

# Public Document Pack



**Neuadd y Cyngor  
Y Rhadyr  
Brynbuga  
NP15 1GA**

**County Hall  
Rhadyr  
Usk  
NP15 1GA**

**Monday, 22 February 2016**

**Notice of meeting:**

## **Planning Committee**

**Tuesday, 1st March, 2016 at 2.00 pm,  
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA**

### **AGENDA**

<b>Item No</b>	<b>Item</b>	<b>Pages</b>
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 6
4.	<b>MONMOUTHSHIRE CONSERVATION AREAS REVIEW OF DESIGNATED CONSERVATION AREAS.</b>	7 - 32
5.	<b>MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RENEWABLE ENERGY AND ENERGY EFFICIENCY SUPPLEMENTARY PLANNING GUIDANCE.</b>	33 - 300
6.	<b>MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE.</b>	301 - 440
7.	To consider the following Planning Application reports from the Chief Officer - Enterprise (copies attached):	
7.1.	<b>DC/2014/01065 - DEMOLITION OF BUNGALOW, PARTIAL DEMOLITION OF EXISTING POULTRY UNITS, AND PROPOSED RETAIL / COMMERCIAL DEVELOPMENT TO PROVIDE 4 UNITS, ACCESS ARRANGEMENTS, CAR PARKING AND ASSOCIATED WORKS.</b>	441 - 456
7.2.	<b>DC/2014/01533 - DETACHED DWELLING AND LAYBY PARKING SITE ADJACENT TO LION COTTAGE, TRELLECH ROAD, LLANDO.</b>	457 - 466

7.3.	<b>DC/2015/01260 - A CHANGE OF USE TO A WEDDING VENUE. DEMOLITION OF GARAGE WITHIN STABLE BLOCK AND EXTENSION BY ROOFING OVER AND ENCLOSING COURTYARD, ALTERATION OF STABLE AND COACH HOUSE BUILDINGS, CREATION OF NEW LINK BACK INTO EXISTING HOUSEST TEWDRIC'S HOUSE, MATHERN ROAD, CHEPSTOW NP16 6HX.</b>	467 - 480
7.4.	<b>DC/2015/01542 - THE INSTALLATION OF A FREESTANDING 7M HIGH TOTEM SIGN WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST.</b>	481 - 486
7.5.	<b>DC/2016/00107 - DEVELOPMENT OF 3,340 SQ M OF COMMERCIAL (B1 &amp; B8) FLOORSPACE, STORAGE YARD, PARKING AND DEMOLITION OF EXISTING FARM BUILDINGS. LAND AT WONASTOW ROAD, MONMOUTH, NP25 5JA.</b>	487 - 508
8.	<b>FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:</b>	
8.1.	<b>The Two Rivers, Hilltop, Newport Road, Chepstow.</b>	509 - 510
8.2.	<b>Land Adjacent to No.1 Greenfield, Caldicot.</b>	511 - 514
8.3.	<b>Tyr Berllan, Llangwm, Usk.</b>	515 - 520

**Paul Matthews**

**Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL  
CYNGOR SIR FYNWY

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillors:

R. Edwards  
P. Clarke  
D. Blakebrough  
D. Dovey  
D. Edwards  
D. Evans  
R. Harris  
B. Hayward  
J. Higginson  
P. Murphy  
M. Powell  
B. Strong  
F. Taylor  
P. Watts  
A. Webb  
A. Wintle

## Public Information

**Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon the day before the meeting. Details regarding public speaking can be found within this agenda or is available here [Public Speaking Protocol](#)**

### Access to paper copies of agendas and reports

A copy of this agenda and relevant reports can be made available to members of the public attending a meeting by requesting a copy from Democratic Services on 01633 644219. Please note that we must receive 24 hours notice prior to the meeting in order to provide you with a hard copy of this agenda.

### Watch this meeting online

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### Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with adequate notice to accommodate your needs.

# Aims and Values of Monmouthshire County Council

## Sustainable and Resilient Communities

### Outcomes we are working towards

#### **Nobody Is Left Behind**

- Older people are able to live their good life
- People have access to appropriate and affordable housing
- People have good access and mobility

#### **People Are Confident, Capable and Involved**

- People's lives are not affected by alcohol and drug misuse
- Families are supported
- People feel safe

#### **Our County Thrives**

- Business and enterprise
- People have access to practical and flexible learning
- People protect and enhance the environment

### Our priorities

- Schools
- Protection of vulnerable people
- Supporting Business and Job Creation
- Maintaining locally accessible services

### Our Values

- **Openness:** we aspire to be open and honest to develop trusting relationships.
- **Fairness:** we aspire to provide fair choice, opportunities and experiences and become an organisation built on mutual respect.
- **Flexibility:** we aspire to be flexible in our thinking and action to become an effective and efficient organisation.
- **Teamwork:** we aspire to work together to share our successes and failures by building on our strengths and supporting one another to achieve our goals.

## **Purpose**

The purpose of the attached reports and associated officer presentation to the Committee is to allow the Planning Committee to make a decision on each application in the attached schedule, having weighed up the various material planning considerations.

The Planning Committee has delegated powers to make decisions on planning applications. The reports contained in this schedule assess the proposed development against relevant planning policy and other material planning considerations, and take into consideration all consultation responses received. Each report concludes with an officer recommendation to the Planning Committee on whether or not officers consider planning permission should be granted (with suggested planning conditions where appropriate), or refused (with suggested reasons for refusal).

Under Section 38(6) of the Planning and Compulsory Purchase Act 2004, all planning applications must be determined in accordance with the Monmouthshire Local Development Plan 2011-2021 (adopted February 2014), unless material planning considerations indicate otherwise.

The decisions made are expected to benefit the County and our communities by allowing good quality development in the right locations, and resisting development that is inappropriate, poor quality or in the wrong location. There is a direct link to the Council's objective of building sustainable, resilient communities.

## **Decision-making**

Applications can be granted subject to planning conditions. Conditions must meet all of the following criteria:

- Necessary to make the proposed development acceptable;
- Relevant to planning legislation (i.e. a planning consideration);
- Relevant to the proposed development in question;
- Precise;
- Enforceable; and
- Reasonable in all other respects.

Applications can be granted subject to a legal agreement under Section 106 of the Town and Country Planning Act 1990 (as amended). This secures planning obligations to offset the impacts of the proposed development. However, in order for these planning obligations to be lawful, they must meet all of the following criteria:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The applicant has a statutory right of appeal against the refusal of permission in most cases, or against the imposition of planning conditions, or against the failure of the Council to determine an application within the statutory time period. There is no third party right of appeal against a decision.

The Planning Committee may make decisions that are contrary to the officer recommendation. However, reasons must be provided for such decisions, and the decision must be based on the Local Development Plan (LDP) and/or material planning considerations. Should such a decision be challenged at appeal, Committee Members will be required to defend their decision throughout the appeal process.

## **Main policy context**

The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

### Policy EP1 - Amenity and Environmental Protection

Development, including proposals for new buildings, extensions to existing buildings and advertisements, should have regard to the privacy, amenity and health of occupiers of neighbouring properties. Development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk:

- Air pollution;
- Light or noise pollution;
- Water pollution;
- Contamination;
- Land instability;
- Or any identified risk to public health or safety.

### Policy DES1 – General Design Considerations

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. Development proposals will be required to:

- a) 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 and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;
- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Other key relevant LDP policies will be referred to in the officer report.

Supplementary Planning Guidance (SPG):

The following Supplementary Planning Guidance may also be of relevance to decision-making as a material planning consideration:

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Trellech Conservation Area Appraisal (April 2012)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Draft Affordable Housing (July 2015)
- Draft Renewable Energy and Energy Efficiency (December 2014)
- Draft Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements
- Draft Primary Shopping Frontages (June 2015)

### National Planning Policy

The following national planning policy may also be of relevance to decision-making as a material planning consideration:

- Planning Policy Wales (PPW) Edition 8 (January 2016)
- PPW Technical Advice Notes (TAN):
- TAN 1: Joint Housing Land Availability Studies (2014)
- TAN 2: Planning and Affordable Housing (2006)
- TAN 3: Simplified Planning Zones (1996)
- TAN 4: Retailing and Town Centres (1996)
- TAN 5: Nature Conservation and Planning (2009)
- TAN 6: Planning for Sustainable Rural Communities (2010)
- TAN 7: Outdoor Advertisement Control (1996)
- TAN 8: Renewable Energy (2005)
- TAN 9: Enforcement of Planning Control (1997)
- TAN 10: Tree Preservation Orders (1997)
- TAN 11: Noise (1997)
- TAN 12: Design (2014)
- TAN 13: Tourism (1997)
- TAN 14: Coastal Planning (1998)
- TAN 15: Development and Flood Risk (2004)
- TAN 16: Sport, Recreation and Open Space (2009)
- TAN 18: Transport (2007)
- TAN 19: Telecommunications (2002)
- TAN 20: The Welsh Language (2013)
- TAN 21: Waste (2014)
- TAN 23: Economic Development (2014)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

### **Other matters**

The following other legislation may be of relevance to decision-making.

## Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process.

The adopted Monmouthshire Local Development Plan (LDP) 2014 was subject to a sustainability appraisal, taking account of the full range of social, environmental and economic considerations, including the Welsh language. Monmouthshire has a relatively low proportion of population that speak, read or write Welsh compared with other local authorities in Wales and it was not considered necessary for the LDP to contain a specific policy to address the Welsh language. The conclusion of the assessment of the likely effects of the plan on the use of the Welsh language in the community was minimal.

## Environmental Impact Assessment Regulations 1999

The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 as amended by the Town and Country Planning (Environmental Impact Assessment) (Amendment) (Wales) Regulations 2008 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

## Conservation of Species & Habitat Regulations 2010

Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. Examples of EPS are all bat species, dormice and great crested newts. When considering planning applications Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests are set out below.

- (i) The derogation is in the interests of public health and public 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.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned by a favourable conservation status in their natural range.

## Well-being of Future Generations (Wales) Act 2015



This Act is about improving the social, economic, environmental and cultural well-being of Wales. The Act sets out a number of well-being goals:

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;
- **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;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

- **Long term:** balancing short term need with long term and planning for the future;
- **Collaboration:** working together with other partners to deliver objectives;
- **Involvement:** involving those with an interest and seeking their views;
- **Prevention:** putting resources into preventing problems occurring or getting worse;
- **Integration:** positively impacting on people, economy and environment and trying to benefit all three.

The work undertaken by Local Planning Authority directly relates to promoting and ensuring sustainable development and seeks to strike a balance between the three areas: environment, economy and society.

### Crime and Disorder Act 1998

Section 17(1) of the Crime and Disorder Act 1998 imposes a duty on the Local Authority to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area. Crime and fear of crime can be a material planning consideration. This topic will be highlighted in the officer report where it forms a significant consideration for a proposal.

### Equality Act 2010

The Equality Act 2010 contains a public sector equality duty to integrate consideration of equality and good relations into the regular business of public authorities. The Act identifies a number of 'protected characteristics': age; disability; gender reassignment; marriage and civil partnership; race; religion or belief; sex; and sexual orientation. Compliance is intended to result in better informed decision-making and policy development and services that are more effective for users. In exercising its functions, the Council must have due regard to the need to: eliminate unlawful discrimination, harassment, victimisation and other conduct that is prohibited by the Act; advance equality of opportunity between persons who share a protected characteristic and those who do not; and foster good relations between persons who share a protected characteristic and those who do not. Due regard to advancing equality involves: removing or minimising disadvantages suffered by people due to their protected characteristics; taking steps to meet the needs of people from protected groups where these differ from the needs of other people; and encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low.

## Children and Families (Wales) Measure

Consultation on planning applications is open to all of our citizens regardless of their age: no targeted consultation takes place specifically aimed at children and young people. Depending on the scale of the proposed development, applications are publicised via letters to neighbouring occupiers, site notices, press notices and/or social media. People replying to consultations are not required to provide their age or any other personal data, and therefore this data is not held or recorded in any way, and responses are not separated out by age.

## **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.

### **Who Can Speak**

#### Community and Town Councils

Community and town councils can address Planning Committee. 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.

#### 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 can 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 letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations. The Chair may exercise discretion to allow speaking by members of the public where an application may significantly affect a sparse rural area but fewer 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, address Committee. 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.

### **Registering Requests to Speak**

To register a request to speak, objectors/supporters must first have made written representations on the application. They must include in their representation their request to speak or subsequently register it with the Council.

**Applicants, agents and objectors 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 whether the application is to be considered by Planning Committee by contacting the Planning Office, who 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 below.**

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](mailto:registertospeak@monmouthshire.gov.uk). 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.

Speakers must do this as soon as possible, between 12 noon on the Wednesday and 12 noon on the Monday before the Committee. Please leave a daytime telephone number.

The Council will maintain a list of persons wishing to speak at Planning Committee.

### **Procedure at the Planning Committee Meeting**

Persons registered to speak should arrive no later than 15 minutes before the meeting starts. An officer will advise on seating arrangements and answer queries. The procedure for dealing with public speaking is set out below;

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- The representative of the community or town council will then be invited to speak for a maximum of 4 minutes by the Chair.
- The Chairman will then invite the applicant or appointed agent (if applicable) to speak for a maximum of 4 minutes. Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair be entitled to speak for a maximum of 5 minutes.
- Time limits will normally be strictly adhered to, however 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.
- Planning Committee members will then debate the application, commencing with the local member of Planning Committee.
- Response by officers if necessary to the points raised.
- Immediately before the question being put to the vote, the local member will be invited to sum up, speaking for no more than 2 minutes.
- The community or town council representative or objector/supporter or applicant/agent may not take part in the member's consideration of the application and may not ask questions unless invited by the chair.
- Where an objector/supporter, applicant/agent or community/town council has spoken on an application, no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the committee unless there has been a material change in the application.
- The Chair or a member of the Committee, may at the Chair's discretion, occasionally seek clarification on a point made.
- The Chair's decision is final.
- When proposing a motion whether 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 Chair 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.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

## **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 about members or officers)
- Rights to views or devaluation of property.

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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 on Tuesday, 2nd  
February, 2016 at 2.00 pm**

**PRESENT:** County Councillor R. Edwards (Chairman)  
County Councillor P. Clarke (Vice Chairman)

County Councillors: D. Blakebrough, D. Dovey, D. Edwards,  
D. Evans, R. Harris, B. Hayward, P. Murphy, M. Powell, B. Strong,  
F. Taylor, P. Watts, A. Webb and A. Wintle

### **OFFICERS IN ATTENDANCE:**

Philip Thomas	Development Services Manager
Robert Tranter	Head of Legal Services & Temporary Monitoring Officer
Mark Hand	Head of Planning
Richard Williams	Democratic Services Officer

### **APOLOGIES:**

Councillors J. Higginson

### **2. Declarations of Interest.**

Planning Application DC/2015/01174 - County Councillor P.R. Clarke declared a personal and prejudicial interest pursuant to the Members' Code of Conduct as he is a Monmouthshire Housing Association Board Member. He left the meeting taking no part in the discussion or voting thereon.

Planning Application DC/2015/01174 - County Councillor D. Evans declared a personal and prejudicial interest pursuant to the Members' Code of Conduct as he is a tenant of Monmouthshire Housing Association and Committee Member. He left the meeting taking no part in the discussion or voting thereon.

Planning Application DC/2015/01174 - County Councillor A. Webb declared a personal and prejudicial interest pursuant to the Members' Code of Conduct as she is a Monmouthshire Housing Association Board Member. She left the meeting taking no part in the discussion or voting thereon.

Planning Application DC/2015/01174 - County Councillor A.M. Wintle declared a personal and prejudicial interest pursuant to the Members' Code of Conduct as he is a Monmouthshire Housing Association Board Member. He left the meeting taking no part in the discussion or voting thereon.

Planning Application DC/2015/01019 – County Councillor P. Murphy declared a personal and prejudicial interest pursuant to the Members' Code of Conduct due to his knowledge of the applicant. He left the meeting taking no part in the discussion or voting thereon.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd February, 2016 at 2.00 pm

#### **3. To confirm for accuracy the minutes of the previous meeting.**

The minutes of the Planning Committee meeting held on 5<sup>th</sup> January 2016 were confirmed and signed by the Chairman.

#### **4. Monmouthshire Local Development Plan Affordable Housing Supplementary Planning Grant.**

We considered the report regarding the draft Supplementary Planning Guidance (SPG) on Affordable Housing to support the policies of the Monmouthshire Local Development Plan (LDP).

In doing so, concern was expressed that Members had not had sufficient time to consider the document, due to its size, before it is presented to Cabinet on 3<sup>rd</sup> February 2016.

Having discussed the matter it was proposed that the Head of Planning should arrange for a seminar to be held, as soon as possible, regarding this matter for Planning Committee Members, with an invitation being extended for all Members to attend. A report regarding this matter could then be presented to Planning Committee at its March 2016 meeting.

We resolved:

- (i) to defer consideration of the Draft Supplementary Planning Guidance (SPG) on Affordable Housing;
- (ii) that the Head of Planning would arrange for a seminar to be held, as soon as possible, regarding this matter for Planning Committee Members, with an invitation being extended for all Members to attend;
- (iii) following the seminar, the report regarding the draft Supplementary Planning Guidance (SPG) on Affordable Housing would be presented to the March 2016 Planning Committee.

#### **5. Monmouthshire Local Development Plan: Community Infrastructure Levy.**

We considered the report regarding the results of the recent consultation on a Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS).

In doing so, the following points were noted:

- There was a financial incentive for the Authority to adopt the Community Infrastructure Levy.
- In response to concerns raised regarding surface drainage issues at the Wonastow Road and Drewen Sites, it was noted that the Wonastow Road site has been approved with Section 106 funding. Therefore, the surface drainage issues would be addressed. Although it is expected that the Drewen Farm site would receive planning permission after CIL is adopted, the surface water drainage is a site-specific requirement that needs to be addressed to bring the site forward. This matter would therefore still be addressed via Section 106 rather than through CIL.



## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd February, 2016 at 2.00 pm

Having considered the report, we resolved to note its content and endorse the Draft Charging Schedule, with a view to issuing for consultation purposes and to recommend to Cabinet and Council accordingly.

#### **6. To consider the following Planning application reports from the Chief Officer - Enterprise (copies attached):**

##### **6.1. DC/2013/00601 - The development of four detached dwellings on an infill site within the settlement boundary of Undy/Magor; The Elms, Church Road, Undy.**

We considered the report of the application which was recommended for approval subject to the 13 conditions as outlined in the report and subject to a further condition as outlined in late correspondence.

Concern was expressed regarding the close proximity of the proposed development to the ancient monument. It was noted that a condition in late correspondence would control the rear boundary treatment and an informative would be added referring to Cadw's advice to ensure the integrity of the Scheduled Ancient Monument (SAM) to the immediate north east of the application site was protected.

It was also considered that the roofs of the proposed three dwellings should be in keeping with the surrounding properties.

It was proposed by County Councillor F. Taylor and seconded by County Councillor D. Evans that application DC/2013/00601 be approved subject to the 13 conditions as outlined in the report and subject to a further condition as outlined in late correspondence.

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

For approval	-	15
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2013/00601 be approved subject to the 13 conditions as outlined in the report and subject to a further condition as outlined in late correspondence.

##### **6.2. DC/2015/01019 - Full planning permission for the proposed erection of a single dwelling; The Mount, Parc Road, Coed-Y-Paen, Monmouthshire, NP4 0SY.**

We considered the report of the application which was presented for refusal for the reason, as outlined in the report.

Councillor G. Rogers, Chair of Llanybi Community Council, attending the meeting by invitation of the Chairman, outlined the following points:

- Four times in the past the proposal to erect a dwelling on this site has been refused.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd February, 2016 at 2.00 pm**

- The undeveloped and open nature of the site provides an attractive and significant contribution to the character and appearance of the centre of the village. Previous decisions were consistent with this regard.
- The design of the proposed building is not the issue. Planning Policies state that there should be regard for the character and appearance of the surrounding area contributing and enhancing the distinctive local landscape and historical and cultural heritage including natural and man-made elements.
- There were sites within the village that would be better suited for development.
- The small open space at the centre of the village was important to the village and not suitable for development.
- In light of this information the Community Council supports the recommendation of the report to refuse the application.

The applicant's agent, Mr. M. Roberts, attending the meeting by invitation of the Chairman, outlined the following points:

- The report states that officers were satisfied that there was safe vehicular access, and parking arrangements could be added to this scheme.
- There was no issue and no dispute that adequate separation distances and amenity standards would be safeguarded to adjacent residential properties.
- Officers were also satisfied that the design, scale and detailing of the proposed cottage was in keeping with its surroundings.
- The only dispute was the location of the cottage, which was substantially different to the previous schemes which were subject to two previous applications, not four.
- The current scheme would be re-positioned to the edge of the site and not in the centre, retaining a much larger area of undeveloped land. Therefore achieving the retention of the focal point of the village.
- The site was privately owned with no public access.
- Development of the site would allow conditions to be imposed in terms of landscaping and the applicant was prepared to accept conditions established via the Planning Committee.
- The applicant would also be content to look at the levels of the property and the local area to make it more accessible to the public and the local community.
- The proposed cottage would be set further back from the road and the driveway to the cottage could be constructed of a grasscrete material.
- This application was substantially different to the previous scheme and the applicant considered that this scheme overcomes the previous application's reason for refusal as it was compliant with Planning Policies and was therefore suitable for approval.

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd February, 2016 at 2.00 pm

The local Member for Llanybi Fawr, also a Planning Committee Member, considered that the centre of the village was not a suitable location for the proposed scheme and agreed with the officer recommendation that the application be refused, as outlined in the report.

The majority of the Committee expressed their support for the officer recommendation to refuse the application for the reason outlined in the report. However, one Member expressed their support for the application as it would open up the centre of the village in a more attractive way.

It was therefore proposed by County Councillor P.R. Clarke and seconded by County Councillor A. Webb that application DC/2015/01019 be refused for the reason as outlined in the report.

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

For refusal	-	13
Against refusal	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01019 be refused for the reason as outlined in the report.

#### **6.3. DC/2015/01174 - Construction of 12 retirement apartments (C3 use), 5 supported living apartments (C2 use) and associated works; Old Hereford Road Abergavenny.**

We considered the report of the application which was recommended for approval subject to the nine conditions as outlined in the report.

Planning Committee Members expressed their support for the application and it was proposed by County Councillor R.G. Harris and seconded by County Councillor M. Powell that application DC/2015/01174 be approved subject to the nine conditions as outlined in the report.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DC/2015/01174 be approved subject to the nine conditions as outlined in the report.

#### **7. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:**

County Councillors D. Evans, D.L. Edwards and A.M. Wintle left the meeting and did not return.

##### **7.1. Steel Barn, Cwmdowlais Farm, Llanbadoc.**

We received the Planning Inspectorate report which related to an appeal decision following a site visit on 12th November 2015, site Steel Barn, Cwmdowlais Farm, Llanbadoc, Usk, Monmouthshire NP15 1TP.

The appeal had been dismissed.

## **MONMOUTHSHIRE COUNTY COUNCIL**

### **Minutes of the meeting of Planning Committee held at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 2nd February, 2016 at 2.00 pm**

#### **7.2. Cwm Newydd, Rockfield, Monmouth.**

We received the Planning Inspectorate report which related to an appeal decision following a site visit on 20th October 2015, site Cwm Newydd, Rockfield, Monmouth, Monmouthshire, NP25 5QE.

The appeal had been dismissed.

#### **7.3. Appeals received from 18th December 2015 to 21st January 2016.**

We received details of new appeals received from 18<sup>th</sup> December 2015 to 21<sup>st</sup> January 2016.

We resolved to receive the report and noted its content.

**The meeting ended at 4.10 pm**

**SUBJECT: MONMOUTHSHIRE CONSERVATION AREAS  
REVIEW OF DESIGNATED CONSERVATION AREAS**

**MEETING: PLANNING COMMITTEE**

**DATE: 1<sup>st</sup> March 2016**

**DIVISION/WARDS AFFECTED: All**

## 1. PURPOSE:

- 1.1 Further to Planning Committee on 5<sup>th</sup> January, the purpose of this report is:
- To seek Planning Committee's endorsement of the Conservation Area Appraisals as amended in the light of the public consultation, with a view to them being formally adopted as SPG in connection with the Monmouthshire LDP;
  - To note further work required including consideration of the need for Article 4 Directions and of potential new conservation areas in Abergavenny and Chepstow.

## 2. RECOMMENDATIONS:

- 2.1 Recommendations to Planning Committee are:
- To note the officer responses to the comments received during the public consultation;
  - To endorse the adoption of the amended Conservation Area Appraisals as Supplementary Planning Guidance by the Cabinet Member. These amendments are summarised below;
  - To endorse further work regarding Article 4 Directions and to further consider an additional conservation area in Abergavenny and in Chepstow, with the necessary associated public consultation process.

The principal amendments referred to above are:

<b>Abergavenny</b>	Inclusion of east end of Avenue Road and north end of Pen-y-pound Inclusion of North Street and Orchard Street Inclusion of land on Brecon Road west of roundabout Inclusion of Windsor Road and adjoining part of Western Road  Exclusion of the part of Llanover Way currently in Conservation Area
<b>Caerwent</b>	Exclusion of Caerwent Gardens and Vicarage Gardens
<b>Chepstow</b>	Inclusion of Sunnybank Nursery Building, Regent Way  Exclusion of Mount Way Exclusion of Tesco superstore and car park Exclusion of Garden City Way
<b>Llandogo</b>	Inclusion of the hamlet of Cleddon, to west

<b>Magor</b>	Addition of small area to of land to east of Mill House Exclusion of Wheatsheaf Court, Withy Walk, Withy Close, The Meadow, The Lawns and Chestnut Close Exclusion of Church in Wales Primary School and associated land Exclusion of housing to south of Primary School fields Exclusion of housing to south of St Mary's Church and Court Farm
<b>Mathern</b>	Exclusion of Parklands Close, opposite Mathern Crescent
<b>Monmouth</b>	Inclusion of Monnow Mill House, Cemetery, Brooklands and adjacent land along west side of Hereford Road, north of Girls' School Inclusion of land on Wonastow Road west of Drybridge House Inclusion of two properties on Goldwire Lane.
<b>Raglan</b>	Exclusion of Primary School
<b>Shirenewton</b>	Inclusion of Tan House and Lower House, Mouton Road Inclusion of land to south of Home Court Farm to include more of the setting of Shirenewton Hall Exclusion of Newton Estate to north side of Earlswood Road
<b>Usk</b>	Inclusion of area of Usk Woodside on west bank of River Usk Inclusion of area along former railway line to north of Castle Inclusion of Chepstow Road from former Greyhound Inn to Meadow Cottages

### 3. KEY ISSUES:

#### 3.1 Background Legislation and Policy

The Planning (Listed Building and Conservation Areas) Act 1990 (S.69) imposes a duty on local authorities to review their areas "from time to time" and to consider whether further designation of conservation areas is called for.

