodiversity lists Wales NEWRCs (EWA16) Castle Meadows qualifies as a priority habitat.

Abergavenny and Crickhowell Friends of the Earth – Support the development: For too long, pedestrians and cyclists have taken their lives in their hands navigating the narrow Llanfoist bridge when the Welsh Government and Monmouthshire CC are, quite rightly, trying to encourage walking and cycling rather than use of our motor cars. The proposed footbridge should therefore be very much welcomed. Most of the concerns relate to improvement of links between the footbridge and the town centre. But the worries ["concreting over the Meadows"], while they should be closely examined, are hugely exaggerated. We should recognise that such objections commonly attend provision of new cycling routes, and are one reason why Britain lags so far behind most countries in Europe in its provision of cycling routes in, around and between towns.

South Wales Otter Trust - Object to planning permission on the grounds of inadequate consideration and surveying of otters, and raise concerns about lesser horseshoe bats roosting in the castle dungeons and daubentons bats in the old bridge.

This stretch of the USK (a SAC) is very well used by a number of otters, and is also a key breeding area for them. Over the past 2 years we have monitored 2 otter families raising cubs, and solitary otter/s living on the riverbank on the south end of the site.

Two otter surveys were undertaken, one in August 2021 and one in June 2022 by WSP ecology. There are 2 points to this, 1) Summer is not the best time to survey, as the increased use of the river drives the otters away, so no accurate knowledge of how otters use the area can be understood. 2) One otter survey per year (both in summer) is completely inadequate as they are very seasonal and no understanding of how they use the area can be gained this way. If otter resting places or holts are confirmed as in use, on or near, the site as works are starting, all works will have to cease while a NRW ESPL licence is obtained, causing delays.

We have offered assistance to WSP ecology, providing exact locations of otter activity, but I note some of this has been ignored.

I recommend a minimum of 2 further otter surveys are undertaken on both sides of the river bank for at least 0.5km of the site boundaries up and downstream, and >25m of associated habitat and a camera trapping programme is undertaken to confirm presence/absence of otter holts and resting places, as well as those already shared with WSP.

The proposed picnic bench location next to the old bridge is right on a deep pool that otters feed in on a regular basis (fish shelter here) and this will reduce this from being used by foraging otters.

The mitigation seems a weak attempt at a tick box exercise.

There is likely to be a substantial increase in human footfall and recreational use of the river on both sides, there is already an issue with litter, fires and dog walker disturbance, this needs careful thought.

The above comments from the can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

Abergavenny Development Forum - We welcome and support the vision described in the application, but we have concerns about the planning of connecting routes.

Our central concern is the failure to recognise the need for a direct link from the new Usk Footbridge to the Town Centre across the meadows. The proposed design simply links into the current riverside footpath system, heading east or west, when it should be creating a new direct route in a north east direction to the access gates at the south west corner of the Byefield Lane car park, en route to Tudor Street.

The proposed connecting routes are shown at right angles to the Riverside walk, implying that users will be content to travel on unnecessarily long routes which take no account of much shorter natural desire lines. Examination of the existing desire lines, visible on Google Maps, demonstrates that one of the existing hard surfaced paths is mainly irrelevant, and yet it is proposed as a key feature in the new strategy. By contrast nothing is proposed for improvement of some of the most used paths.

The natural water features help to make this meadow a unique and beguiling landscape. They should be included in the development of the future vision of the meadow.

In replacing the existing Riverside Walk with the new 3m footpath, consideration should be given for potential reuse of the current Grasscrete blocks, which could be recycled to support and improve some of the other popular routes and desire lines.

ADF is ready to engage in a constructive dialogue to assist in necessary amendments to the current plan.

The comments from the Abergavenny Development Forum can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

6.1.1 Strategic Policy S16 of the LDP states that 'where appropriate, all development proposals shall promote sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision. This will be facilitated by:

- Reducing the need to travel, especially by car;
- Promoting public transport, walking and cycling;
- Improving road safety'

6.1.2 The proposed development will promote sustainable forms of transport by providing active travel routes throughout Castle Meadows. This will improve access across Castle Meadows and links with the surrounding area in Llanfoist, Abergavenny Town Centre and Abergavenny Rail Station. The proposal also seeks to replace the existing River Gavenny footbridge to remove conflict between users and improve access for all users. As such, the proposed development accords with the provisions of LDP Policy S16.

6.1.3 LDP Policy S17 (Place Making and Design) states that proposals must include and promote high quality, sustainable inclusive design which respects local distinctiveness, respects the character of the site and its surrounding. The proposal is in line with this policy as it will upgrade the existing pedestrian and cycle routes within Castle Meadows to create an

Active Travel Scheme. The paths will be widened and resurfaced with a hard bound surface to create connected routes that are accessible by all users.

6.1.4 Other relevant LDP Policies referred to above and detailed planning considerations are discussed below.

6.2 Good Design / Placemaking

6.2.1 The existing network of paths consist of well-worn self-binding aggregate, concrete reinforced paths and grass paths desire lines of varying widths. Grass overlaps edges, with some sections hidden from view by localised minor undulating ground contours as a pedestrian using the area. The southern section linking from the Gavenny to Glyndwr gardens is all grass with localised undulations. In general, the current network of paths have little adverse impact on the integrity of the landscape due to size, partial obscurity of complete network, being grass in places and with low impact bridges and entrance furniture. Existing furniture includes timber seats, new information and signage, litter bins old and new pedestrian bridges (timber and metal). Summer meadow grass length and flowering obscures many of the paths due to size adding to the rural aesthetics. It is noted however that paths in places are not accessible to all and do require improvements to ensure effective connectivity.

6.2.2 The proposal is to increase widths of existing paths to active travel shared surface standards generally following the existing routes, to create new links following desire lines from Gavenny river to Glyndwr gardens, new desire line link to ridge over Gavenny and new functional link to Merthyr Road near opposite Usk view terrace. Routes are proposed to be 3m width with PCC pin kerb edge with buff coloured bonded resin permeable surfacing. Sections such as around Abergavenny castle will vary from 2m-3m. Bridge structure to be replaced with new 18m span with increased 3m width with 1.4m high parapet rails and 15m access ramps. Access interfaces include cattle grids, vehicle access and one-way self-closing gates.

6.2.3 The surfacing material proposed is resin bound (permeable) surfacing in a buff colour. The proposed surfacing material has been specifically selected to 'tie-in' with the previously consented application at Llanfoist Bridge (LPA Ref. DM/2018/00408) which aims to provide a seamless connected Active Travel network. The final choice for surfacing materials has been made on the grounds of appearance/functionality/and with maintenance in mind and is also intrinsic to the Drainage Strategy. Samples of the proposed buff-coloured materials will be required to ensure it is clearly understood what the buff colour proposed will look like when dry and wet. This can be provided as a condition of approval, should Members be minded to grant consent.

6.2.4 The proposed replacement bridge over the Gavenny river has been designed to be complementary to its surrounding environment in terms of materials and design, for example, hedgehog ramps have been incorporated The design also seeks to incorporate landscaping along the approach to the bridge to help the bridge blend into the surrounding environment and respect the local character of the area.

6.2.5 Data within the public consultation, along with counter data, demonstrates significant usage with a desire for further growth. The proposal seeks to improve the existing PRoW to create a continuous Active Travel route that aims to add to the utility and enjoyment of Castle Meadows. The proposed development has been specifically designed with the convenience, safety and visual amenity of users in mind by widening the footpath to 3m and surfacing the routes with a resin bonded surface to create a continuous smooth route. It aims to improve accessibility for all users, including those with limited mobility. This low key approach will have only very localised impacts and is considered to be acceptable in placemaking terms and would not harm the wider amenity of the area in accordance with LDP polices S17, DES1, DES2, HE1 and LC1.

6.3 Green Infrastructure

6.3.1 Following pre-application advice, a Green Infrastructure Masterplan and Landscape Plan (detailing hard and soft landscape) have been prepared in support of this planning application. An Existing Green Infrastructure, Assets and Opportunities Plan has been prepared to illustrate the existing green infrastructure within the site and the surrounding area. It outlines which key landscape features and assets could be maintained and/ or enhanced as part of the proposals e.g. the River Usk is a vital asset both ecologically (SSSI) and culturally for the region; interaction with the river should be retained by maintaining views and access to the River's edge.

6.3.2 The Green Infrastructure Masterplan illustrates the proposed interventions which describe how the key green infrastructure features may be maintained and/ or enhanced as part of the proposals. For example, nectar-rich shrub planting is proposed at the entrance to Byefield Lane Car Park to increase visual interest for visitors entering the meadows and it will also act as an additional ecological resource.

6.4 Landscape (including Trees)

6.4.1 The site is located in Castle Meadows, to the immediate south of Abergavenny settlement boundary and north of the Llanfoist settlement boundary within the floodplain of the Usk river, Flood risk zone Z3. The Usk river runs adjacent to the Castle Meadows. The river is a SSSI and SAC whose boundary extends into the Castle Meadows in places. The meadows are rich in ecological value and form a landscape setting for Abergavenny settlement edge as well as for the Abergavenny SA. The majority of the Castle Meadows is LDP DES2 Area of Amenity Importance and includes TPO trees (individuals and groups) as well as benefiting protection from being within Abergavenny Conservation Area. The Gavenny stream bisects the site. The Llanfoist riverbank 'side' is fully within the River Usk (Lower Usk) SSSI.

6.4.2 In terms of landscape character, the site lies within the Upper Usk Valley LCA typified by being a flat, river valley floodplain, of alluvium soils flanked by low river terraces of sand and gravels. It is a landscape of outstanding ecological interest identified as a rare example of a large mesotrophic lowland river. This LCA contains the Rural Secondary Settlements of Llanfoist and Usk and abuts the Main Town of Abergavenny. Small enclaves of wetland habitats are particularly important and are found along the lower Usk floodplain below Abergavenny. Large fields of arable crops and improved pasture dominate. It is an open landscape, enclosure provided only by low intensively managed hedges, in places replaced by post and wire fencing, individual field trees, hedgerow trees and linear tree belts with sinuous lines of willow and alder, following water courses.

6.4.3 The landscape character and setting for the proposal has a high visual, cultural, ecological and historic value. The site has an open rural meadow character creating a valued and distinct landscape with a backdrop of urban edge, castle and uplands.

6.4.4 A Landscape Mitigation Plan has been prepared to demonstrate how the proposed development would mitigate any potential impacts on the landscape. The plan illustrates various mitigations measures including proposed shrub planting to reinforce existing hedgerows, proposed areas for wildflower plug planting and re-seeding of path verges.

6.4.6 In order to support the above plans, a Landscape Management Plan (LMP) has been prepared and submitted with the application. The LMP is a working document, which intends to guide those responsible for the protection, establishment and management of the landscape and ecology elements associated with the Proposed Development. The key objectives of the

LMP are to provide details of the habitat creation, ecological enhancement and soft landscaping within the Proposed Development Boundary and agreed surrounding area.

6.4.7 In addition to landscape and biodiversity mitigation, the LMP also sets out post-construction requirements. Section 5 of the LMP includes the maintenance and monitoring requirements for the soft landscape and habitats for the first five years after Practical Completion.

6.4.8 A walkover survey of the arboricultural features within the study area has been undertaken as well as an arboricultural survey and statement. The aim of the statement was to identify all trees which may be affected by this part of the proposed overall scheme to assess the impact of the proposal upon those trees and to recommend such protection measures that would be necessary to ensure the health of the retained trees.

6.4.9 In conclusion, the landscape impact of the proposed active travel links and new river bridge would be very localised and acceptably mitigated by planting and careful use of materials. The proposal would not harm the landscape qualities of the area and would accord with LDP policies LC1 and LC5.

6.5 Historic Environment

6.5.1 The following Scheduled Monuments have been identified within the vicinity of the site:

MM010 Abergavenny Bridge
MM056 Abergavenny Castle
MM118 Llanwenarth Churchyard Cross-Base
MM183 Area of Conventual Buildings, St Mary's Priory
MM193 Abergavenny Roman Fort
MM276 Hill's Tramroad Inclines, Llanfoist
MM306 St. Faith's Churchyard Cross, Llanfoist

6.5.2 The following Registered Parks and Gardens have been identified within the vicinity of the site:

PGW(Gt)9(MON) Abergavenny Castle
PGW(Gt)30(MON) Coldbrook House
PGW(Gt)37(MON) New Cemetery
PGW(Gt)59(MON) Linda Vista Gardens
PGW(Gt)60(MON) Bailey Park
PGW(Gt)62(MON) The Hill

6.5.3 The site is also within the vicinity of the Blaenavon Industrial World Heritage Site:

6.5.4 The above designated historic assets are located inside 2km of the proposed development, but intervening topography, buildings and vegetation or the effect of distance means it is unlikely they will be inter-visible except for Abergavenny Bridge, Abergavenny Castle, Abergavenny Roman Fort and registered parks and gardens at Abergavenny Castle and Linda Vista Gardens.

6.5.5 Non-designated heritage assets recorded in the Glamorgan and Gwent Archaeological Trust (GGAT) Historic Environment Record are located within the vicinity of the Site. This includes below ground archaeological Sites of medieval remains within the vicinity of the castle.

6.5.6 During the construction phase of the proposed development, there will be no direct physical impact on the Scheduled Monuments, Historic Park and Gardens, Listed Buildings and non-designated heritage assets due to their distance to the proposed works. There is potential for setting impacts during the construction period to two of the Grade II* and eight Grade II Listed Buildings due to their proximity to the Site. These impacts are likely to be minor to moderate adverse impacts.