A Conservation Area is defined in the Act as an "area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance". A conservation area is more than a cluster of buildings of interest – special quality and interest can also be derived from surviving historic street patterns.

The reason for periodic reviews being necessary is that over time development can affect the character of an area and the way places are valued can change.

Paragraph 1.19 of the Adopted Local Development Plan commits to providing Conservation Area Appraisals as accompanying Supplementary Planning Guidance.

Planning Policy Wales, Chapter 2, edition 8 (January 2016) says:

*"2.4.1 - LDPs should contain sufficient policies and proposals to provide the basis for deciding planning applications while avoiding excessive detail. They should not repeat national planning policy. Selective use of supplementary planning guidance (SPG) is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP are to be interpreted and applied in particular circumstances or areas."*

*"2.4.3 - SPG does not form part of the development plan but it must be consistent with the plan and with national policy. It must derive from and be clearly cross referenced*

*to a generic LDP policy, specific policies for places, and/or – in the case of a masterplan or site brief – a plan allocation. SPG cannot be linked to national planning policy alone; there must be an LDP policy or policy criterion that provides the development plan ‘hook’, whilst the reasoned justification provides clarification of the related national policy. The LDP should note which policies are supplemented by SPG.”*

*“2.4.4 - Only the policies in the development plan have special status under Section 38(6) of the 2004 Act in deciding planning applications but SPG may be taken into account as a material consideration. In making decisions on matters that come before it, the Welsh Government and the Planning Inspectorate will give substantial weight to approved SPG which derives from and is consistent with the development plan, and has been the subject of consultation.”*

### 3.2 Monmouthshire’s Conservation Areas

Monmouthshire has 31 Conservation Areas, most of which were designated in the 1970s but apart from a partial review of Abergavenny c.2000, only Trellech has been appraised. They cover 1,648 hectares in total. They form part of a suite of heritage designations in the county including 2,200 Listed Buildings, 169 Scheduled Monuments, 44 Registered Historic Parks and Gardens and 3 Landscapes of Outstanding Historic Interest as well as part of the Blaenavon Industrial Landscape World Heritage Site.

### 3.3 Resourcing the Conservation Area Appraisals to date

The progress with Conservation Area Appraisals had long been recognised as a priority. Having completed the review of Trellech Conservation Area in-house it was agreed that the amount of time required necessitated bringing in additional resource. It was not until in 2009 a Planning Improvement Grant was secured from Welsh Government that Monmouthshire County Council was able to commission consultants to carry out Appraisals. The budget did not allow for all 31 areas to be reviewed but the following 18 conservation areas were selected as the priorities:

Abergavenny	Llandogo	Raglan
Caerwent	Llanover	St Arvans
Chepstow	Llantilio Crossenny	Shirenewton
Grosmont	Magor	Tintern
Llanarth	Mathern	Usk
Llandenny	Monmouth	Whitebrook

Tenders were invited and CDN was appointed in 2009 and the work completed in 2012, fully funded by a Welsh Government grant. The delay in going out to public consultation was a consequence of a period of limited resources to progress the project.

### 3.4 Public Consultations September 2015

Public consultation included a series of drop-in meetings where members of the public could come and see the plans displayed, view the draft appraisal documents and discuss issues with officers, primarily the Heritage team. The draft appraisals were also made available on the Council’s website. County Councillors and all Community and Town Councils were notified of the consultation and drop-in meetings, the events and consultation were publicised via the Council’s website and Twitter, and site notices were displayed in the areas where changes to the Conservation boundaries are proposed. Some County Councillors assisted with further publicity, for example at the Shirenewton Village Fete. Other known interest groups were also notified directly, such as Civic Societies and Whole Place teams.

Meetings were held as follows:

Usk 3<sup>rd</sup> September (*Usk, Raglan, Llandenny*)

Chepstow 7<sup>th</sup> September (*Chepstow, Tintern, St Arvans, Llandogo, Mathern*)

Abergavenny 9<sup>th</sup> September (*Abergavenny, Llantilio Crossenny, Llanover, Llanarth*)

Monmouth 16<sup>th</sup> September (*Monmouth, Grosmont, Whitebrook*)

Caldicot 29<sup>th</sup> September (*Magor, Shirenewton, Caerwent*)

Magor 19<sup>th</sup> October (extra meeting to respond to concerns that few local people attended the consultation at Caldicot)

The primary focus was to seek local views on the existing and proposed boundaries. Comments could be made verbally, by email, through completing pro-formas or through longer letters and representations. The consultation ended on 31<sup>st</sup> October.

Attendance at the consultations was variable:

Usk (26); Chepstow (39); Abergavenny (41); Monmouth (18); Caldicot (15) and Magor (16), making a total of 155 attendees.

### 3.5 Summary of Consultations received

All comments, completed pro-formas, emails and letters have been considered by the Heritage Management team.

There were 96 consultation responses. Most comments were supportive of the process and of the way staff conducted the various events. The majority of comments were either providing typographical or factual corrections or were focusing on a specific issue related to their own property.

Specific comments to note or to be actioned are identified in the next section. This highlights the key issues raised. It does not report factual errors or typos that have been duly corrected. It also does not report other matters raised but not relevant to conservation area designation, e.g. the need for more dog waste bins.

### 3.6 Specific comments received and initial responses / proposed action to be taken

<b>Conservation Area</b>	<b>Subject of consultation response</b>	<b>Recommended action</b>
<b>Abergavenny</b>	One comment expressed concern at the number of empty buildings owned by Monmouthshire County Council	Officers to investigate what empty properties MCC owns in Abergavenny and explore if they are eligible for the Town Centre Loan Scheme.
	One comment expressed concern about the gradual erosion of historic character through window and door changes and removal of chimneys	Officers to explore the potential for, and resource implications of, an Article 4 Direction to remove Permitted Development Rights on these aspects of the Conservation Area.
	Cllr Tatum supports the extension of the area to include the former railway	Include but modify consultant's recommendation by removal of modern building at roundabout as



	barracks.	it has no historic merit.
	Cllr Edwards recommended that Oxford Street, Richmond Road and Priory Street should be included as should Bailey Park.	Officers to consider whether this historic character is best protected through an extension of the existing conservation area or the creation of a specific new one. Members to note that the extended area marked by Cllr Edwards on an accompanying plan also includes the former Cattle Market site, decisions about which have already been made.
	<p>Abergavenny Civic Society</p> <p>The Society welcomed the Appraisal which they “regard as sound, perceptive and interesting”. They also say that “awareness of its content has already been valuable as a context for our own [i.e. ACS] characterisation study of the entire urban area”.</p> <p>However their main criticism is that the consultants “have failed to provide adequate guidance on how development proposals may satisfy policy HE1.”</p> <p>The society also expressed concern at the delay since the preparation of the drafts and the missed opportunity for the appraisal to have informed a number of planning decisions in the intervening period.</p> <p>They support the boundary changes with one exception – that the extension to include the railway yard area south of Brecon Road should be reviewed as since the preparation of the draft there has been clearance of buildings and redevelopment which has affected its character.</p> <p>They also ask</p>	<p>Recommended that the Appraisal can adequately inform future development proposals as it stands</p> <p>Heritage Managers to review this proposed extension. Its character is mixed with some out of keeping modern buildings. It may now be appropriate to remove this whole area from the proposed conservation area.</p>

	<p>additional areas are considered (these are shown in ACS annotated map at Appendix 1):</p> <p>a) area between Hereford Road and Ross Road on account of its character deserving of conservation area status;</p> <p>b) area immediately to the north of this (north of old railway)</p> <p>c) Lansdown Road</p> <p>d) northern part of Pen-y-pound including some listed buildings</p> <p>e) Belgrave Road extension</p> <p>In addition they ask that Bailey Park be included.</p> <p>Re Article 4 Directions the Society supports recommendations for them but feels the Appraisal offers insufficient detail</p>	<p>This comment was also made by Cllr Edwards - the recommended action is as above for officers to survey and advise on conservation area merit. Initial findings are that this area meets the criteria of being an area of special architectural and historic interest.</p> <p>Officers to survey and advise – initial view is the case for extension here is less clear than it is for the preceding area as the character is later and less significant.</p> <p>Officers to survey and advise – initial view is that this is detached from the existing area and the potential Hereford Rd/Ross Rd area and whilst the road retains good character it may not be of sufficient quality in itself to merit designation as a stand-alone conservation area.</p> <p>Officers to survey and advise. Initial view is that there is a good case for slight extension of the boundary as proposed by the Civic Society.</p> <p>Officers to advise – initial view is that this building at the junction of Western Road is of a different character to that which justifies conservation area designation of this part of the town and that the boundary as proposed in the appraisal is correct.</p> <p>This has been considered before but officers will review again</p> <p>Policy decision to be made on Article 4 Directions and the associated resource implications.</p>
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<b>Caerwent</b>	Cllr Murphy identified typographical and factual errors	Typos had already been corrected and where circumstances had changed since writing of the draft (e.g. the nursery closing and proposed as a dwelling) it was decided not to amend and to accept the appraisals as an assessment at a particular date.
	James Harris provided written comments citing errors or points of disagreement and expressing concern over the management of the heritage by the Council and by Cadw	Factual errors have mostly already been corrected. Other comments have been noted.
	Clerk to the Community Council expressed concern at the proposed amendment of the boundary to take out a small area to the east including Caerwent Gardens and Vicarage Gardens	This small area contributes nothing to the special character of Caerwent and as such does not merit retention in the conservation area. It is recommended to follow the proposal in the Appraisal and delete this area.
<b>Chepstow</b>	A view was expressed at the consultation event that the Garden City should be included.	Garden City should be assessed by the Heritage team re whether it should be a separate conservation area. Joining it up to Chepstow CA would not be feasible on account of the intervening built area not meeting the criteria for conservation area status. Many parts of the Garden City have been adversely affected by later alterations and so the further review will need to balance this against the historic and architectural interest of the original.
	Cllr Farley asked that the Garden City be considered for inclusion. He advocated greater enforcement action taken to protect the character of the conservation area and he recommended considering appointing "conservation ambassadors" and building closer links with the Civic Society.	As above it is agreed the Garden City should be further assessed. Enforcement action is taken where necessary but has to be prioritised to match existing staff resources. Conservation ambassadors is perhaps something for the Town Council to promote and closer relations with the Civic Society would certainly be welcomed.
	Chepstow Town Council supports much	Officers to review boundary, in particular re Garden City which has

	<p>appraisal but objects to the proposed removal of Mount Way and Garden City Way. It advocates the extension of the area to include the Garden City and to continue much further up Welsh Street towards the racecourse roundabout.</p>	<p>been raised by many people.</p>
	<p>Cllr Le Peltier urges Article 4 Directions to be introduced</p>	<p>Planning Committee are invited to consider the resource implications; Officers can advise.</p>
	<p>Savills object on behalf of Mabey Bridge to the extension of the Conservation Area to the east on three grounds: no visual or practical connection between the proposed area and the closest parts of the conservation area; the extension is not necessary as Brunel House and the railway bridge are already listed; most of the land is allocated for redevelopment and therefore will be subject to substantial change.</p>	<p>On balance it is accepted that as the Railway Bridge and Brunel House are Listed Buildings and the adjacent building to Brunel House is afforded curtilage protection, the building's heritage value suitably protected. It is therefore proposed that this area is not included in the Conservation Area.</p>
	<p>One comment objected to the proposed amendment to the boundary to the north-west to remove Mount Way but this was for reasons of concern over development threat in the area.</p>	<p>Recommended to amend as the boundary as shown in the appraisal. This small part of the conservation area now has modern housing that does not merit being part of the designated area. It is considered that the 20<sup>th</sup> Century Mount Way development has a character that is distinct from the historic core of Chepstow and so the proposal to remove this area is appropriate.</p>
	<p>One respondent objected to the lack of an Equality Impact Assessment. Also felt that the existing conservation area was too large to be effectively managed and cited two properties in particular that he urged action on –No 5 Mount Pleasant and Rosedale.</p>	<p>An Equality Impact Assessment Screening Form and Sustainable Development Checklist were prepared in 2013 and presented to Planning Committee together with the Officer report to gain approval to go out to public consultation. An updated Future Generations Evaluation has been prepared to accompany this report and the proposal to adopt the CAAs as</p>

		SPG.
	Chepstow Civic Society accepts most of the proposals but like other commentators the society argues for the inclusion of the Garden City housing. It notes a number of inaccuracies and it expresses concern about the adverse impact of parked cars in key views of and from the castle.	As above officers to review Garden City as to whether it meets the criteria for Conservation Area designation.
<b>Grosmont</b>	Three consultation responses cited the discrepancy in the document where the map showed proposed removal of two small areas to the west side of Grosmont whereas the text referred to no boundary changes.	For those who attended the public meetings this was clarified as an anomaly that we have no explanation for. The officers' recommendation has always been to follow the text and retain the existing boundary and this is reinforced in the light of comments received. No boundary change is proposed, and the map has been corrected to reflect this.
<b>Llanarth</b>	No substantive comments or comments about boundary	
<b>Llandenny</b>	One respondent provided detailed and helpful factual corrections and extra historical information.	Corrections made; information noted.
<b>Llandogo</b>	No substantive comments or comments about boundary	
<b>Llanover</b>	No substantive comments or comments about boundary	
<b>Llantilio Crossenny</b>	No substantive comments or comments about boundary	
<b>Magor</b>	Cllr Taylor concerned that: the conservation area had in some instances suffered and that the Appraisal was an opportunity to improve; the reduction in the size of the area could put trees at risk and asked that TPOs be considered;	The Appraisal is intended to raise awareness of the character that needs to be preserved. Officers have already spoken to the Tree Officer who has assessed the impact on trees and is content that no further action is required, i.e. there are no trees worthy of a TPO.
	Sycamore playing field is a	The areas of removal have been

	key green space and should be retained within the CA; And questioned the removal of Pond Cottage and asked why some properties on Newport Road had not been included.	carefully considered and include only buildings of more modern character which do not enhance the character of the conservation area. The playing fields are not considered to be a key part of the conservation area. These areas are not considered to be essential to the wider setting or context of the historic core of the town. Pond Cottage is separated from the historic core of Magor by the main road. For clarity, Pond House remains in the conservation area.
	One comment focused on one of those points above – the playing fields and objected to their removal from the area.	As above
	One comment expressed concern that taking the areas of modern housing out of the conservation area removed the buffer zone to the historic core of Magor; also commented that signage should be improved	The areas of removal have been carefully considered and include only buildings of more modern character which do not enhance the character of the conservation area. The playing fields are not considered to be a key part of the conservation area. These areas are not considered to be essential to the wider setting or context of the historic core of the town.
	Several comments expressed view that they could not see the point of the proposed conservation area boundary change	As above
	One comment asked for the boundary at various points - Pond Cottage, Ty Cornel and Procurators House to be reviewed.	The boundary will precisely follow the perimeter wall of the Procurators House. Pond Cottage is discussed above.
	One comment expressed particular concern about Manor Farmhouse and Pond Cottage.	Officers to consider what action could be taken to address the condition of these buildings (the comment is believed to refer to Pond House not Pond Cottage). Environmental Health officers will be contacted regarding Manor Farmhouse.
	One comment felt the consultants had proposed reducing the size of the area too much but supported MCC officers views on retaining mo	No action needed.

	existing area.	
<b>Mathern</b>	No substantive comments or comments about boundary	
<b>Monmouth</b>	Comments received that the Wye Bridge and Wyesham should be included in the Conservation Area. This is an extension the consultants had not recommended.	Wye Bridge is listed and whilst the river is an essential part of the setting of Monmouth it is felt that the eastern river bank and Wyesham do not merit inclusion in the conservation area.
	One respondent objected to the proposed amendment to the boundary towards Osbaston as it would include their house.	It is considered that the building merits inclusion within the conservation area; the concern at its inclusion was more to do with perceived impact on future development but in reality this is controlled anyway by virtue of being outside the development boundary.
	One respondent advocated greater attention to signage.	Conservation Area status provides some stronger controls regarding advertisements. Enforcement action is taken against unacceptable unauthorised advertisements, and particular success can be seen in Church Street.
<b>Raglan</b>	One comment relates to Orchard Lea and objects to its proposed inclusion in the conservation area believing that it will prevent the carrying out of further improvements.	Boundary to remain as proposed. Conservation Area status does not prevent improvements or development: it does however reduce some 'permitted development' rights and requires a higher standard of design for works that do require planning permission.
<b>St Arvans</b>	No substantive comments or comments about boundary	
<b>Shirenewton</b>	No substantive comments or comments about boundary	
<b>Tintern</b>	One comment said the area looked "scruffy" and felt the appraisal was not going to do much to change this.	Officers to investigate complaint when received regarding unsightly land. Officers have worked with the owners of Bay Cottage, it is anticipated that works will start shortly.