6.5.7 There is potential for adverse impacts to unknown below-ground heritage assets, which could rise to a major adverse impact if such remains are associated with a Scheduled Monument. However, these impacts will be managed through the use of best practice and mitigation measures included in the CEMP and will include the implementation of a 'no dig' construction for the works involving the footpaths around Abergavenny Castle. In addition, a Watching Brief will be in place during the construction phase and if any buried archaeological assets are uncovered the works will stop immediately and the MCC Heritage Officer will be informed. It should be noted that the proposed upgrades to the routes in close proximity to Abergavenny Castle have been discussed and confirmed with Cadw prior to the application being submitted.

6.5.8 Given the nature of the works, there are no impacts to the historic environment anticipated during the operational phase of the proposed development. Cadw have also advised that whilst the changes may be visible from these designated historic assets, they will not alter the way that they are experienced, understood and appreciated.

6.5.9 In terms of the impact on the Conservation Area, the works to create an Active Travel compliant route will result in the upgrade to of existing pedestrian and cycle routes seek to enhance the appearance of the area and historic setting by the replacement of the present distressed path surfacing. The proposed development will have no serious adverse effects on the significant views of the Conservation Area. As such, it is considered that the proposed development will preserve the character and appearance of the Abergavenny Conservation Area in accordance with LDP Policy HE1.

6.6 Biodiversity

6.6.1 The application site is within the River Usk Special Area of Conservation (SAC) and Lower Usk Site of Special Scientific Interest (SSSI). Additionally, River Gavenny Site of Importance for Nature Conservation (SINC) is located within the south eastern section of the site. Due to the proximity of the development proposals to protected sites, potential impacts must be considered carefully.

6.6.2 An Extended Phase 1 Habitat survey undertaken in February 2021 by WSP Ecology identified habitats within the site to include bridge structures, semi-natural broadleaved woodland, scrub, scattered trees, improved grassland, poor semi-improved grassland, four ponds, running water (River Usk), hardstanding, amenity grassland, hedgerow and bare ground. Habitats within the site are considered to provide suitable commuting, foraging and nesting opportunities for bats, otter, fish, breeding birds, reptiles, and great crested newt. The walkover surveys followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit.

6.6.3 It is understood that no trees will be removed for the proposals and root protection areas will be put in place. Construction work for the proposed development will need to be undertaken in line with a Construction Environmental Management Plan (CEMP) including specific method statements for otter and pollution prevention. This can be secured via condition if Members are minded to approve the application.

6.6.4 An otter and water vole survey was undertaken on behalf of the applicant in December 2021, otter field signs comprised of jelly and spraints which were recorded along the River Usk and a push through and a potential slide which were identified along the River Gavenny. No confirmed otter breeding sites, or holts or couches were identified, however several potential holts were noted. No evidence of water vole was identified during the surveys and they are assumed absent from the site.

6.6.5 A further otter report was produced in July 2022 in response to the request from NRW and identified a higher level of otter activity on sections of the River Usk SAC in the south-eastern area of the Site. Whilst no confirmed otter resting places (e.g. holts, couches, natal dens, etc) were identified, several otter footprints, spraints and potential resting places were found. Furthermore, additional evidence of otter activity has been provided to WSP by a local otter surveyor. This included further field signs of otter (footprints, activity, a suspected couch and confirmed holt) within the River Usk SAC where it borders the south-east of the Site at locations where WSP surveyors identified similar signs.

6.6.6 The paths that have been selected for improvement as part of the proposed development are existing shared use cycle/footways. It is therefore not anticipated that levels of disturbance from use of the paths during its operational stage will significantly increase as a result of the application. Disturbance during the construction and operational stage will be managed and mitigated by the measures as stated within the HRA and enforced through the production of a Construction Environment Management Plan (CEMP) and supervision by an Ecological Clerk of Works (ECoW).

6.6.7 In order to further reduce the potential disturbance from the use of the paths on designated species, it is recommended supplementary vegetation planting will take place between the River Usk SAC and the cycleway following construction. The species will consist of native woody and thorny species (such as blackthorn, hawthorn, willow and bramble, to produce a dense thicket between any improved paths and the River Usk SAC in order to deter/prevent access to the riverbanks at locations of high value to otter.

6.6.8 Taking to account the established otter activity along the River Usk SAC and the existing levels of disturbance from the current path running through the site, the additional proposed planting will provide improved levels of screening and shelter for all species using the River Usk SAC corridor.

6.6.9 In response to NRW's request for clarification that by widening the path this would not encroach further on the riverbank, the applicant has advised that the alignment of the proposed upgraded paths largely follows the existing pathways within the site which will result in an encroachment towards the River Usk SAC (average encroachment of 0.5m). The path is to be constructed on areas of existing grassland, with little value to the species for which the River Usk SAC is designated. No established bankside habitats (such as areas of woodland and scrub) of high value to protected species will be removed. An eCoW (ecological Clerk of Works) will be present during all clearance works, and all works will be done in accordance with a CEMP in order to prevent damage to the sensitive habitats within the River Usk SAC.

6.6.10 When considering the supplementary planting recommended in paragraph 6.6.7 above, which would provide an overall increase in habitats of value to species within the site, the impacts from an increase in footprint of the paths are considered not to have a detrimental impact on species using the River Usk SAC and will not directly result in the loss of habitats or species for which it is designated.

6.6.11 It is understood that during construction, alternative pedestrian access will be required within the site at all times. The temporary/alternative routes do not form part of the red line application boundary as they do not require the benefit of planning permission. As such, details

relating to temporary/alternative routes will be provided post planning permission, with details of locations, any impacts (i.e. on the existing grassland habitats, root protection areas, etc.) and management (i.e. re-instatement of grasslands and protection of roots, etc.) to be included within the CEMP and Ecological Management Plan (EcMP).

6.6.12 Five trees and two bridges within the site were assessed as having moderate to high roosting potential for bats during the PEA survey in 2021. Emergence surveys of the three bridge structures within the site concluded a likely absence of bats. The bridge to be demolished and replaced was assessed as having negligible potential for roosting bats and no evidence of bats was identified during further surveys. The bat surveys were undertaken in line with standard practice guidelines Collins, J. (ed.) (2016) *Bat Surveys for Professional Ecologists: Good Practice Guidelines* (3rd edn). This level of survey effort and assessment is considered proportionate to the nature and scale of the application and the Council's Biodiversity Team have agreed with the conclusions. Any lighting will need to be considered sensitively for bats. However, no lighting strategy has been submitted to date. A lighting plan for the site will therefore be required to prevent any impacts on nocturnal species. As such it is recommended that a condition for a lighting plan is included on any permission should Members be minded to approve the application.

6.6.13 Otters and bats, as well as their breeding sites and resting places, are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). Where these species are present and a development proposal is likely to contravene the legal protection they are afforded, the development may only proceed under licence issued by Natural Resources Wales, having satisfied the three requirements set out in the legislation. These three tests are considered below. A licence may only be authorised if:

- i. The development works to be authorised are for the purpose of preserving public health or safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.

The proposed improvements to the paths will benefit the wider community by making the area accessible to all to use, in accordance with Active Travel legislation and guidance.

- ii. There is no satisfactory alternative; and

The development is necessarily site specific. If the site were to be retained as existing then the benefit of making the paths Active Travel compliant referred to above would not be gained.

- iii. The action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

The proposed development has provided mitigation measures including the production of a Construction Environmental Management Plan (CEMP), specific targeted measures to avoid or minimise impacts of construction on fish/otters (such as timing of specific works), specific pollution prevention controls, no operational lighting and no lighting of river or immediate banks during construction. These measures have been welcomed by both NRW and the Council's Biodiversity Officer.

6.6.14 Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment

(Wales) Act 2016. The ecological report includes details of proposed enhancement measures to include;

- i. Planting of a variety of native species as part of landscaping to encourage invertebrates;
- ii. Creation of additional hedgerows using native species of local provenance;
- iii. Installation of bird and bat boxes in trees and integral within new structures to provide additional refuge sites for these species' groups;
- iv. The incorporation of wildflower areas to provide additional habitat;
- v. Targeted restoration (following consultation with an ecologist) of ditches and ponds throughout the site to enhance connectivity and biodiversity;
- vi. Invertebrate hotels and habitat piles to provide refuge for reptiles, amphibians and hedgehog;
- vii. Good horticultural practice to be utilised, including the use of peat-free composts, mulches and soil conditioners and favouring native plants of local provenance in landscaping; and
- viii. Avoidance of the use of invasive species listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) in the planting.

6.6.15 The Green Infrastructure Plan and Landscape Mitigation Plan submitted with the application show proposals to enhance local biodiversity without compromising the meadow's character including additional tree planting, new hedgerows, nectar-rich shrub planting, wildflower plug planting, riverside shrub planting around a new otter holt (precise location to be determined). Also, indicative areas for bird and bat boxes, invertebrate hotels and habitat piles. The numbers and specification of the planting can be found in the Detailed Soft Landscape plans.

6.6.16 These measures are considered to be appropriate and proportional to the development. Their implementation can be secured via condition should Members be minded to approve the application.

6.6.17 An Appropriate Assessment (AA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended) has been undertaken by the Council's Biodiversity Officer. NRW have considered the mitigation measures detailed in the AA and have agreed with the conclusion that the development is unlikely to have an adverse effect upon the integrity of the River Usk Special Areas of Conservation (SAC), subject to conditions.

6.7 Impact on Amenity including Shared Use of the Paths

6.7.1 There are residential properties around the perimeter of Castle Meadows with views across. The changes to the paths, replacement bridge and upgraded gates and cattle grids will have a negligible impact on the amenity of these neighbouring occupiers. As such, there is no conflict with LDP Policy EP1.

6.7.2 The fundamental use of Castle Meadows is not changing as a result of this scheme. The proposals look to maintain the same use for all users, whilst making it more accessible and increase space for everyone's use. The widths proposed are consistent with the national design guidance for Active Travel schemes and is set at this for shared use purpose. Complete segregation would have taken up more space within the Meadows and encouraged faster cycling movements through the area which could have more potential for conflict. The route through Castle Meadows is part of the National Cycle Network and will remain so moving forwards; as a result cyclists / dog walkers / pedestrians already share the space and would continue to do so.

6.7.3 The applicant acknowledges that there are benefits to using segregated approach, however, the context of the site's natural environment is also a significant consideration - a point the guidance mentions to ensure the appropriate approach is taken for Active Travel use on these historic meadows. Cl. 11.4.3 and Cl. 11.5.1 state that for segregated use, separation should be effective and this would only be achieved by introducing contrasting materials, raised kerbs or a grass verge in between the pedestrian and cycle track. It is not possible to change the levels to create a raised kerb as this is more intrusive to the meadows and could also impact flooding. This approach could become a maintenance issue in time. Providing separation by a grassed verge would result in much wider paths with complex junctions at nodes that will detract from the existing natural aesthetic on the meadow. Contrasting materials (visual and textural) would be a potential maintenance liability during the flood events and a singular bound solution is considered more robust. The overall width of the segregated path would be larger and therefore the visual impact on the natural environment would be increased. Shared use with markings is generally not adhered to and would require clear markings on the network, again detracting from the natural environment on the meadows. Wide shared use paths are known to better accommodate wheelchairs etc. and are cheaper to maintain and construct. Castle Meadows has annual flooding and therefore this is a key consideration.

6.7.4 The increase to a segregated path at the bridges will either lead to pinch points at bridges if unwidened, or if widened, increase the size/width of the approach ramps and increase flood impact on the sensitive site, both of which are seen to be disadvantageous. A shared approach will result in a consistent approach across the meadow with a width compliant with Active Travel Guidance.

6.7.5 Use of a shared surface for all users but with a more durable surface and of a width to reduce potential conflict is therefore supported in planning terms.

6.8 Sustainable Transport

6.8.1 Policy MV4 of the LDP states that new cycleways will be permitted where they provide improved opportunities for sustainable travel or recreational cycling, subject to no adverse impact on pedestrian / cyclist safety and subject to detailed planning considerations. In addition, where appropriate, cycleways should provide for the needs of walkers, horse riders and those with limited mobility.

6.8.2 The proposed development will provide a traffic-free route throughout Castle Meadows and linking to the surrounding area. The proposal seeks to widen the existing routes to 3m and surface the routes with hard bound surfacing to provide a continuous smooth Active Travel route that will be accessible to all users. The scheme promotes highly sustainable modes of transport and is therefore acceptable in this regard.

6.9 Flooding

6.9.1 The planning application proposes less vulnerable development. NRW's Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) as contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers).

Section 6 of TAN15 requires the Local Planning Authority to determine whether the development at this location is justified.

6.9.2 Proposals for highly vulnerable development or emergency services will not be permitted in areas which may be liable to flooding, unless the residential development is for the conversion of upper floors within defined settlement boundaries or the proposal is to extend an

established tourism, leisure or educational establishment. Less vulnerable built development will be permitted within defined settlements or on sites allocated for uses such as employment. Development proposals within a flood plain will be required to demonstrate that:

- a) the development is or can be protected by approved engineering works and / or other flood protection measures;
- b) such remedial measures would not cause flooding or significantly increase the risk of flooding elsewhere;
- c) the development, including any remedial measures, can be sympathetically assimilated into the environment in terms of its siting, scale, design and landscaping;
- d) the development does not interfere with the ability of the Environment Agency or other bodies to carry out flood control works or maintenance; and
- e) the nature conservation interest of the water source corridor is protected and, where practicable, enhanced.

6.9.3 Development resulting in additional surface water run-off and leading to an increased risk of flooding will only be permitted where adequate protection and mitigation measures are included as part of the proposal. As such, a Flood Consequence Assessment (FCA) and Drainage Report have been prepared by the applicant and presented as part of this planning application.