<b>Usk</b>	Mill Street – this is currently in the Conservation Area but consultants recommended its removal. One comment received supported the consultant’s opinion.	Officers judge it to retain distinctive period character and whilst different from the majority of Usk Conservation Area recommend that the boundary is unchanged in this respect.
	Usk Civic Society notes a number of inaccuracies.  It supports the amendments to the Conservation Area boundary and officers decision not to remove Mill Street.  It agrees with Article 4 Directions but would wish to be consulted on detailed proposals at draft stage.  It recommends a number of areas of the town for enhancement and would wish to see draft proposals.	These are noted.  If Article 4s are drafted and/or enhancement proposals prepared the Civic Society will be consulted at an early stage.
	One comment felt the proposed boundary appeared on the west side of the river should instead be along the levy flood bank and up and across the old railway bridge.	It is considered that the boundary as shown is appropriate.
<b>Whitebrook</b>	No substantive comments or comments about boundary	

#### 4.0 NEXT STEPS FOR THE DRAFT APPRAISALS

- 4.1 Many of the comments received have cited errors. Where these are errors such as the name of a building or road these should be changed but where the discrepancy relates to a change in circumstance since the date of the fieldwork carried out by the consultants then no changes are proposed. The appraisals are a record of a particular time and there is a risk of continually updating them to take account of ongoing developments.
- 4.2 Some have asked for a Council response to their comments but the resource implications of ongoing feedback needs to be carefully managed. This report to Committee has provided initial responses to many of the comments.
- 4.3 In some cases (e.g. Abergavenny and Chepstow), comments received raise the question as to substantial additions should be made to the designated area or whether a whole new conservation area should be designated to recognise particular streets of significance that lie well outside the designated area. These proposed additions will all be



assessed and recommendations about new conservation areas made to a future Planning Committee.

In some cases comments received have led us to review proposed minor amendments to boundaries (e.g. at Chepstow and Monmouth)

- 4.4 Final versions of the Conservation Area Appraisals need to be produced and owners of properties brought into the designated areas need to be individually notified.
- 4.5 Where areas are taken out of designation it removes the automatic protection afforded to trees in conservation areas. The Tree Officer was asked to consider if any of these affected trees merit Tree Preservation Orders and considers that no further action is needed.
- 4.6 The need to consider the introduction of Article 4 directions has been raised both by the consultants and by some of the comments so a response needs to be agreed. An Article 4 Direction allows the Local Planning Authority (under the powers of the Town and Country Planning Act (General Permitted Development) Order 1995) to remove specific permitted development rights for the purposes of ensuring the preservation of an area. Article 4(2) directions relate specifically to Conservation Areas and the aim is to encourage the retention of high quality architectural features and to preserve and enhance the character and appearance of the built heritage. For example the loss of small-pane timber sash windows can easily erode the historic character of a conservation area but, on unlisted buildings, cannot be prevented without the existence of an Article 4 Direction. If the decision is that they should be introduced in appropriate parts of certain conservation areas in Monmouthshire these will need to be reviewed in detail by Heritage Management and sufficient resource allocated. The process would involve survey to identify the specific features or characteristics which would benefit from removal of permitted development rights and then a process of consulting owners affected would need to be managed. The pros of supporting the preservation of the conservation area (e.g. retention of more traditional windows on unlisted buildings) need to be considered against the resource needed to manage additional applications for consent that could result from introducing Article 4 directions. The resource needed to manage enforcement action that would inevitably arise should also be taken into account. Planning applications for works that would have been permitted development were it not for an Article 4 Direction are free of charge: so the benefit of protecting the character of the area needs to be weighed against reducing home-owner's rights/freedom and being realistic about the resource implications in terms of planning applications and enforcement work, with no additional budget.

## **5.0 NEXT STEPS FOR THE REMAINING CONSERVATION AREAS**

- 5.1 The remaining conservation areas that still need to be appraised in line with legislative guidance are:

Bettws Newydd	Itton	Rockfield
Caldicot Castle	Llanhennock	Rogiet Llanfihangel
Dixton	Mounton	Skenfrith
Hendre	Pen-y-fal	Tredunnoch

- 5.2 Funding needs to be allocated. It is recognised that there is insufficient in-house resource to carry out these appraisals on top of all the day to day conservation/heritage work and therefore, as before, a consultant needs to be appointed. A Brief needs to be agreed and formal tenders invited.

- 5.3 Monmouthshire is one of the few local authorities in Wales to be granted delegation from Cadw to determine listed building consent applications. It is essential to the retention of delegated authority that Monmouthshire continues to be regarded as delivering a high quality conservation service. Part of this is effective management of our conservation areas and as such it is important that the appraisal process is concluded as soon as possible.
- 5.4 It is therefore recommended that Planning Committee endorse the adoption of the Conservation Area Appraisals, as amended in response to consultation replies, as Supplementary Planning Guidance. This endorsement would then be reported to Cabinet Member, who would make the final decision.
- 5.5 It is also recommended that Planning Committee endorses further work regarding the potential additional Conservation Area in Abergavenny and Chepstow. This would need to be subject to separate public consultation.
- 5.6 It is also recommended that Planning Committee endorses further work regarding the introduction of Article 4 Directions to protect the best features of the Conservations Areas. The results of this assessment would be reported back to Planning Committee and to Cabinet Member, and any proposal to introduce an Article 4 Direction would be subject to consultation of the occupiers of affected properties.

## **6. REASONS:**

- 6.1 Draft Conservation Area Appraisals have been completed and consulted upon and now need to be finalised. The local authority has a legal requirement to review its conservation areas.

## **7. RESOURCE IMPLICATIONS:**

- 7.1 With regard to the existing Appraisals the further resource implications are:
- officer time and costs in finalising boundary maps and, where necessary, in notifying owners accordingly;
  - officer time and costs in identifying potential new conservation areas and in writing the necessary appraisals and in managing the follow up public consultation (in the case of Abergavenny some resource may be available from Abergavenny Civic Society to assist with survey work);
  - if the principle of Article 4 directions is supported there is an up-front resource demand in drafting and notification and thereafter officer time and costs in monitoring and determining applications;
  - finalisation of the draft documents, and adoption of the Appraisals as Supplementary Planning Guidance;
  - Publication on the Council's website.
- 7.2 The further phase involves preparation of Conservation Area Appraisals for the remaining conservation areas and carrying out the required consultation exercises which it would be necessary to outsource to a suitably qualified consultant. By the end of this process Monmouthshire would have up to date appraisals for all its 31 conservation areas.

## **8. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS**

- 8.1 Conservation Area Appraisals are adopted as Supplementary Planning Guidance and as such are part of a suite of guidance to complement the Local Development Plan to ensure suitable and sustainable development within MCC. These documents support the preservation and enhancement of local identity and culture.

There is neutral impact on Equality and there are no discrimination issues. An updated EqIA/Future Generations Assessment has been produced.

**9. CONSULTEES:**

- Head of Planning
- Head of Legal Services
- Development Management Officers

**10. BACKGROUND PAPERS:**

Monmouthshire Local Development Plan  
Welsh Office Circular 61/96  
Planning (Listed Buildings and Conservation Areas) Act 1990

**11. AUTHOR & CONTACT DETAILS:**

Edward Holland/Amy Longford Heritage Manager.  
**Tel:** 01633 6444877  
**E Mail:** [amylongford@monmouthshire.gov.uk](mailto:amylongford@monmouthshire.gov.uk)

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## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p><b>Name of the Officer</b> completing the evaluation Amy Longford</p> <p><b>Phone no:</b> 01633 644877 <b>E-mail:</b> amylongford@monmouthshire.gov.uk</p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p><b>Adoption of Conservation Area Appraisals as Supplementary Planning Guidance</b></p> <p>To note officer response to comments received as part of consultation, endorse adoption of amended CAA's as SPG by single Cabinet Member, endorse further work to consider Article 4 direction and new conservation area designation.</p>
<p><b>Name of Service</b></p> <p>Planning</p>	<p><b>Date Future Generations Evaluation form completed</b></p> <p>January 2016 as an update to 2013 Equality Impact Assessment.</p>

1. **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.



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p><b>Positive:</b> Positive management of the historic environment within the designated Conservation Areas noted. The area of work undertaken by the planning section directly and indirectly influences use of resources, wealth creation and employment, via planning policy and land use planning decisions. High quality development</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully</p> <p><b>Mitigate any negative impacts:</b> Care will be taken to improve the understanding of the implications of the designation. This has in part been addressed</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>within these areas supports regeneration and promotes vibrant and prosperous towns.</p> <p><b>Negative:</b> Designation can in some cases be perceived as a constraint to development.</p>	<p>through the consultation events. Reviewing the Conservation Area Boundaries, as proposed now, ensures protection is focused on those areas that most warrant it, with some areas removed from Conservation Areas where appropriate.</p>
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p><b>Positive:</b> The area of work undertaken by the planning section directly and indirectly influences biodiversity and ecology via planning policy and land use planning decisions. The documents draw attention to ensuring that the built environment is also managed appropriately.</p> <p><b>Negative:</b> There may be some general environmental impact due to development within the conservation area.</p>	<p><b>Better contribute to positive impacts:</b> None</p> <p><b>Mitigate any negative impacts:</b> None</p>
<p><b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p><b>Positive:</b> The area of work undertaken by the planning section directly and indirectly influences access to healthy lifestyle choices via planning policy and land use planning decisions.</p> <p><b>Negative:</b> n/a.</p>	<p><b>Better contribute to positive impacts:</b> The attractiveness of the built environment can have a positive impact on health and well-being and fosters social and community pride.</p> <p><b>Mitigate any negative impacts:</b> None</p>
<p><b>A Wales of cohesive communities</b> Communities are attractive, viable, safe and well connected</p>	<p><b>Positive:</b> The area of work undertaken by the planning section directly and indirectly influences the appearance, viability, safety and connectivity of communities via planning policy and land use planning decisions. Conservation Areas are designated to protect the wider cultural heritage and ensure long term understanding and appreciation for future generations.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully</p> <p><b>Mitigate any negative impacts:</b> None</p>



Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<b>Negative:</b> n/a.	
<p><b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p><b>Positive:</b> The area of work undertaken by the planning section directly and indirectly influences local social, economic and environmental wellbeing via planning policy and land use planning decisions. Conservation Areas seek to protect and enhance the best local architecture and townscape, and often include Listed Buildings which are of national importance. The global-scale effect is limited.</p> <p><b>Negative:</b> none.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully</p> <p><b>Mitigate any negative impacts:</b> None</p>
<p><b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p><b>Positive:</b> One key aim of the documents are to 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 The Welsh language is now a material planning consideration.</p> <p><b>Negative:</b> none.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully.</p> <p><b>Mitigate any negative impacts:</b> None</p>
<p><b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances</p>	<p><b>Positive:</b> Appropriate management of the conservation areas should bring positive benefits to all members of Monmouthshire's population through policies that seek to achieve the five main aims of the Welsh Spatial Plan, namely Building Sustainable Communities, Promoting a Sustainable Economy, Valuing our Environment, Achieving Sustainable Accessibility and Respecting Our Environment</p>	<p>None.</p>


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<b>Negative:</b> none.	