6.9.4 The FCA and Drainage report assessed the flood risk and drainage related impacts of the proposed Active Travel Scheme, including the replacement River Gavenny bridge at Castle Meadows, Abergavenny. The FCA and Drainage Report considered the impact of the proposed development and concluded that the primary existing flood risk to the site is fluvial flooding from the River Usk, with the River Gavenny and other watercourses being important secondary sources. There are some minor areas at risk of surface water flooding, and other sources of flooding are considered to pose a low risk (apart from groundwater which may be a significant contributing source during fluvial flood events but low risk at other times).

6.9.5 The proposed Active Travel routes will supplement the existing routes crossing the floodplain and are to be constructed at existing ground level and designed to be flood resilient. On this basis, the proposed routes will have no impact on flood risk elsewhere, as there will be no impediment to flood flows and drainage will mimic the existing regime.

6.9.6 Flood risk to potential users of the Active Travel routes remains the same as the existing routes. However, it is advised that signs be installed at either end of the routes warning of the potential flood risk. As the River Usk rises over a number of hours, users will have sufficient time to evacuate the area along the proposed routes.

6.9.7 The River Gavenny Bridge will be replaced with a wider bridge with a soffit the same as existing. However, re-profiling will result in ramps that are lower, due to a lower (thinner) deck. Hence these ramps will actually provide less of an impediment to flood flows compared to the existing situation and the overall change in flood risk is considered to be negligible. The impact of the development on flood risk from other sources is also considered to be negligible.

6.9.8 NRW have also reviewed the FCA submitted in support of the application and confirm that the FCA shows that the risks and consequences of flooding are manageable to an acceptable level. Therefore, NRW have no objection on flood risk grounds to the application as submitted.

6.9.9 On this basis development is therefore considered to meet the requirements of TAN 15: Development and Flood Risk which seeks to implement development control measures to mitigate flood risk when planning for new development.

6.10 Drainage

6.10.1 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site previously (designated pursuant to EU retained law) the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new phosphate standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of phosphate within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.

6.10.2 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (issued on 2nd May 2021). It is considered that this development is unlikely to increase phosphate inputs as it falls within the following criterion in the interim advice: Any development that does not increase the volume of foul wastewater

6.10.3 In terms of surface water drainage, the Drainage Strategy provided in support of the application has explained the construction and aftercare of the proposed new surfacing as well as a broad description of the colour of the final surface (i.e. buff) and the determined traffic loading capacity. The assessment of proposed porosity and infiltration rates to accommodate rainfall has been provided and demonstrated to not add to flood consequences indicated with appropriate maintenance measures which is welcome.

6.10.4 It is noted that the aftercare prescription within the drainage strategy is for general maintenance of a porous surface that has been subject to general rainfall. The applicant's response to MCC Landscape Officer's comments indicates that general maintenance and maintenance after flood inundation will also be undertaken to maintain porosity and performance.

6.10.5 The scheme will require separate SAB approval, but for the purposes of this planning application the scheme has demonstrated that the surface water at the site can be managed in a sustainable manner and would be acceptable in this regard.

6.11 Response to the primary representations of Third Parties

6.11.1 Comments regarding the visual impact of the proposed development and the potential impact on the environment have been addressed above in sections 6.2 and 6.6. Other concerns raised are discussed below.

6.11.2 The MCC maintenance team have confirmed that they will maintain the routes across Castle Meadows in future. At this stage the details of the maintenance strategy are yet to be fully developed but it is envisaged that the paths will be maintained in a similar manner to the local highway network, with pressure washers or machine sweepers deployed to undertake periodic cleaning and / or to clear away sediments/debris after flood events.

6.11.3 The cost of the proposed works will be funded via Welsh Government grant that comes from a separate 'pot' to that used for hospitals and schools.

6.11.4 The applicant has confirmed that dog walkers would still be able to walk their dog off leads in the area. This would be expected to be done in accordance with good recall to ensure safety and enjoyment of all users, as existing.

6.11.5 The proposed installation of the cattle grids do not form part of the planning application as they are classed as Permitted Development and therefore do not require planning consent.

6.11.6 In terms of the kerbs proposed for the edges of the path, these are required because of the flood environment. A robust and durable solution is most appropriate to prolong structural integrity of the path during a flood event. It has been agreed not to provide the edging around the Castle away from the flood zone to minimise tree root damage.

6.11.7 More information in relation to the impact on otters/fish has been submitted to inform an updated Habitats Regulations Appropriate Assessment. NRW has had sight of the update and agreed with its conclusions. This will ensure that there is no harm to any Protected Species as a result of the proposed development.

6.11.8 Trespass by motorcycles would be a site management issue rather than a planning matter.

6.11.9 With regards to the routes chosen the proposed improved works across the Meadows, significant steps forward have been made in modernising the way data to inform Active Travel is captured, tracked and evaluated. These results, alongside the Castle Meadows Consultation report undertaken, have helped to frame the desire for change and improved infrastructure. 41% of respondents stated they access Castle Meadows to access Abergavenny / Llanfoist for Shopping / Leisure – the highest proportion of responses received.

6.11.10 The upgrading of the existing desire line ('missing link') that has been referenced by third parties, was explored early in the WelTAG process and options appraisal. Notwithstanding the increased ecological impact of upgrading this route, the proposed scheme needs to consider the wider usage of the Meadows and respond to the extensive feedback to the consultation. Taking this on board, the existing routes were deemed the most appropriate option for upgrade.

6.11.11 Sections of grasscrete that have been lifted are being recycled and used across the Meadows in other areas, a strategy of recycling that will continue to be followed.

6.12 Well-Being of Future Generations (Wales) Act 2015

6.12.1 The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.13 Conclusion

6.13.1 The paths are mostly public footpaths over which there has long been permissive use of some for cycling as part of a National Route. The surface condition and width of the paths will be greatly improved for safe shared-use by pedestrians, cyclists and the disabled, achieving Welsh Government Active Travel standards. The improvements are essential to give inclusive access to, and encourage use of, the already-permitted new bridge over the River Usk.

7.0 RECOMMENDATION: APPROVE

Conditions:

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No development or phase of development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:

- The CEMP shall be written so as to be substantially in accordance with the construction phase mitigation measures set out in the Report to Inform Appropriate Assessment, WSP, dated December 2023.
- General site management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.
- Construction compounds or storage areas must be located in excess of 30 m of the River Usk SAC/SSSI or the proposed crossings of the River Gavenni or un-named reen within Castle Meadows.
- Construction Access routes must be located to minimise the amount of temporary clearance required within 30m of the River Usk SAC and any other watercourses.
- Any construction compounds, storage areas, and construction access routes within Castle Meadows will be located in areas of open grassland habitats and will be located so as to avoid the need for additional clearance of denser vegetation (scrub, woodland, hedgerows with trees) beyond that assessed at the time of the planning application.
- Resources management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use.
- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- Details of the persons and bodies responsible for activities associated with the CEMP (including ecological clerk or works) and emergency contact details.
- Pre-construction inspections of all potential holts/otter resting features and any potential for additional otter holt and planting to be provided.
- Details regarding construction lighting including how lighting will be designed and positioned to avoid illumination of the River Usk and associated riparian and marginal scrub vegetation.
- Details of construction methodologies and design for the bridge crossings over the un-named Reen and River Gavenni, including reference to timing of the most disturbing works to fall within the late-August to October period or alternative methods to demonstrate that significant noise and vibration of migratory fish species will be avoided.
- Details of pre-construction ecological surveys, including otter surveys, and of the approach to ecological monitoring and how this will inform detailed design and (as needed) modification to environmental and ecological mitigation measures during construction, including the potential need to apply for a EPS licence in relation to otters.
- Generic measures for protecting otters and fish during construction, including but not limited to measures for protecting any excavations left open overnight to minimise the risk of entrapment of otters.

- A biosecurity risk assessment that considers non-native species (INNS) and specific diseases, with a method statement setting out how the risk of encountering and spreading INNS will be minimised within and outside the Project Site.
- Measures ensuring there is to be no construction works between one hour before dusk and one hour after dawn.
- Ensure there will be no piling works between April and June.

The CEMP shall be implemented as approved during the site preparation and construction phase of the development.

REASON: To ensure necessary management measures are agreed and implemented for the protection of the environment and to avoid likely adverse effects on the River Usk SAC during construction and in accordance with LDP Policy NE1. To safeguard the special interests of the River Usk SAC.

4 Prior to the commencement of development, a suitably sized on site sample of approximately 1m² of the proposed buff coloured resin bound surface material shall be provided for inspection and agreement by the Local Planning Authority. The agreed surface material shall be implemented and retained in perpetuity.

REASON: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan.

5 Prior to construction of the replacement footbridge, samples of the proposed external finishes shall be agreed with the Local Planning Authority in writing before works commence and the development shall be carried out in accordance with those agreed finishes which shall remain in situ in perpetuity unless otherwise approved in writing by the Local Planning Authority. The samples shall be presented on site for the agreement of the Local Planning Authority and those approved shall be retained on site for the duration of the construction works.

REASON: To ensure a satisfactory form of development takes place and to ensure compliance with LDP Policy DES1.

6 All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the beneficial use of any part of the development commencing or in accordance with the timetable agreed with the Local Planning Authority.

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

7 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation inclusive of roles and responsibilities. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features

8 The site shall be managed in accordance with the approved Landscape management plan 70086673-wsp-imp-la-rp-0001.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy GI1.

9 The enhancement features for biodiversity as illustrated on The Green Infrastructure plan (Drawing number 70086673-WSP-EV-DR-LA-0101 P02) and Landscape Mitigation Plan (Drawing number 70086673-WSP-EV-DR-LA-0102 P03) shall be provided as part of the development. The agreed features shall be provided prior to the first beneficial use of the upgraded paths and shall be maintained as such thereafter.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 10, the Environment (Wales) Act 2016 and LDP policies S13, and NE1. To safeguard the special interests of the River Usk SAC.

10 No development or phase of development, including site clearance, shall commence until an Ecological Management and Monitoring Plan (EcMMP) has been submitted to and approved in writing by the Local Planning Authority. The EcMMP should include:

- Details of proposed habitat creation, maintenance, and management;
- Details of post-construction ecological-monitoring to be undertaken following construction of the development

The EcMMP shall be implemented in accordance with the details approved, the site shall be managed and monitored in accordance with the approved details in perpetuity.

REASON: To safeguard the special interests of the River Usk SAC.

11 Prior to its installation, full details of construction lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:

- Details of the siting and type of external lighting to be used.
- Drawings setting out light spillage in key sensitive areas, in particular the River Usk corridor and all retained riverside vegetation.
- Details of lighting to be used during construction.
- Timings of when lighting will be used.
- Details of the incorporation of measures to avoid impacts on the otter feature of the River Usk SAC.

The lighting shall be installed and retained as approved during construction and operation.

REASON: To safeguard the special interests of the River Usk SAC.

12 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached or positioned on the site prior to the submission of a Lighting Plan to be agreed by the Local Planning Authority.

REASON: To ensure retention of roosting/foraging opportunities for Species of Conservation Concern and to ensure compliance with LDP Policy NE1.

INFORMATIVES

1 The proposed development (including any demolition) has been screened under the Environmental Impact Assessment Regulations and it is considered that an Environmental Statement is not required.

2 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or

not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

3 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

4 Please note that otters are protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.

5 Please note that the water vole is protected under schedule 5 of the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual water voles from killing, injury, capture or disturbance. It is also an offence to damage or destroy their places of shelter or protection whether they are present or not.

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Application Number: DM/2023/01562

Proposal: Replacement and relocation of the existing children's play area at Castle Dell. It is proposed to remove all of the existing items of play equipment and slightly relocate the boundary of the play area to the north, away from the Town Wall. Install additional items of equipment between the relocated play area and the water fountain and install an elevated bank slide from the top level of the site down to the lower footpath.

Address: Play Area, Castle Dell, Welsh Street, Chepstow

Applicant: Mr Mike Moran - MonLife

Plans: Location Plan 3615_TLP_XX_XX_D_L_00001 - P01,
Other Slide parameters - Massey and Harris,
Other Crow's nest - 70003 PO3,
Other Clearance Plan - 00003 Rev PO2,
Other Existing Equipment - 00002 Rev PO1,
Site Layout 00004 Rev PO2 - Layout,
Landscaping Plan 10002 - Master Plan,
Other 30001 Rev PO2 - Biodiversity Net Gain,
Other 50002 Rev PO1 - Play Surface,
Other 50003 Rev PO1 - Timber Bridge,
Other 50004 Rev Po1 - Fence and Hedge,
Other 50005 Rev PO1 - Wildflower Scrape,
Landscaping Plan 50006 Rev PO1 - Tree Pit, Other 50008 Rev Po1 - Gate,
Other 50009 Rev Po1 - Double Gate,
Other 70001 Rev PO2 - Boat Parameters,
Other 70002 Rev Po2 - Boat parameters 2,
Landscaping Plan 90001 - Landscape, Design and Access Statement - ,
Heritage Statement - ,
Other Design Report - ,
Other 10001 GA Po3 - General Arrangement,

RECOMMENDATION: Approve

Case Officer: Kate Young

Date Valid: 23.11.2023

This application is presented to Planning Committee as it is submitted on behalf of Monmouthshire County Council

1.0 APPLICATION DETAILS

1.1 Site Description

The site is a public open space known as Castle Dell, adjacent to the Bank Street Car Park, with pedestrian access from Welsh Street, the Bank Street Car Park and from the Chepstow Castle Car Park to the south. Castle Dell is the main area of public open space (POS) in the centre of Chepstow. The site contains a children's play area and an important traffic free pedestrian route, linking the town centre with Lower Chepstow. The site is in private ownership, but it has been leased by the County Council since the 1940s. The equipment in the children's play area dates back to the 1960s and is constructed mainly of tubular steel equipment, which has come to the end of its useful life.

The site which measures approximately 0.3ha is designated as an Area of Amenity Importance under Policy DES2 of the LDP and is within the Chepstow Development Boundary and the Chepstow Conservation Area. The site is an Archaeologically Sensitive Area and abuts the Chepstow Town Wall, which is a Scheduled Ancient Monument. The site is also allocated within a Minerals Safeguarding Area. To the south of the site are residential properties.

1.2 Value Added

The height of the platform of the crow’s nest has been lowered and a screen panel added to ensure there will be no overlooking from the crow’s nest to the neighbouring properties.

1.3 Proposal Description

This full application seeks the replacement and relocation of the existing children's play area at Castle Dell. It is proposed to remove all of the existing items of play equipment and slightly relocate the boundary of the play area to the north, away from the Town Wall. In addition, it is proposed to install additional items of equipment between the relocated play area and the water fountain on site and to install an elevated bank slide from the top level of the site down to the lower footpath leading to Chepstow Castle. The proposed means of enclosure will be a wooden post and rail fence with stockproof netting, supplemented by a 1.2m high beech hedge, to include some sensory planting to create a more natural appearance in keeping with the remainder of the site. The play equipment will, where possible, be constructed using sustainable hardwood products such as robinia - some of the more functional equipment with dynamic moving parts (e.g. deck-level inclusive roundabout) will be of steel construction.

The proposal is to replace the existing fixed play items with a range of up to -date equipment made of more sustainable materials that will be more accessible and will meet the deficiencies identified in the 2019 play value assessment. The play area will also be moved further into the green open space away from the historic Town Wall, which is a Scheduled Ancient Monument. This will allow better access to, and views of the wall for members of the public and will provide scope for onsite interpretation about the wall and its historical significance to the town.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|-------------------------|--|-----------------------|----------------------|
| DM/2023/01562 | Replacement and relocation of the existing children's play area at Castle Dell. It is proposed to remove all of the existing items of play equipment and slightly relocate the boundary of the play area to the north, away from the Town Wall. Install additional items of equipment between the relocated play area and the water fountain and install an elevated bank slide from the top level of the site down to the lower footpath. | Pending Determination | |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

- S5 LDP Community and Recreation Facilities
- S13 LDP Landscape, Green Infrastructure and the Natural Environment
- S17 LDP Place Making and Design

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
GI1 LDP Green Infrastructure
HE1 LDP Development in Conservation Areas
DES2 LDP Areas of Amenity Importance
EP3 LDP Lighting

Supplementary Planning Guidance

Green Infrastructure April 2015:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/GI-April-2015.pdf>

Conservation Area Appraisal

Chepstow Conservation Area Appraisal (March 2016):

<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-conservation-area-appraisal>

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

Future Wales is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. Future Wales - the national plan 2040 is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040. It is a framework which will be built on by Strategic Development Plans at a regional level and Local Development Plans. Planning decisions at every level of the planning system in Wales must be taken in accordance with the development plan as a whole.

Planning Policy Wales (PPW) Edition 11

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being of Wales, as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation and resultant duties such as the Socio-economic Duty.

A well-functioning planning system is fundamental for sustainable development and achieving sustainable places. PPW promotes action at all levels of the planning process which is conducive to maximising its contribution to the well-being of Wales and its communities.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council recommends approval subject to the following:

1. That appropriate planting be considered to discourage climbing of the historic Town Wall;
2. That the final height of the crow's nest and ship do not overlook neighbouring properties.

MCC Landscape and GI - No objection subject to the provision of an establishment and aftercare programme.

Cadw

Consider that the application is inadequately documented and we recommend that additional information is required to enable a balanced decision to be taken against Planning Policy Wales, Technical Advice Note 24

Office for Nuclear Regulation - No comment.

MCC Ecology – Given the area is an existing play space it is not considered necessary to request an ecological survey. The proposal does not include removal of any trees and is unlikely to affect any priority habitats or species. Due to the type and scale of the proposal there is unlikely to be a significant effect on the River Wye SAC. The biodiversity officer has no objection to the proposal. A condition securing the proposed enhancements is suggested.

MCC Heritage Officer -

This application seeks to replace and relocate the existing children's play area. No adverse heritage comments in relation to the conservation area or setting of adjacent listed buildings given the existing use of space as a play area. This does not fail to preserve the character of the conservation area. Defer to Cadw for comments regarding SAM.

MCC Public Rights of Way - No objection

There are no recorded public rights of way through the site of the proposed development. Despite this there are paths through the site that because of their location and proximity to the town, castle and river are highly likely to carry unrecorded rights.

5.2 Neighbour Notification

Letters of objection from two addresses:

Play area will extend closer to residential properties

Encourage children to climb on the wall

Quality of life will be negatively affected by overlooking, potential anti-social behaviour after dark, and loss of privacy

Concern over the height of the crow's nest and location of the pirate ship.

The proposal is overbearing and out of scale with the surroundings

Letter of support from four addresses:

Support the proposals

Welcome the application and the hard work put into it.

Addresses the tired looking equipment and will be a substantial positive amenity for the locality.

Provides a much needed facility for the children, the slide is great.

Welcome the landscaping and benches.

5.3 Other Representations

None Received

5.4 Local Member Representations

None Received

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

The Council is committed to protecting and enhancing community facilities to meet the needs of residents. Providing a range of community facilities which are accessible to as many people as possible is essential in developing sustainable and inclusive communities. Policy S5 of the Monmouthshire Local Development Plan (LDP) relates to Community and Recreation Facilities. This

policy advises that development proposals that provide and/or enhance community and recreation facilities will be permitted within or adjoining town and village development boundaries subject to detailed planning considerations.

There is a long established use of this site as a play area and park and the proposal accords with the objectives of Policy S5 by enhancing an existing community facility. In 2019 there was an independent play value assessment of all of the council's 110 play areas in the county and the Castle Dell play area was ranked as "poor", achieving a score of 18 out of a possible total of 84 marks on the assessment matrix. The original impetus for this project came from the Friends of Dell Park Chepstow (FDPC) consisting of a group of local residents focused on creating a destination park for Chepstow. Since its inception in 2016, FDPC has undertaken local consultations and events to gather the views of local people and has involved local children in the ongoing development of plans for the area. During this period, the Friends Group commissioned a firm of landscape architects to draw up an initial conceptual design report for the park. The replacement of the children's play area forms part of a wider vision for the town - "Transforming Chepstow" - a project which has been the subject of extensive public consultation in recent years.

6.2 Sustainability

The proposal is to replace the existing fixed play items with a range of up to-date equipment made of more sustainable materials. The play park is in a very sustainable location being close to the Town Centre and the Dell Primary School, it is expected that most users of the play area will walk to the site

6.3 Good Design and Place Making

Policy DES1 of the LDP requires that all development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. The proposed new play area will have a slightly larger footprint than that of the existing play area and will contain a range of new equipment aiming at a wider age range of children and young people. The proposal is to reinstate part of the existing site to an open grassed area with some wildflower planting. There is also a proposal to construct a large bank slide, linking the top level of the Dell (where the existing play area is located) to the lower public footpath that leads from Welsh Street down to Chepstow Castle, the castle car park and tourist information centre and Chepstow Museum. The current play area is enclosed on two sides by a 1.2m high bow top fence, on one side by the historic town wall and on the other side by the boundary wall between Castle Dell and private residential properties at Dell View. The new play area will be enclosed on three sides by a wooden fence and natural planting, consisting of local species with some sensory plants included. The other side will be formed by the existing boundary wall with Dell View. The existing play area consists mainly of fixed play items constructed using tubular metal frames, whereas in the new play area it is proposed to use fixed play items constructed using more natural materials, mainly of a wooden construction using equipment made of sustainable hardwoods. There will also be a significant proportion of accessible play items to suit the needs of disabled children and children with other support needs.

The design of the new play equipment has been informed by the views resulting from extensive public consultation and accords with the objectives of Policy DES1 by ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking. The proposal will contribute towards sense of place by providing an enhanced play facility in the Town Centre.

6.4 Impact on the Area of Amenity Importance

All of this site lies within an Area designated as an Area of Amenity Importance. Policy DES2 of the LPD says that development proposals on areas of amenity importance will only be permitted if there is no unacceptable adverse effect on any of the following:

- a) the visual and environmental amenity of the area, including important strategic gaps, vistas, frontages and open spaces;

- b) the relationship of the area of amenity importance to adjacent or linked areas of green infrastructure in terms of its contribution to the character of the locality and / or its ability to relieve the monotony of the built form;
- c) the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available, as well as its relationship to general open space requirements as set out in policy CRF2;
- d) the cultural amenity of the area, including places and features of archaeological, historic, geological and landscape importance; and
- e) the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features

In this case the site is a very visually important seen in the context of the town wall and the Castle Dell. The site will remain publicly accessible and the new play equipment would enhance the visual appearance of the area. The site is well linked to other green spaces in the area providing permeability through The Dell to the Castle. The proposal will maintain and enhance this important relationship. The role of the area as a venue for formal and informal sport, general recreation and as community space will be retained. The Historic environment will be enhanced as the play area will be moved away from the historic Town Wall, which is a Scheduled Ancient Monument. This will allow better access to, and views of the wall for members of the public and will provide scope for including site interpretation about the wall and its historical significance to the town. The proposal therefore accords with all of the objectives of Policy DES2.

6.5 Landscape

The site itself is an existing play area with a range of equipment on a grassed area platform adjacent to public access, trees, historic town wall and undulating topography. The site is visible from Welsh street and is principally accessed by an informal path linking to Welsh street car park via a short passage break in the old castle walls. The site abuts the historic town wall which abuts properties on its other side at Dell view which are predominantly three-storey and afford some views over the tall castle walls.

The proposal seeks to provide a new play area on some of the existing play area and some of the immediately adjacent space creating a more linear play area following the line of the existing historic wall to the east and with additional outlying slide and utilising localised topography and associated paths for access. From a policy perspective, Policy LC5 Protection and Enhancement of landscape character highlights that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects. From a policy perspective, the refurbishment of the existing play area, change to layout and location will not have a significant adverse visual and environmental impact on the amenity of the area (Policy DES2 land) or that of the role of the area for informal recreation, its cultural amenity or nature conservation interests from a landscape and GI perspective. It is considered that the proposed scheme will be acceptable from a landscape and GI perspective. The applicant has indicated that there will be a palette of landscape interventions such as Fagus hedge, wildflower planting, swales and sensory planting. This is welcome. Further clarity with regard to the establishment and short to long term management will be required to ensure establishment and aftercare is in place. This can be provided as a condition of approval should the application progress.

The provision of a Green Infrastructure Statement (GIS).

The updated PPW11 chapter 6 October 2023 highlights that a GIS should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement will describe how green infrastructure will be incorporated into the proposal. It is considered that within the context of this application and with reference to policy DES2 and the updated PPW11 the applicant has provided sufficient information within the application DAS, initial 2017 report and biodiversity net gain plan. The applicant has indicated why the location chosen is most appropriate in terms of wider impacts and has indicated design changes that have been informed by the underlying GI e.g. retention of trees, modification of design and GI connectivity. The applicant has indicated the positive interventions proposed such as reinstatement of ground, wildflowers, sensory planting with pollinator value, new trees hedgerow, swales and GI connectivity.

6.6 Historic Environment

The site is located within an historically sensitive location, within close proximity to the Schedule Monuments of the Castle and the Town Wall. It is also within Chepstow Conservation Area and close to a number of listed buildings and within the Archaeologically Sensitive Area. The Authority's Heritage Officer has considered the proposals and given that the area is already used for play space and the proposals will enhance the provision as well as the landscaping enhancements the overall impact is considered to be acceptable and there are no adverse comments in relation to the setting of listed buildings and the conservation area.

Given the proximity to the Scheduled Ancient Monument, (SAM) and in accordance with para 1.24 of TAN 24 Cadw were consulted in relation to the proposals. An area of the site is within the SAM Boundary and as such Scheduled Monument Consent (SMC) for the proposed works in that area has previously been granted. However, Cadw noted that the current application includes a tower and slide that were not in the previous proposals. They note that these two pieces of equipment are outside the SAM area and so SMC is not required. However, Cadw requested further information dimensions and elevations of the tower and slide. These have now been received, however a formal written response from Cadw is yet to be received.

In accordance with para 1.29 of TAN 24. 'The Local Planning Authority will need to make its own assessment of the impact within the setting of a historic asset, having considered the responses from consultees as part of the process'.

The slide and tower are confirmed as being 3.6m above ground level at its highest point. This high point is located towards the centre of the play area 20m away from the scheduled wall. Although the slide will be visible, it will be read in context with the backdrop of the other play equipment and improved landscaping helping it blend in. The area is characterised by the existing play space, and whilst the equipment is new and the area is larger than previously, it is not considered to be sufficiently harmful to warrant refusal of the application. Informal conversations with the relevant officer in Cadw suggested that tower should be clad in a hardwood and that the finish of the slide should be considered. On balance, it is considered that the proposals do not have a harmful effect on the setting of the historic assets around it for the reasons set out above. It is suggested that a condition be added to confirm the cladding to the tower and finish to the slide as per Cadw's informal comments. In addition the Local Authority's Heritage Officer has been consulted on the proposals and provided comment which have been given weight to the consideration of the impact on the heritage assets.