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

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Long-term 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 SPG supports the implementation of the LDP. 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.</p>	<p>Ensure that the LDP and its policies have been subject to an appropriate level of scrutiny</p>
 <p>Collaboration Working together with other partners to deliver objectives</p>	<p>The Draft SPG has been subject to a public consultation, targeted to those who are considered to have a specific interest in the topic but also including all town and community councils, notices in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified of the SPG should they wish.</p>	<p>Further work and collaboration with local community/heritage groups has been undertaken to better understand these areas and draw on local knowledge.</p>



Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Involvement 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>The Draft SPG has been subject to a public consultation, targeted to those who are considered to have a specific interest in the topic but also including all town and community councils, notices in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified of the SPG should they wish.</p>	<p>Further work and collaboration with local community/heritage groups has been undertaken to better understand these areas and draw on local knowledge.</p>
 <p>Prevention Putting resources into preventing problems occurring or getting worse</p>	<p>The SPG will provide developers, officers and interested parties with guidance on the best features of the conservation area and how new development should respond to the area's character. It should therefore enable good quality planning applications to be submitted and informed decisions to be made.</p>	<p>N/A</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="331 387 517 616">Positively impacting on people, economy and environment and trying to benefit all three</p>	<p data-bbox="544 213 1305 347"><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 data-bbox="544 384 1305 644">One key aim of the documents are to 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. This should have a direct positive impact on the historic environment and economy, especially in the urban areas and in turn the residents and businesses within Monmouthshire.</p> <p data-bbox="544 683 1305 791">The work undertaken by planning service directly relates to promoting and ensuring sustainable development and its three areas: environment, economy and society.</p>	<p data-bbox="1350 213 2085 344">The SPG supports the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.</p>

**3. 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.

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?
<p><b>Positive:</b> The SPG should bring positive benefits to all members of Monmouthshire’s population through policies that seek to achieve some of the main aims of the Welsh Spatial Plan, namely Promoting a Sustainable Economy, Valuing our Environment and Respecting Our Environment. The adoption of the Conservation Area Appraisals is a means of supporting and delivering the LDP and effectively managing change within the Historic Environment.</p>			
Age	None	None	See above
Disability	None	None	See above
Gender reassignment	None	None	See above
Marriage or civil partnership	None	None	See above
Race	None	None	See above
Religion or Belief	None	None	See above
Sex	None	None	See above
Sexual Orientation	None	None	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.</i></p> <p>Promotion and understanding of Welsh place names</p>	None	Provision of SPG in Welsh Language.

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4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance note <http://hub/corporatedocs/Democratic%20Services/Equality%20impact%20assessment%20and%20safeguarding.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	<b>Describe any positive impacts your proposal has on safeguarding and corporate parenting</b>	<b>Describe any negative impacts your proposal has on safeguarding and corporate parenting</b>	<b>What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?</b>
Safeguarding	None.	None	n/a
Corporate Parenting	None.	None.	n/a

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

Page 30  
 Work undertaken by the consultants involved extensive research into the historical development of each of the towns or villages covered by these reports. This has involved accessing national and local records and archaeological documentation. All information used has been appropriately referenced within the reports.  
 Public consultation has shaped the final content of the appraisals and the proposed alterations to the Conservation Area boundaries, as well as identifying future opportunities (e.g. an additional Conservation Area in Abergavenny).

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 give the key issues arising from the evaluation which will be included in the Committee report template.*

The work undertaken by Planning directly relates to promoting and ensuring sustainable development. The Conservation Area Appraisals help to provide appropriate guidance to ensure effective management of the Historic Environment for future generations to appreciate and understand, helping to ensure local distinctiveness and public engagement.

In terms of the protected characteristics of age, disability, gender reassignment, race, religion or beliefs, gender, sexual orientation, marriage or civil partnership, there are no direct implications as a result of this guidance.

There are no implications, positive or negative for corporate parenting or safeguarding.

**7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable. N/A**

What are you going to do	When are you going to do it?	Who is responsible	Progress

**8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.**

The impacts of this proposal will be evaluated on:	As part of the Annual Monitoring Report, which will be submitted to the Welsh Government and be publicly available.
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**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RENEWABLE ENERGY AND ENERGY EFFICIENCY SUPPLEMENTARY PLANNING GUIDANCE**  
**MEETING: PLANNING COMMITTEE**  
**DATE: 1 MARCH 2016**  
**DIVISION/WARDS AFFECTED: ALL**

## 1. PURPOSE:

The purpose of this report is:

- 1.1 To advise Planning Committee of the results of the consultation on Draft Supplementary Planning Guidance (SPG) on Renewable Energy and Energy Efficiency (REEE) to support the policies of the Monmouthshire Local Development Plan (LDP) and a Draft Planning Advice Note on Wind Turbine Development: Landscape and Visual Impact Assessment (LVIA) Requirements.
- 1.2 To seek Planning Committee's endorsement of the SPG and to recommend to the Cabinet Member accordingly, with a view to the document being formally adopted as SPG to support the Monmouthshire LDP.
- 1.3 To seek Planning Committee's endorsement of the Planning Advice Note and recommend to the Cabinet Member accordingly, with a view to it being formally adopted as an advice note to assist in the determination of planning applications for Wind Turbine Schemes

## 2. RECOMMENDATIONS:

- 2.1 To endorse the Draft REEE SPG and to recommend to the Cabinet Member accordingly, with a view to the document being formally adopted as SPG to support the Monmouthshire LDP.
- 2.2 To endorse the Draft Planning Advice Note on Wind Turbine Development: LVIA Requirements and to recommend to the Cabinet Member accordingly, with a view to it being formally adopted as an advice note to assist in the determination of planning applications for Wind Turbine Schemes

## 3. KEY ISSUES:

### 3.1 Background

Planning Committee endorsed the documents that are the subject of this report on 6 January 2015, with a view to issuing them for consultation purposes. Subsequently, on 28 January 2015, the Cabinet Member for Environment, Public Services and Housing took the decision to issue them for consultation. The original report to Planning Committee is attached as **Appendix A**.

- 3.2 The consultation took place for a period of 6 weeks from Thursday 19<sup>th</sup> February 2015 to Thursday 2<sup>nd</sup> April 2015. A notice was placed in the Monmouthshire Free Press on 18 February 2015 and 348 individual notifications were sent out to:

- Specific (including Town and Community Councils), General and Other consultees, as identified in the LDP Community Involvement Scheme;
- Residents who were on the LDP consultation data base and had specifically requested to be notified of the SPGs,

- Agents/developers who work in the Council area.

3.3 8 replies were received in response to the consultation on the SPG. These have been split into 46 representations that are summarised, together with the suggested Council response, in the Report of Consultation provided as **Appendix B**. Generally, no significant objections were received and only minor amendments to the SPG documents have been necessary. It is considered, therefore, that the documents can be formally adopted as SPG to support the Monmouthshire LDP. An amended and updated SPG is attached as **Appendix C**. Energy Fact Sheets provided as supporting information in Appendix 9 of the SPG are attached as **Appendix D**.

3.4 No comments were received in relation to the Draft Planning Advice Note on Wind Turbine Development: LVIA Requirements. The document was subject to a regional consultation, however, the results of which are attached as **Appendix E**. The amended Advice Note is attached as **Appendix F**.

3.5 Next steps.

It is intended to report the Draft REEE SPG and the Draft Planning Advice Note on Wind Turbine Development to the responsible Cabinet Member later in the month with a view to seeking their adoption.

#### **4. REASONS:**

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The REEE SPG provides further explanation and guidance on the way in which the relevant policies of the LDP will be implemented.

#### **5. RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the publication of the SPG document and Planning Advice Note. These will be within the existing Planning Policy budget and carried out by existing staff.