6.7 Biodiversity

As confirmed by the Authority's Biodiversity Officer, given that the site is currently an existing play area and that the scale of the development is relatively low (not removing any trees etc.) it was considered that a full ecological survey was not necessary. The proposals will involve a bio-diversity enhancement by proposing substantial landscaping to improve the visual appearance and the wildlife contribution to the play area, issues that are currently lacking. The Authority's Biodiversity Officer did request a condition to ensure that the enhancements shown on the plans are carried out. It is therefore considered that the application complies with PPW Ed. 11 Chapter 6.

6.8 Impact on Amenity

To the south of the site are residential properties in Dell View and Boscobel House, the historic town wall lies between these residential properties and the play area. The proposed layout will move the play equipment further from the wall but also extend the area in a more westerly direction. The equipment in this western part of the site will include the pirate ship, the crow's nest and multi coloured climbing blocks. The height of the platform for the crow's nest is three metres above ground level, the approximate height of the wall between the play area and the properties at Dell View is 3.4 metres; therefore it would be possible for children standing on the platform to look over the wall and into the windows of the neighbouring residential properties. The platform is less than 15 metres from the rear elevation of those properties. In order to overcome this unacceptable level of

overlooking, a 2 metre high anti-climb screen will be erected on the southern part of the platform. This reduces overlooking by re-focusing the views and attention away from neighbouring properties and towards the castle and open space to the north-east. These measures will protect the privacy of the occupiers of Dell View and accords with the objectives of Policy EP1 of the LDP

6.9 Mineral Safeguarding

The site is located within a Minerals Safeguarding Area for limestone. Policy M2 of the LDP says that development proposals which may impact on the minerals safeguarding will not be acceptable unless the potential of the area for mineral extraction has been investigated. In this case there is negligible potential given the town centre location, the heritage resources in the vicinity and the location adjacent to residential properties.

6.10 Flooding

Flood risk maps provided by Natural Resources Wales indicate the area to be at no particular risk of flooding from any source.

6.11 Drainage

No foul drainage is required for this development.

It is proposed to limit as far as possible the amount of safety surfacing material used in the relocated play area, this will be achieved through design and layout considerations and the use of individual pieces of equipment that are lower in height than that at which the critical fall height requires safety surfacing to be installed. The remainder of the site will have a natural grass surface, which is permeable and drains well, even in periods of heavy rainfall. The safety surface material such as artificial turf with safety shock pads installed beneath, depending upon the critical fall height of each individual piece of equipment. This system is porous to minimise the amount of surface water run-off. If it is considered necessary soakaway will be installed on site to deal with any excess amounts of surface water run-off that might be created by the play area installation. The total construction area of the development is less than 100m² therefore SAB approval is not required.

6.12 Phosphates

Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA. This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

6.13 Response to the Representations of Third Parties and/or Community/Town Council

Chepstow Town Council are concerned about overlooking of the residential properties in Dell View from the crow's nest; this issue has been addressed by proposing a 2 metre high screen on the southern side of the of the platform that would protect the privacy of the residents in Dell View. The town council is also concerned that children will climb onto the historic town wall and suggest additional planting to prevent this. As this application results in the play being moved away from the historic Town Wall, which is a Scheduled Ancient Monument and shrubs will be planted at the base of the wall it is considered that the potential for climbing has been decreased.

Local residents have expressed concern that the play area will extend closer to residential properties. The proposal will extend the children's play area in a westerly direction into the area of parkland; this means that some of the properties in Dell View that faced into the park will now face towards the play area. The 3.4 metre high wall between the park and the residential dwellings will be retained. The overlooking issue from the crow's nest has been addressed. Although the platform of the boat is significantly lower than the wall it will also have a back panel this means that the orientation of view from the crow's nest, the boat and the slide tower for users will be outwards towards the main open space and the castle, rather than backwards towards any residential

properties. The proposed alterations to the play area will not impact on antisocial behaviour, replacing the equipment and extending the scale will not cause an increase in antisocial behaviour.

The application has attracted several letters of support saying that the dell playground has been in decline for many years and that the proposal looks amazing. The letters say that the proposal represents a substantial positive amenity for local families and visitors, giving increased footfall back into the centre of town. The landscaping and seating is applauded.

6.14 Well-Being of Future Generations (Wales) Act 2015

The duty to improve the economic, social, environmental and cultural well-being of Wales has been considered, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (the WBFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WBFG Act have been taken into account and it is considered that this recommendation is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives set out in section 8 of the WBFG Act.

6.15 Conclusion

Policy S5 of the LDP supports enhancement of community and recreational facilities in a sustainable location close to the town centre and replaces outdated equipment with modern facilities of sustainable materials. The new play equipment will enhance the visual appearance of the area and accord with LDP Policy DES2. The proposal will contribute towards sense of place by providing an enhanced play facility in the Town Centre.

The proposed scheme is considered to be acceptable from a Landscape and GI visual impact and character perspective and complies with policy LC5. The back panels to the crow's nest, boat and slide tower provide mitigation to protect the privacy of the occupiers of Dell View and accords with the objectives of Policy EP1 of the LDP. The design and scale of the play equipment has been considered in light of its sensitive heritage setting and overall is considered not to have a harmful effect on the neighbouring assets.

The proposal stems from an independent play value assessment of the council's play areas. The replacement of the children's play area forms part of a wider vision for the town, "Transforming Chepstow" - a project which has been the subject of extensive public consultation in recent years. The proposal is policy compliant and recommended for approval.

7.0 RECOMMENDATION: APPROVE

Conditions :

5 YEARS

1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

COMPLIANCE WITH PLANS

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

LANDSCAPING MAINTENANCE

3 A schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority prior to works commencing and shall include details of the arrangements for its implementation inclusive of roles and responsibilities. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of the building(s) or the completion

of the development, whichever is the sooner, and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

PRIVACY SCREEN

4 The anti-climb timber screen shown on plan 70003 PO3 shall be retained in perpetuity.

REASON: In the interests of residential amenity in accordance with policy EP1 of the LDP.

BIODIVERSITY ENHANCEMENTS

5. The development shall be carried out in strict accordance with the biodiversity enhancements shown on "Biodiversity Net Gain Plan, produced by The Landmark Practice, drawing number 3615_TLP_XX_XX_D_L_30001, Rev P02". The biodiversity enhancement scheme shall be implemented in full and shall be retained in perpetuity.

Reason: To provide ecological net benefit on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1

ARCHAEOLOGICAL WATCHING BRIEF

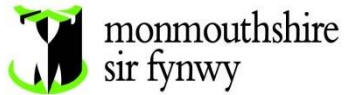
6. No development or site clearance shall commence until the local planning authority have been informed in writing of the name of a professionally qualified archaeologist who is to be present during the undertaking of any excavations in the development area so that a watching brief can be conducted. No work shall commence until the local planning authority has confirmed in writing that the proposed archaeologist is suitable. A copy of the watching brief report shall be submitted to the local planning authority within two months of the archaeological fieldwork being completed.

REASON: To ensure the development meet the terms of the Historic Environment (Wales) Act 2016, PPW and Technical Advice Note 24 (TAN 24): The Historic Environment

DETAILS OF CLADDING AND SLIDE

7. Full details of the proposed cladding to the slide tower and the finish of the slide shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The cladding and the finish to the slide shall be finished and maintained in accordance with the details hereby approved.

Reason: To preserve the setting of the heritage Assets in accordance with TAN 24 .



SUBJECT: PLANNING CODE OF PRACTICE (REVISED)

MEETING: PLANNING COMMITTEE

DATE TO BE CONSIDERED: FEBRUARY 2024.

WARDS AFFECTED: AII.

1. PURPOSE

- 1.1 The purpose of this report is to consider a revised Planning Code of Practice.

2. RECOMMENDATIONS

- 2.1 That Committee agree the revisions without modification.

3. KEY ISSUES

- 3.1 This Code of Practice is intended to guide the procedures by which Councillors ('Members') and Officers of the Council deal with planning matters and to set standards of probity and conduct expected of them. Monmouthshire County Council will seek to adopt best practice in its administration of the planning process. It recognises that the public expects the Council to subscribe to the principles of fairness, consistency and objectivity. Members of the Planning Committee have a key role in ensuring that these principles are followed and the Council has stated that the Planning system must be fair and open. Elected Members are critically important in arbitrating between competing arguments.
- 3.2 The Town and Country Planning system involves the Council taking decisions about private proposals for the development and use of land, but in the public interest. Planning law requires that all planning applications be determined in accordance with the adopted development plan unless material planning considerations indicate otherwise. The Council must also take account of representations made by members of the public, in as far as they relate to material planning considerations.
- 3.3 As the planning system affects people's lives and private interests it can be very contentious. It is therefore important that members of the public understand the system and has confidence in its integrity and transparency, and that Members and Officers avoid impropriety or even the suspicion of impropriety.
- 3.4 Members and Officers must not only ensure that their conduct accords with the Code of Conduct for Members and professional standards for officers (which cover such matters as declarations of interests, gifts and hospitality), but, when dealing with planning matters, also act in accordance with this Planning Code of Practice.

- 3.5 The changes to the Code of Practice reflect current working practices of both Committee and the Delegation Panel, where such modifications have resulted largely from the move from in-person to virtual or 'hybrid' meetings. Changes to officer job titles have also been included.
- 3.6 If agreed, the item would then be reported to Council's Standards Committee. The Chair of Standards Committee is keen for this to form part of the Council's constitution. At the moment it is unclear what status the Code of Practice has and who is responsible for updating it.
- 3.7 As this documents seeks to prescribe procedure rules to Planning Committee as well as levels of standards to its Members, it should form part of the Council's standing orders at Part 4 of the constitution. The Head of Legal Services is planning on reporting back to Standards Committee on 26th February with the recommendation that the Code of Practice should be included in the constitution. It will then form part of the other amendments to the constitution that would be considered by the Democratic Services Committee and then full Council in due course.

4.0 OPTIONS APPRAISAL

| Option | Benefit | Risks |
|---|---|---|
| 1. Agree the changes without modification | <ul style="list-style-type: none"> • Certainty of legal status; the matter can then be considered by Standards Committee on 26th February | <ul style="list-style-type: none"> • None |
| 2. Agree changes with modification. | <ul style="list-style-type: none"> • If the modifications proposed are minor may still be able to be presented to Standards Committee in February | <ul style="list-style-type: none"> • Potential delay to Standards Committee and subsequent reporting if proposed modifications are more substantial. |
| 3. Do not agree changes | <ul style="list-style-type: none"> • Depends on reason for changes to be rejected. | <ul style="list-style-type: none"> • Delay and uncertainty over status of document. |

5. REASONS

- 5.1 The Code needs to be updated to reflect current working arrangements and to provide the opportunity for the document to be given legal status via political reporting procedures.

6. RESOURCE IMPLICATIONS

None.

7. WELL BEING OF FUTURE GENERATIONS IMPLICATIONS (INCORPORATING EQUALITIES, SUSTAINABILITY, SAFEGUARDING & CORPORATE PARENTING)

See attached in Appendix B.

8. CONSULTEES

Legal Services.

9. BACKGROUND PAPERS

Appendix A – Revised Code of Practice.

10. AUTHOR

Craig O'Connor – Head of Planning; Philip Thomas – Development Services Manager

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CYNGOR
monmouthshire
COUNTY COUNCIL
sir fynywy

PLANNING CODE OF PRACTICE

**Monmouthshire County
Council
Cyngor Sir Fynwy**

Planning Code of Practice

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**Monmouthshire County
Council
Cyngor Sir Fynwy**

Planning Code of Practice

1.0 Introduction

1.1 This Code of Practice is intended to guide the procedures by which Councillors ('Members') and Officers of the Council deal with planning matters and to set standards of probity and conduct expected of them. Monmouthshire County Council will seek to adopt best practice in its administration of the planning process. It recognises that the public expects the Council to subscribe to the principles of fairness, consistency and objectivity. Members of the Planning Committee have a key role in ensuring that these principles are followed and the Council has stated that the Planning system must be fair and open. Elected Members are critically important in arbitrating between competing arguments.

1.2 The Town and Country Planning system involves the Council taking decisions about private proposals for the development and use of land, but in the public interest. Planning law requires that all planning applications be determined in accordance with the adopted development plan unless material planning considerations indicate otherwise. The Council must also take account of representations made by members of the public, in as far as they relate to material planning considerations.

1.3 As the planning system affects people's lives and private interests it can be very contentious. It is therefore important that members of the public understand the system and has confidence in its integrity and transparency, and that Members and Officers avoid impropriety or even the suspicion of impropriety.

1.4 Members and Officers must not only ensure that their conduct accords with the Code of Conduct for Members and professional standards for officers (which cover such matters as declarations of interests, gifts and hospitality), but, when dealing with planning matters, also act in accordance with this Planning Code of Practice.

1.5 A breach of this code, while not usually amounting to a breach of criminal law, may adversely affect the standing and reputation of the Council. It could result in a decision being judicially reviewed and the planning permission being quashed by the Court or in a complaint of maladministration or an allegation of a breach of the Code of Conduct for Members being made to the Public Services Ombudsman for Wales.

1.6 If Members or Officers are in doubt about the application of this Code, they should seek advice from the Council's Monitoring Officer.

2.0 Elected Members

2.1 Planning Committee Members

Planning Committee Members should:

- act fairly and openly and avoid any actions which would give rise to an impression of bias

- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties.

It is a matter for each individual member to decide what constitutes inappropriate contact, however, it is important that any contact is not out of the ordinary and does not give the impression to others that the nature of the contact is inappropriate.

- approach each planning application/issue with an open mind
- not organise support or opposition to a planning application
- carefully weigh up all relevant planning issues before making a decision
- make decisions purely on planning grounds in the public interest and not favour, or appear to favour, any person, company, group or locality. In this respect, while Committee Members have a special duty to their Ward constituents, including those who did not vote for them, their over-riding duty is to the whole community.
- not decide how to vote on applications on the basis of a political 'whip', but on the planning merits of each case. (The view of the Ombudsman is that subjecting a planning decision to the discipline of the political whip could amount to maladministration)
- ensure that the reasons for their decisions are clearly stated
- With the coming into force of section 25 of the Localism Act 2011 if a member does or says anything prior to the planning committee considering the planning application, the member will not be judged to have a closed mind just because of what the member says or does. However, it is essential that the member when attending the planning committee takes into account all relevant planning considerations before making a decision on the planning application.

2.2 Members of the Planning Committee who are also Members of Community/Town Councils

Membership of a Community/Town Council provides an opportunity to listen to local views and does not of itself give rise to a conflict of interest for a Planning Committee Member provided he/she complies with the requirements of this code of practice particularly when considering all the evidence and arguments presented to the Planning Committee.

If the Member is present at a meeting of the Community/Town Council (or one of its committees) when a planning application/matter is under consideration, he/she can play a full part including entering into discussion, asking questions and even voting.

However, regardless of the planning committee member's previous statements and actions, the member must make the decision at planning committee taking into account only relevant material planning considerations.

2.3 Local Ward Members who are not Members of Planning Committee

Where an application is considered by Planning Committee Local Ward Members have the right to attend the Planning Committee (or Delegation Panel and site inspections by committee or panel) to speak on any planning matter (subject to declarations of interest) but may not vote. Such Members do not act in the decision-making role performed by planning committee members.

In appropriate circumstances the local ward member of an adjacent ward may also have the same rights as if they were the local ward member. Where an application has wider implications, the Chairman may exercise discretion and allow other members to address committee.

When attending meetings of the Planning Committee, Councillors who are not members of the Committee shall sit separately from Committee Members - whether or not they intend to address the Committee - and unless invited to do so by the Chairman shall not communicate with the Committee Members during the meeting.

Non-Committee Members can address the Committee after the officer has introduced the application and before any other speakers.

2.4 All Members

Local Ward Members represent their electoral division and the County as a whole. Any member can make representations on planning applications. Where the local ward member in whose division the application is located wishes an application to be considered by Planning Committee or the Delegation Panel they shall inform officers in writing either by letter or email to that effect and give relevant material planning reasons for the request. The views of the Local Ward Member will be included in the application report. "Planning reasons" in relation to the Local Ward Member request means a brief statement outlining the material considerations that justify the application being considered by Planning Committee or the Delegation Panel.

Members shall not pressure Officers to make particular recommendations in reports. This will be a clear breach of the Code of Conduct for Members.

3.0 Officers

3.1 The function of Officers is to carry out the administrative and executive functions in support of the planning process and to give professional advice to the public and Councillors.

3.2 The Chief Officer – Communities & Place Enterprise makes decisions on the majority of planning applications under officer delegated powers and makes recommendations on more significant and contentious applications and other planning matters for decision by the Planning Committee of the Council. The local member in whose ward the application site is located can ask for any planning application to be referred to the Planning Committee for a decision rather than by officer delegated powers but must give material planning reasons for doing so. Some of the decisions under officer delegated powers are exercised in consultation with the Delegation Panel.

3.3 In considering applications and in advising Members and the public on planning policy, the determination of planning applications, enforcement and other planning matters, Planning Officers shall:

- act fairly and openly and avoid any actions which would give rise to an impression of bias
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- carefully weigh up all relevant planning issues
- make decisions purely on planning grounds having regard to the development plan and other material considerations
- give professional, objective and consistent planning advice
- provide a comprehensive and accurate analysis of the planning issues
- give a clear recommendation
- carry out the decisions of the Committee
- not be allocated a planning application to case manage if they are considered to have a personal interest in, or have a perceived personal interest in that application

- abide by the Royal Town Planning Institute's Code of Professional Conduct.

3.4 The Council's Legal Officers advise Members on legal and procedural matters. In doing so, they must:

- act fairly and openly and avoid any actions which would give rise to an impression of bias
- avoid inappropriate social contact with applicants and their agents, objectors and other interested parties
- give professional, objective and consistent advice
- carry out the decisions of the Committee so far as they relate to the completion of any legal agreement, institution/defence of proceedings etc.

4.0 Operation of the Delegation System and the Role of the Delegation Panel

4.1 The Council will operate a scheme of delegation of decisions to officers. The scheme defines matters to be determined by officers in consultation with the Delegation Panel (Chairman, Vice Chairman and Opposition Spokesperson of Planning Committee) and those wholly delegated to officers.

4.2 The published lists of applications and application details will not indicate whether an application is to be dealt with under delegated powers as the status of an application may change during the processing stages. In addition, the Chief Officer or Head of Service may specify that an application be put to Committee if it involves controversial issues.

4.3 Panel meetings will be arranged regularly to consider applications that fall to be considered by the Delegation Panel. A list of applications or other matters that are proposed to be determined under delegated powers will be presented to the Delegation Panel. This will be known as the Delegation List. There should be a minimum of two members present at the Delegation Panel meeting.

4.4 The Delegation List shall specify the detail of the application with the officer recommendation.

4.5 There will be a report prepared on each application or other matter to be determined under officer delegated powers. The report shall include a description of the proposal, planning history, an adequate summary of objections/representations, relevant policies, a professional appraisal and recommendation. Any comments by Community or Town Councils, which are counter to the recommendation, should be specifically addressed in the professional appraisal, under the title: *'Response to Town/Community Council Representations'*.

The Relevant Officers: Officer recommendations and decisions on delegated decisions can only be authorised by:

Chief Officer – Communities & Place
 Head of Placemaking, Housing, Highways and Flood
 Head of Planning
 Development Services Manager (DSM)
 Heritage Manager
 Development Management (DM) Area Manager

4.6 The Delegation Panel cannot determine planning matters. Officers consult with the Panel on those matters identified in the Delegation Scheme. The Panel can require that an application or other matter is presented to Planning Committee and will identify

any application or other matter that is not to be delegated. The DSM, DM Area Manager or where appropriate, the case officer shall present each application on the agenda to the Panel. The Panel Members may ask the officers questions for clarification. The Panel Members will then come to a view on the proposal and decide whether a) the application can be delegated to officers to determine as per the recommendation, or b) be referred to Planning Committee for determination.

4.7 The meeting outcomes shall be delivered verbally at the meeting and the recording of this saved on the DM Team's IT system.

4.8 Where the Council receives objections and officers recommend approval before an application is determined officers will:

- Provide a copy of the officer evaluation to the Panel members, the local ward member and the local community or town council
- The local member may attend the Panel but should contact the Chair and officers to agree and arrange this
- At the discretion of the Chair, the Panel may agree to meet an applicant and a third party on site where it is considered that certain planning issues warrant more detailed, direct discussion. This will, however, be the exception rather than the norm in that the officer report and presentation should normally be sufficient in setting out the planning issues and in coming to a balanced recommendation. If this circumstance applies, the applicant and third parties will be invited to make their views to the Panel Members separately before the Panel Members debate the proposal and make a decision

4.9 The Delegation Panel will also form a Design Panel to allow members to contribute to the design process of a development at an early stage. The Panel will convene as and when required and will consider applications for 10 or more dwellings or non-residential development of 1,000 sq.m. or more and other applications that may raise important design issues. The applicant/agent will be invited to attend as will any other relevant parties. The local ward member will be invited to attend. The role of the Design Panel will be to advise on design aspects of the application. The Design Panel will not give any indication on the outcome of the application.

5.0 Discussions Before and During Applications and on Enforcement Matters

5.1 Discussion and negotiation are essential in the planning process as they can bring about improvements that can make an application acceptable or otherwise remedy problems. The Council encourages this discussion and negotiation.

5.2 Such discussions will normally take place at officer level and Members shall, wherever possible, refer requests for such advice to the Officers.

5.3 Where Members feel that a formal meeting would be useful in clarifying the issues, they should never seek to arrange that meeting themselves but should request the Head of Planning or the Development Services Manager to organise it. The officer(s) will then ensure that those present at the meeting are advised from the start that the discussions will not bind the authority to any particular course of action. The meeting can be attended by the Delegation Panel depending on the scale and/or implications of the proposal and the Local Ward Member for the ward in which the application site is located (see par.4.8 above). Other Ward Members in the locality may attend where the application has wider implications.

5.4 Members may also attend presentations by applicants or developers but

should either have an officer present or have made officers aware of it and officers have discussed it with Members or briefed them on it.

5.5 At all times Members should have regard to the Council's Code of Conduct for Members and the Planning Code of Practice.

5.6 All Officers taking part in discussions shall:

- make clear whether or not they are the decision maker for the purposes of the application/issue under discussion
- make clear that only personal and provisional views can be expressed which will not bind the Council to reach a particular decision when determining an application
- express views in the context of the development plan and other material planning considerations
- be consistent in interpreting planning policies
- advise applicants and neighbours/objectors on procedural matters.

5.7 Occasionally local people or Community/Town Councils will arrange public meetings to discuss a current application and may invite the applicants, Members and Officers to attend. Given the need to avoid giving commitments and ensuring that an open mind on proposals is retained, Members of the Committee and Officers who attend such meetings shall use them for fact-finding, shall not express a final opinion for or against the proposal and shall otherwise act in accordance with the guidance in this Code.

6.0 Lobbying of Members of the Planning Committee

6.1 Lobbying is the process by which applicants and their agents, neighbours, non-Committee Members and other interested parties seek to persuade Council Members on the Planning Committee to come to a particular decision. It is a legitimate part of the planning process for them to approach Members of the Planning Committee as these discussions can help Members to understand the issues and concerns. As stated in the Nolan Committee Third Report: "it is essential for the proper operation of the Planning system that local concerns are adequately ventilated".

6.2 In responding to approaches of this kind, Committee Members shall follow the nine principles outlined in Paragraph 2.1 above and may wish to make a record of the discussion, but may also:

- i) Explain the potentially conflicting position they are in if they express a final opinion on a proposal before consideration at the Committee/ by the Chief Officer
- ii) Explain the procedures by which representations can be made; that the public can speak at the Committee (subject to a number of conditions within the Public Speaking protocol being met) should the application come to the Committee for decision, and that a decision will be taken only when all relevant planning considerations have been taken into account
- iii) Explain the kinds of planning issues that the Council can take into account
- iv) Report issues raised to the Officers or direct the public to the Officers so that their views can be considered
- v) Advise the public to contact non-Committee Members who may be able to represent local views with less restraint.

6.3 Where a Committee Member feels that they have been unreasonably or excessively lobbied on a particular proposal they shall make a declaration at Planning Committee on that application that they have been lobbied. However, that Member shall still be able to

Speak and vote on the application if the guidance in Section 2 is adhered to.

7.0 Planning Applications Submitted by Members, Community/Town Councils and Officers

7.1 Where a Planning Application is submitted by or on behalf of the following:

- a. an Officer of the Council who works within the Planning Department or who has an involvement in the Planning Application process (except in any instance where the application has been submitted in their capacity as an employee of the Council)
- b. an elected or co-opted Member of the Council; or
- c. by an individual who has a close personal relationship with either of the above; the application shall be considered by Planning Committee.

7.2 The Member that is affected shall declare an interest and take no part in the decision.

7.3 The Officer that is affected shall record his/her interest and take no part in the decision.

7.4 Where a Community/Town Council submits a planning application, the County Council Members who are also Members of that Community/Town Council should disclose their interest and withdraw from further consideration of the matter.

8.0 Planning Applications Submitted by the Council

8.1 It is critical that the Council is seen to be treating applications for its own development (or a development involving the Council and another party) on an equal footing with all other applications as well as actually doing so.

8.2 All such proposals will be subject to the same administrative processes, including consultation, as all other applications with consideration being made in accordance with policy and any other material planning consideration.

8.3 The following applications will be considered under the Delegation Panel process:
(i) where the application is by or on behalf of the Council and *there are no material planning objections to the proposed development*; and
(ii) the application is for development on Council-owned land or in which the Council has a direct interest and *there are no material planning objections to the proposed development*

Where any applications by or on behalf of the Council receive one or more material planning objections they shall be considered by Planning Committee.

8.4 Where a Member of Planning Committee has a Cabinet portfolio responsibility relating to an application, they shall declare that interest and not take part in the discussion or vote.

9.0 Officers' Reports to the Planning Committee

9.1 All Planning matters considered by the Planning Committee will be the subject of full evaluation by officers and will include a recommendation. Such reports shall be comprehensive, but succinct in setting out the key planning (and legal) issues to be considered (in terms of the provisions of the development plan and other material

planning considerations), the substance of any representations received and any relevant planning history.

9.2 Any comments by Community or Town Councils, which are counter to the recommendation, should be specifically addressed in the professional appraisal, under the title: *'Response to Town/Community Council Representations'*. Local Ward Member representations will also be addressed.

9.3 A summary of late correspondence received since the report was prepared will be made available to the Committee and dispatched electronically to Members by close of business the day before Planning Committee meets. Late correspondence will be accepted for consideration up to a deadline of noon on the Friday before the Planning Committee after which it will not normally be taken into account unless it raises material planning or legal issues that have not already been considered in the officer report. "Received" means received by Planning Department staff at County Hall by post or electronically.

9.4 When applications are presented to Planning Committee the Council's Democratic Services Team will publish the agenda on the Council's web site five clear working days before the meeting itself. In addition, the Planning Department will publish the officer evaluation for each application that is on the agenda on the respective electronic application file before the committee meeting itself to enable these to be viewed by the public.

10.0 Procedure at Planning Committee

10.1 The following procedure will be followed at Planning Committee:

- The Chairman will identify the application to be considered
- An officer will present a brief summary of the application and issues with the recommendation
- The Local Member, if not a member of Planning Committee will be invited to speak for a maximum of 4 minutes by the Chairman. The Local Member, at the discretion of the Chairman may be allowed to use their additional 2 minute summing up time at this point, if this is requested.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chairman
- The Chairman will then invite, in turn, the objector and/or supporter to speak for a maximum of 4 minutes each
- The Chairman will invite the Applicant or Appointed Agent (if applicable) to speak for a maximum of 4 minutes.
- Time limits will normally be strictly adhered to although the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking
- Speakers may speak only once
- Committee Members may then raise questions with officers
- Planning Committee Members will then debate the application, commencing with the Local Member if a member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Immediately before the application is put to the vote, the Local Member will be invited to sum up, speaking for no more than 2 minutes provided that they have not already used their 2 minute summing up time.

- The community or town council representative or objector/supporter or applicant/agent may not take part in the Members' consideration of the application and may not ask questions unless invited to by the Chair
- Where an objector or supporter or applicant/agent or community or town council has spoken on an application, no further speaking by or on behalf of that group will generally be permitted in the event that the application is considered again at a future meeting of the committee, however regard will be had to special circumstances that may justify an exception. The final decision lies with the Chairman.
- The Chairman's decision regarding a procedural matter is final
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly
- When the motion has been seconded the Chairman shall identify the Members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application. Where Members attend remotely, they shall be on camera at all times during the consideration of the application to be eligible to vote.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention
- The Legal Officer shall count the votes and announce the decision.

10.2 Public speaking at Planning Committee will be allowed strictly in accordance with the protocol attached in Appendix 1. The invitation to speak and the conduct of the meeting is at the discretion of the Chairman of Planning Committee.

11.0 Planning Committee Site Inspections

11.1 Committee site inspections are fact-finding exercises which allow the Planning Committee to make a more informed decision than would otherwise be possible from only reading the officer's report, listening to the officer presentation and considering the views expressed at the Committee meeting by interested parties.

11.2 The purpose of a site inspection is to clarify issues of fact and such visits should only be held where the Committee cannot make an informed decision without seeing the site for themselves and the inspection would have substantial benefit. Examples of this include:

- Where there are accusations that a plan is misleading
- Overlooking into other people's property
- Visual prominence
- Understanding the topography of the area

Examples where a site visit would not normally be appropriate include where:

- purely policy matters or issues of principle are at issue
- the Member simply disagrees with the conclusion reached in the report
- the Member wishes to consider boundary or neighbour disputes
- issues of competition
- loss of property values
- any other issues which are not material planning considerations.

11.3 Members of Planning Committee will carry out the inspections with the local ward member being invited. The applicant (or agent) and objectors/supporters may attend but may only draw attention to matters of fact relating to the site, and at the Chairman's

discretion. The community or town council shall be invited to attend the site inspection. An officer shall attend to advise on the application.

11.4 Members of Planning Committee shall not discuss the application, other than to clarify issues of fact, and shall not make a decision while on site.

11.5 If a Member finds it necessary to visit a site alone (perhaps because it was not possible to attend the Committee inspection), they shall view it from public vantage points only, seek to avoid discussion with interested parties, and, if discussion occurs, make it clear that a decision will be taken when it has been discussed by the Committee.

12.0 Planning Committee Decisions Contrary to Officer Recommendation

12.1 Where the Committee does not accept the recommendation made by the Officers the application shall be deferred to the following Planning Committee and brought back with reasons for refusal or conditions of approval as the case may be.

12.2 It is important that full clear and convincing reasons are set out when any planning decision is made. Where an application is determined in accordance with the officer recommendation the officer report meets this requirement. However, when Members determine an application against the officer recommendation the primary record of the debate are the minutes together with the recording of the livestream of the meeting. It is essential that Members' reasons are recorded and that the minutes of the meeting incorporate a full, clear and accurate statement of the reasons.

12.3 Where planning permission is refused contrary to officer advice, Members should be aware of the risk of an award of costs being made against the Council at a subsequent appeal. Advice on the award of costs is contained in the Welsh Government's 'Development Management Manual Section 12 Annex: Awards of Costs'. Of particular relevance to this protocol is the following advice in par. 3.9:

"Local planning authorities are not bound to adopt, or include as part of their case, the professional or technical advice given by their own officers or received from statutory consultees. However, they are expected to show that they had reasonable planning grounds for taking a decision contrary to such advice and that they are able to produce relevant evidence to support their decision. If they fail to do so, costs may be awarded against the authority."

13.0 Appeals against Council Decisions

13.1 Officers will normally organise the administration of an appeal but in a case where there is a refusal of planning permission contrary to the officer recommendation and the appellant seeks an informal hearing or public inquiry Members will be expected to help formulate and to present the Council's case at the appeal. This is because under the Royal Town Planning Institute (RTPI) Code of Professional Practice planning officers who are members of the Institute must not make statements purporting to be their own, but which are contrary to their bona fide professional opinion. At a case determined by written representations a link to the live stream of the debate and the minutes will normally be sufficient to summarise the Council's case.

13.2 Once the appeal has been lodged then at the next available Planning Committee, individual Members will be nominated to represent the Council's case at the appeal. Other Members may attend to contribute or listen to the debate at the appeal hearing or inquiry. This is good practice in all appeals whether the decision was against officer

advice or not. Members have an important role to play in appeals. The local ward member will be informed of the appeal. They and any other member may, within set deadlines, make written representations to the Inspector and may also appear at informal hearings or as a witness at inquiries. In doing so they should state whether they are acting in their capacity as the local Councillor or representing the Council's case.

13.3 Officers shall support Members who wish to attend the appeal and/or make representations and advise them on preparing and delivering evidence as well as on legal aspects. Where appropriate a nominated officer will be designated to assist and guide members before attending a hearing or inquiry and attend the hearing or inquiry with the member(s). However, the officer will not be able to prepare or give evidence where that would be contrary to their professional views.

14.0 Community and Town Councils

14.1 Officer reports will specifically address community and town council objections.

14.2 Community and town council clerks are notified by email when the agenda for Planning committee is published. It is the community or town council's responsibility to register to speak in cases where they wish to address committee Members.

14.3 Representatives of community and town councils will be permitted to attend planning committees and committee site inspections.

14.4 A representative will be permitted to address the Committee on an application, at the discretion of the Chairman and in accordance with the Protocol on Public Speaking.

14.5 Representatives will be expected to uphold the following principles:-

(i) To observe the National Code of Local Government Conduct, particularly in the context of declarable interests.

(ii) Not to introduce information that is not a material planning consideration.

15.0 Member Training

15.1 The Council has decided that all members of the Council, not just those Members of the Planning Committee, shall undertake training. No Member shall sit on Planning Committee unless they agree to undertake such training.

15.2 Members will be offered core training within three months of appointment to the Committee. This will cover planning procedures, the development plan and material planning considerations, probity and other subjects determined from time to time by Officers in consultation with the Members.

15.3 Other training will be available in the form of additional sessions such as seminars on specific subjects.

16.0 Review of Decisions

16.1 To assess and improve the quality and consistency of decisions and thereby strengthen public confidence and assist in reviewing planning policy the Planning Committee will undertake an annual review of a sample of planning decisions made by the Committee. The review will include examples from a range of development types

and shall include visits to the sites.

16.2 The Planning Committee will formally consider the results of the review and decide whether it gives rise to the need for new policies, procedures and practices.

16.3 The outcome of appeals against the decisions of the Council will be reported regularly to Planning Committee so that any lessons can be learned. The outcome of enforcement cases and legal proceedings will also be reported regularly to Members, including the local Member, to keep them abreast of progress.

16.4 The Delegation Panel may from time to time review decisions made under officer delegated powers.

Protocol on Public Speaking at Planning Committee

Public speaking at Planning Committee will be allowed strictly in accordance with this protocol. You cannot demand to speak at the Committee as of right. The invitation to speak and the conduct of the meeting is at the discretion of the Chair of the Planning Committee and subject to the points set out below. The conventional protocol has been modified to allow public speaking via pre-recorded videos or to attend the meeting in person and address the Planning Committee.

Who Can Speak?

Community and Town Councils

Community and town councils can address Planning Committee via a pre-recorded video or in person at the meeting. Only elected members of community and town councils may speak. Representatives will be expected to uphold the following principles:

(i) To observe the National Code of Local Government Conduct. (ii)

Not to introduce information that is not:

- consistent with the written representations of their council, or
- part of an application, or
- contained in the planning report or file.

When a town or community councillor has registered to speak in opposition to an application, the applicant or agent will be allowed the right of reply.

Members of the Public

Speaking will be limited to one member of the public opposing a development and one member of the public supporting a development. Where there is more than one person in opposition or support, the individuals or groups should work together to establish a spokesperson. The Chair of the Committee may exercise discretion to allow a second speaker, but only in exceptional cases where a major application generates divergent views within one 'side' of the argument (e.g. a superstore application where one spokesperson represents residents and another local retailers). Members of the public may appoint representatives to speak on their behalf.

Where no agreement is reached, the right to speak shall fall to the first person/organisation to register their request. When an objector has registered to speak the applicant or agent will be allowed the right of reply.

Speaking will be limited to applications where, at the date the Planning Committee agenda is published letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee).

The number of objectors and/or supporters will be clearly stated in the officer's report for the application contained in the published agenda.

The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but less than 5 letters of objection/support have been received.

Applicants

Applicants or their appointed agents will have a right of response where members of

the public or a community/town council, have registered to address committee in opposition to an application. This will also be via a pre-recorded video or in person at the Planning Committee meeting.

When is speaking permitted?

Public speaking will normally only be permitted on one occasion where applications are considered by Planning Committee. When applications are deferred and particularly when re-presented following a committee resolution to determine an application contrary to officer advice, public speaking will not normally be permitted. Regard will however be had to special circumstances on applications that may justify an exception. The final decision lies with the Chair.

Registering Requests to Speak

Speakers must register their request to speak as soon as possible, between 12 noon on the Tuesday and 12 noon on the Friday before the Committee. To register a request to speak, objectors/supporters must first have made written representations on the application.

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk

Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline, please contact Democratic Services on 01633 644219 to check that your registration has been received.

Parties are welcome to address the Planning Committee in English or Welsh, however if speakers wish to use the Welsh language, they are requested to make this clear when registering to speak and are asked to give at least 5 working days' notice to allow the Council the time to procure a simultaneous translator.

Applicants/agents and objectors/supporters are advised to stay in contact with the case officer regarding progress on the application. It is the responsibility of those wishing to speak to check when the application is to be considered by Planning Committee by contacting the Planning Office, which will be able to provide details of the likely date on which the application will be heard. The procedure for registering the request to speak is set out above.

The Council will maintain a list of persons wishing to speak at Planning Committee. Once the request to speak has been registered by the Council the speaker, if not attending in person, must submit their pre-recorded video by midday on Monday before the Committee meeting. The video content must comply with the terms below and be no more than 4 minutes in duration. If the third party does not wish to record a video, they will need to submit a script to the Council by the deadline above, that will be read out by an officer to the Committee Members at the meeting. The script shall contain no more than 500 words and shall also comply with the terms below. Speakers will also have the option to attend the meeting in person and addressing Planning Committee.

Content of the Speeches

Comments by the representative of the town/community council or objector, supporter or applicant/agent should be limited to matters raised in their original representations and be relevant planning issues. These include:

- Relevant national and local planning policies

- Appearance and character of the development, layout and density
- Traffic generation, highway safety and parking/servicing;
- Overshadowing, overlooking, noise disturbance, odours or other loss of amenity.

Speakers should avoid referring to matters outside the remit of the Planning Committee, such as:

- Boundary disputes, covenants and other property rights
- Personal remarks (e.g. Applicant's motives or actions to date or **issues** about members or officers)
- Rights to views or devaluation of property.

Procedure at the Planning Committee Meeting

The procedure for dealing with public speaking is set out below:

- The Chairman will identify the application to be considered
- An officer will present a brief summary of the application and issues with the recommendation
- The Local Member, if not a member of Planning Committee will be invited to speak for a maximum of 4 minutes by the Chairman. The Local Member, at the discretion of the Chairman may be allowed to use their additional 2 minute summing up time at this point, if this is requested.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chairman
- The Chairman will then invite, in turn, the objector and/or supporter to speak for a maximum of 4 minutes each
- The Chairman will invite the Applicant or Appointed Agent (if applicable) to speak for a maximum of 4 minutes.
- Time limits will normally be strictly adhered to although the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking
- Speakers may speak only once
- Committee Members may then raise questions with officers
- Planning Committee Members will then debate the application, commencing with the Local Member if a member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.
- Immediately before the application is put to the vote, the Local Member will be invited to sum up, speaking for no more than 2 minutes provided that they have not already used their 2 minute summing up time.
- The community or town council representative or objector/supporter or applicant/agent may not take part in the Members' consideration of the application and may not ask questions unless invited to by the Chair
- Where an objector or supporter or applicant/agent or community or town council has spoken on an application, no further speaking by or on behalf of that group will generally be permitted in the event that the application is considered again at a future meeting of the committee, however regard will be had to special circumstances that may justify an exception. The final decision lies with the Chairman.
- The Chairman's decision regarding a procedural matter is final
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly
- When the motion has been seconded the Chairman shall identify the Members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded

- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application. Where Members attend remotely, they shall be on camera at all times during the consideration of the application to be eligible to vote.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention
- The Legal Officer shall count the votes and announce the decision.



| | |
|---|---|
| <p>Name of the Officer completing the evaluation Philip Thomas</p> <p>Phone no: 01633 644809 E-mail: philipthomas@monmouthshire.gov.uk</p> | <p>Please give a brief description of the aims of the proposal</p> <p>Submit a revision to the Council’s Planning Code of Practice</p> |
| <p>Name of Service</p> <p>Planning Services (Planning Policy and Development Management)</p> | <p>Date Future Generations Evaluation form completed</p> <p>29 January 2024</p> |

4. Are your proposals going to affect any people or groups of people with protected characteristics? Please explain the impact, the evidence you have used and any action you are taking below.

The Code of Practice is intended to guide the procedures by which Councillors ('Members') and Officers of the Council deal with planning matters and to set standards of probity and conduct expected of them. Monmouthshire County Council will seek to adopt best practice in its administration of the planning process. It recognises that the public expects the Council to subscribe to the principles of fairness, consistency and objectivity. Members of the Planning Committee have a key role in ensuring that these principles are followed and the Council has stated that the Planning system must be fair and open to all users. Elected Members are critically important in arbitrating between competing arguments.

The Town and Country Planning system involves the Council taking decisions about private proposals for the development and use of land, but in the public interest. Planning law requires that all planning applications be determined in accordance with the adopted development plan unless material planning considerations indicate otherwise. The Council must also take account of representations made by members of the public, in as far as they relate to material planning considerations.

As the planning system affects people's lives and private interests it can be very contentious. It is therefore important that members of the public understand the system and has confidence in its integrity and transparency, and that Members and Officers avoid impropriety or even the suspicion of impropriety.

| Protected Characteristics | Describe any positive impacts your proposal has on the protected characteristic | Describe any negative impacts your proposal has on the protected characteristic | What has been/will be done to mitigate any negative impacts or better contribute to positive impacts? |
|-------------------------------|---|---|---|
| Age | See statement above | None at this stage | See above |
| Disability | See statement above | None at this stage | See above |
| Gender reassignment | See statement above | None at this stage | See above |
| Marriage or civil partnership | See statement above | None at this stage | See above |
| Pregnancy or maternity | See statement above | None at this stage | See above |
| Race | See statement above | None at this stage | See above |
| Religion or Belief | See statement above | None at this stage | See above |
| Sex | See statement above | None at this stage | See above |
| Sexual Orientation | See statement above | None at this stage | See above |
| Welsh Language | <p><i>.Under the Welsh Language measure of 2011, we need to be considering Welsh Language in signage, documentation, posters, language skills etc.and also the requirement to promote the language.</i></p> <p>Welsh is treated on equal terms as English in the planning process</p> | None at this stage | See above |

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| Protected Characteristics | Describe any positive impacts your proposal has on the protected characteristic | Describe any negative impacts your proposal has on the protected characteristic | What has been/will be done to mitigate any negative impacts or better contribute to positive impacts? |
|---------------------------|---|---|---|
| Poverty | See statement above | None at this stage | See above |

2. **Does your proposal deliver any of the well-being goals below?** Please explain the impact (positive and negative) you expect, together with suggestions of how to mitigate negative impacts or better contribute to the goal. There's no need to put something in every box if it is not relevant!

| Well Being Goal | Does the proposal contribute to this goal? Describe the positive and negative impacts. | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|--|--|--|
| <p>A prosperous Wales Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p> | <p>Positive: The Code of Practice seeks to shape an efficient and engaging development management process providing support and guidance for customers to ensure the best development possible for the benefit of local communities and to protect the character and appearance of Monmouthshire. Planning can provide economic investment and growth and can protect acknowledged interests such as local amenity and townscape. Identifying areas for improvement and learning what works well elsewhere can ensure that customers are getting effective advice early in the process which is critical in securing positive outcomes and appropriate forms of development.</p> <p>Negative: None identified.</p> | <p>Better contribute to positive impacts: The Code of Practice identifies best practice to make the development management process open, responsive and efficient for our customers.</p> <p>Mitigate any negative impacts: Care will be taken to ensure the planning process is consistent, open and transparent via the processes set out in the associated report.</p> |



| Well Being Goal | Does the proposal contribute to this goal? Describe the positive and negative impacts. | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|--|---|---|
| <p>A resilient Wales Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p> | <p>Positive: An effective and efficient DM service allows case officers to consider the implications of any development on biodiversity and ecosystems at an early stage in the application process. Officers who are the decision-makers are able to consider the impacts of decisions on ecological interests. This system would not deteriorate as a result of the proposed revisions to the DM process and indeed may provide a more effective system.</p> <p>Negative: None identified.</p> | <p>Better contribute to positive impacts: The processes identified should deliver sustainable development in an open manner.</p> <p>Mitigate any negative impacts: None</p> |
| <p>A healthier Wales People's physical and mental wellbeing is maximized and health impacts are understood</p> | <p>Positive: A clear and transparent DM process would provide the opportunity for officers to add value to development proposals and provide acceptable forms of the development, which should improve Monmouthshire citizens' access to local services, such as shops, health and recreational/ play facilities, or prevent inappropriate development from harming the amenity of an area, or indeed the health of local people. Development should promote active travel to ensure it is sustainable.</p> <p>Negative: None identified.</p> | <p>Better contribute to positive impacts: The approval and delivery of development proposals in the public interest can have a positive impact on health and well-being and foster social and community pride in their communities.</p> <p>Mitigate any negative impacts: None</p> |
| <p>A Wales of cohesive communities Communities are attractive, viable, safe and well connected</p> | <p>Positive: The area of work undertaken by the Planning Team directly and indirectly influences the appearance, viability, safety and connectivity of communities via planning policy and land use planning decisions. Providing clear and effective guidance and support to customers at an early stage in the planning process is more likely to lead to</p> | <p>Better contribute to positive impacts: The timely approval and delivery of sustainable development proposals can have a positive impact on the character and appearance of an area, promote well-being and foster social and community pride.</p> <p>Mitigate any negative impacts: None</p> |




| Well Being Goal | Does the proposal contribute to this goal? Describe the positive and negative impacts. | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|---|---|---|
| | <p>positive outcomes that enable the best forms of development possible. This is critical in providing sustainable communities. Taking timely and reasonable enforcement action against inappropriate development can reduce impact on local amenity and health.</p> <p>Negative: None identified.</p> | |
| <p>A globally responsible Wales Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p> | <p>Positive: The area of work undertaken by the planning section directly and indirectly influences local social, economic and environmental well-being via planning policy and open and transparent land use planning decisions. The approval of renewable energy proposals will allow Wales to play its part in tackling the effects of climate change.</p> <p>Negative: none.</p> | <p>Better contribute to positive impacts: None</p> <p>Mitigate any negative impacts: None</p> |
| <p>A Wales of vibrant culture and thriving Welsh language Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p> | <p>Positive: Clear and transparent planning decisions promote the value and significance of the historic built environment by ensuring that it is a direct consideration in planning policy and land use planning decisions. Planning decisions generally facilitate the provision of tourist and recreation development, including playing fields and built development. The Welsh language is now a material planning consideration.</p> <p>Negative: none.</p> | <p>Better contribute to positive impacts: Timely planning decisions will ensure that proposals foster civic pride through well-designed development in historic areas or through the removal of development that has a negative impact on a heritage designation via enforcement action.</p> <p>Mitigate any negative impacts: None</p> |
| <p>A more equal Wales</p> | <p>Positive: Appropriate and timely development management decisions should bring positive</p> | <p>None.</p> |

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| Well Being Goal | Does the proposal contribute to this goal? Describe the positive and negative impacts. | What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts? |
|--|--|---|
| People can fulfil their potential no matter what their background or circumstances | <p>benefits to all members of Monmouthshire's population through policies that seek to achieve the five main aims of the Wales Spatial Plan, namely Building Sustainable Communities, Promoting a Sustainable Economy, Valuing our Environment, Achieving Sustainable Accessibility and Respecting Our Environment</p> <p>Negative: none.</p> | |

3. How has your proposal embedded and prioritised the sustainable governance principles in its development?

| Sustainable Development Principle | Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why. | Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts? |
|--|---|---|
|  <p>Long Term</p> <p>Balancing short term need with long term and planning for the future</p> | <p><i>We are required to look beyond the usual short term timescales for financial planning and political cycles and instead plan with the longer term in mind (i.e. 20+ years)</i></p> <p>The LDP covers the period 2011-21. The Council's Development Management function which makes planning decisions seeks to implement the policies of the LDP which promotes sustainable development in an open and transparent manner. By its nature, therefore, it cannot look beyond the next five-year period but the SA/SEA of the LDP would have ensured consideration of the impact on future generations. The revision to the LDP will seek to adopt land use planning policies up until 2033 taking into account the county's socio-economic challenges.</p> | <p>Ensure that the LDP and its policies have been subject to an appropriate level of scrutiny. This also applies to the current revision of the LDP.</p> |
|  <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p> | <p>Monmouthshire's Planning Service believes in working with its customers (which include not just applicants but the public, other Council departments, other local authorities, third sector agencies and businesses) to improve its offer to its customers to meet their needs. This revised document identifies a clear, fair and transparent process when making decisions on planning applications. It will be subject to scrutiny and endorsement by Members of both the Council's Standards Committee and Planning Committee. Members and officers of the Council have a specific interest in the subject to ensure that decisions are made openly and fairly in the public interest.</p> | <p>Any observations offered by Committee will be taken into account as part of the process towards embedding this document into the Councils' constitution.</p> |

| Sustainable Development Principle | Does your proposal demonstrate you have met this principle? If yes, describe how. If not explain why. | Are there any additional actions to be taken to mitigate any negative impacts or better contribute to positive impacts? |
|---|--|--|
|  <p>Involvement</p> <p>Involving those with an interest and seeking their views</p> | <p><i>Who are the stakeholders who will be affected by your proposal? Have they been involved?</i></p> <p>This document is subject to consultation with Members of the Council's Standards Committee and Planning Committee whose members have a specific interest in the subject, as well as senior officers of the Council.</p> | As above. |
|  <p>Prevention</p> <p>Putting resources into preventing problems occurring or getting worse</p> | <p>The documents aim to is to provide clear processes for the determining of planning applications in the public interest. This would ensure the public have confidence in the planning system and provide the basis for sound decisions to secure much needed sustainable development. Taking timely and reasonable enforcement action against inappropriate development can reduce impact on local amenity and health.</p> | N/A |
|  <p>Integration</p> <p>Considering impact on all wellbeing goals together and on other bodies</p> | <p><i>There is space to describe impacts on people, economy and environment under the Wellbeing Goals above, so instead focus here on how you will better integrate them and balance any competing impacts</i></p> <p>The work undertaken by the Planning Service directly relates to promoting and ensuring sustainable development and its three areas: environment, economy and society.</p> | Improvements to the DM process would facilitate the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors. |

4. Council has agreed the need to consider the impact its decisions has on the following important responsibilities: Social Justice, Corporate Parenting and Safeguarding. Are your proposals going to affect any of these responsibilities?

| | Describe any positive impacts your proposal has | Describe any negative impacts your proposal has | What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts? |
|---------------------|--|--|---|
| Social Justice | None. | None at this stage | n/a |
| Safeguarding | None. | None at this stage | n/a |
| Corporate Parenting | None. | None at this stage | n/a |

5. What evidence and data has informed the development of your proposal?

The revised Code of Practice has been written having regard to good practice as set out in the following:

- The Size and Composition of Local Planning Authority Committees (Wales) Regulations 2017
- Welsh Government Consultation – summary of responses and government response: Planning committees, delegation and joint planning boards, March 2017

6. SUMMARY: As a result of completing this form, what are the main positive and negative impacts of your proposal, how have they informed/changed the development of the proposal so far and what will you be doing in future?

.This section should summarise the key issues arising from the evaluation. This summary must be included in the Committee report template

The work undertaken by the Council’s Planning Service, and in particular the Development Management function, directly relates to promoting and ensuring sustainable development. The updated Planning Code of Practice should provide public confidence in the operation of the service in the transparent and fair processing of applications and in the enforcing of planning matters, and to engage with customers at an early stage of the planning process to ensure the most appropriate forms of development are approved within Monmouthshire. The planning process promotes sustainable forms of development, helping to create jobs and investment, while protecting material interests such as amenity, public safety and biodiversity.

7. ACTIONS: As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable.

| What are you going to do | When are you going to do it? | Who is responsible |
|---|------------------------------|---|
| See recommendations of associated report. | February 2024 | The authors of this report; Legal Services |

8. VERSION CONTROL: The Equality and Future Generations Evaluation should be used at the earliest stage, such as informally within your service, and then further developed throughout the decision-making process. It is important to keep a record of this process to demonstrate how you have considered and built in equality and future generations considerations wherever possible.

| Version No. | Decision making stage | Date considered | Brief description of any amendments made following consideration |
|-------------|-----------------------|------------------|--|
| 01 | Planning Committee | 06 February 2024 | |
| | | | |

2024-02-06

| Reference Number | Appeal Site Address | Description of Development | Reason for Appeal | Appeal Type | Date Lodged |
|------------------|---|---|------------------------|-------------------------|-------------|
| DM/2023/00377 | Wisteria Lodge Sandy Lane Caerwent Brook Caerwent Monmouthshire NP26 5BB | Modification of conditions 3, 4 and 5 relating to application DC/2017/00078. | Appeal against Refusal | Written Representations | 8-Nov-23 |
| DM/2020/01850 | Fairview Manson Lane Manson Monmouth Monmouthshire NP25 5QZ | The lawful use of the land for residential amenity and leisure use ancillary to Fairview, Manson. | Appeal against Refusal | Written Representations | 7-Nov-23 |
| DM/2023/01210 | The Cedars Chapel Lane Pwllmeyric Monmouthshire NP16 6LE | Proposed double garage with craft room over. (Replacement of application DC/2018/00183, Rev A). | Appeal against Refusal | Written Representations | 28-Nov-23 |

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