#### **6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

6.1 These were considered in the report that was presented to Planning Committee on 6 January 2015 and which is attached as **Appendix A**.

6.2 A Future Generations Evaluation is attached.

#### **7. BACKGROUND PAPERS:**

- Monmouthshire Adopted LDP (February 2014)

#### **8. AUTHOR & 9. CONTACT DETAILS:**

Martin Davies (Planning Policy Manager).

**Tel:** 01633 644826.

**E Mail:** [martindavies@monmouthshire.gov.uk](mailto:martindavies@monmouthshire.gov.uk)



**APPENDIX A**

**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN RENEWABLE ENERGY AND EFFICIENCY SUPPLEMENTARY PLANNING GUIDANCE**

**MEETING: PLANNING COMMITTEE**

**DATE: 6 JANUARY 2015**

**DIVISION/WARDS AFFECTED: ALL**

**1. PURPOSE:**

- 1.1 The purpose of this report is to seek Planning Committee's endorsement of Draft Supplementary Planning Guidance (SPG) on Renewable Energy and Energy Efficiency (REEE) to support the policies of the Monmouthshire Local Development Plan (LDP) and a Draft Planning Advice Note on Wind Turbine Development: Landscape and Visual Impact Assessment (LVIA) Requirements, with a view to issuing both for consultation purposes, and to recommend to the Cabinet Member accordingly.

**2. RECOMMENDATIONS:**

- 2.1 Planning Committee endorses the Draft REEE SPG and a Draft Planning Advice Note on Wind Turbine Development: LVIA Requirements with a view to issuing both for consultation purposes and to recommend to the Cabinet Member accordingly.

**3. KEY ISSUES:****3.1 Background**

The Monmouthshire County Council LDP 2011-2021 was adopted on 27 February 2014, superseding the Monmouthshire Unitary Development Plan (UDP), to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

- 3.2 LDP Wales (2005) at paragraph 5.2 states that:

*'SPG does not form a part of the development plan but must be consistent with it. It may take the form of site specific guidance such as master plans, design guides or area development briefs, or thematic such as shopfront guidance or detailed car parking standards. It should be clearly cross-referenced to the relevant adopted plan policy or proposal, which it supplements, and may be issued separately from the plan. It should be made publicly available and its status made clear.'*

- 3.3 Paragraph 5.3 of LDP Wales further emphasises that SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process:

*'While only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications, SPG may be taken into account as a material consideration. SPG should be prepared in accordance with an authority's CIS [Community Involvement Scheme]; consultation should involve the*

*general public, businesses, and other interested parties and their views should be taken into account before the SPG is finalised. It should then be approved by a Council resolution. A statement of the consultation undertaken, the representations received and the authority's response to those representations should be made available with the approved SPG, either in an annex or in a separate document. In making decisions on matters that come before it, the Assembly Government and the Planning Inspectorate will give substantial weight to approved SPG which derives out of and is consistent with the development plan, and has been prepared consistent with the above advice.'*

- 3.4 A programme for the preparation of SPG was endorsed by Planning Committee on 7 October 2014 and by Individual Cabinet Member decision on 22 October 2014. First priority was given to work that had significant policy and/or financial implications for the implementation of the LDP. The REEE SPG was given second priority as a document that would be beneficial to the planning application process but did not have the same urgency as the projects in Priority One. A completed consultants' draft of the REEE SPG is available, having been completed in May 2013 (using funding from the Welsh Government's Planning Improvement Fund) but the project was not progressed due to the need to prioritise work on the LDP Examination. The Draft SPG has now been updated, particularly in relation to new government guidance and the deletion of TAN22, Planning for Sustainable Buildings. The Draft SPG is attached as **Appendix A**. Energy Fact Sheets provided as supporting information in Appendix 9 of the SPG are attached as **Appendix B**.
- 3.4.1 In addition, Monmouthshire officers have recently been participating in work at a regional level to prepare guidance for wind turbine development and associated LVIA requirements. This has resulted in a Draft Planning Advice Note being prepared that sets out a methodology to determine whether or not Environmental Impact Assessment is required for wind turbine development and the minimum requirements and standards of information to be submitted with a LVIA. This is not strictly a SPG document as it provides generic advice and does not expand on any specific policy in the Monmouthshire LDP. It is cross-referenced within the Renewable Energy and Energy Efficiency SPG, however, and would carry additional weight by going through a local consultation and adoption process. A Wales wide consultation has also been carried out, led by Blaenau Gwent County Borough Council. The Draft Planning Advice Note is attached as **Appendix C**.
- 3.5 As set out in the Draft, SPG is needed in this field to help manage the process of moving to more renewable and low carbon energy generation as a means of mitigating the detrimental social, economic and environmental impacts of climate change. Renewable and low carbon energy generation often involves the construction of new generation devices in areas rich in renewable energy sources, which have the potential to be sensitive in nature. Achieving the balance between the need to decarbonise energy supply and maintaining the unique character of Monmouthshire is the challenge of the planning system, as emphasised by recent planning applications and appeals in the County that have involved renewable energy projects.
- 3.6 The SPG will assist in this process by:
- Helping to decide what type of renewable and low carbon technologies to use in a given application;
  - Helping to identify whether planning permission and Listed Building Consent will be required;
  - Highlighting the need for other consents; and
  - Advising on how to make an application and setting out the criteria which will be used to assess that application.

3.7 The SPG is not intended to be prescriptive. It cannot set out policies stating where a development may or may not be acceptable. Its role is to help those seeking to make planning applications involving renewable or low carbon energy by providing further details and explanation of the relevant policies in the Adopted Monmouthshire LDP. It relates in particular to policies S3, S12, SD1, SD2 and DES1(j). There are also links to other SPGs currently in preparation or in draft. In particular, Landscape SPG is being prepared that will provide a definitive up to date Landscape Character Area (LCA) assessment for Monmouthshire and practical guidance for applicants and planning officers on all landscape matters when considering development proposals, including how to address landscape issues in each of the LCAs. Data provided on each LCA will include an analysis of its landscape sensitivity and capacity, which will assist in establishing its suitability as a location for renewable energy projects. In addition, a SPG on Green Infrastructure (GI) is currently out for consultation. GI assets and functions have the potential to deliver a wide range of benefits, including mitigation and adaptation of the effects of climate change. The promotion of sustainable energy use is one of the many functions of GI and is obtained through measures such as: reduction in levels of CO<sub>2</sub>, carbon storage, energy saving methods including living roofs and natural rather than engineered solutions.

### 3.8 Next steps

3.8.1 It is intended to report the Draft REEE SPG and the Draft Planning Advice Note on Wind Turbine Development to the responsible Cabinet Member later in January 2015 with a view to seeking endorsement to issue them for consultation purposes.

3.8.2 As referred to in paragraph 3.3 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic, although all town and community councils will be consulted and notices will be placed in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified on some or all SPGs that they are interested in. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

## 4. **REASONS:**

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The REEE SPG provides further explanation and guidance on the way in which the relevant policies of the LDP will be implemented.

## 5. **RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the preparation of the SPG document and carrying out the required consultation exercises. These will be within the existing Development Plans budget and carried out by existing staff.

## 6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

### 6.1 Sustainable Development

An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The

LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environment Assessment Directive 2001/42/EC; requiring the 'environmental assessment' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore, and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. This SPG is expanding and providing guidance on existing LDP renewable energy and energy efficiency policies, which were prepared within a framework promoting sustainable development. The SPG has obvious benefits in sustainability terms in relation to the promotion of renewable and low carbon technologies, although these benefits need to be weighed against impacts on landscape, amenity etc.

## 6.2 Equality

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration given to the issues raised. As with the sustainable development implications considered above, the SPG is expanding and providing guidance on these existing LDP renewable energy policies, which were prepared within this framework. New SPG is also subject to an Equality Impact Assessment to ensure that informed decisions can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

## 7. **BACKGROUND PAPERS:**

- Monmouthshire Adopted LDP (February 2014)

## 8. **AUTHOR & 9. CONTACT DETAILS:**

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# Renewable Energy and Energy Efficiency Supplementary Planning Guidance Report of Consultation March - 2016

Respondent Number	8	Representation Number	1
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Bovis Homes recognises the purpose of the proposed SPG in providing further detail and explanation of relevant policies in the LDP. It is acknowledged that the SPG relates in particular to policies S3, S12, SD1, SD2 & DES1(j).		
Requested Change	No change requested.		
LPA Response	Comment Noted.		
Recommendation	No change required.		

Respondent Number	8	Representation Number	2
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Bovis Homes support the principle of delivering energy efficiency through new development, understand the benefit of setting aspirational targets and work towards Central Governments Zero Carbon by 2016 initiative. Bovis has carried out significant work ensuring their new homes are designed to be highly energy efficient by concentrating first on providing their customers with optimising built-in measures before turning to 'bolted-on' renewable technology. Bovis consider their approach to have benefits such as; built in fabric improvements that last the lifetime of the home, an energy blind approach, technologically light fabric improvements that require no interaction with home owners and tackling the highest use of energy first- space heating. These measures align with the concept of 'passive measures' encouraged in the SPG.		
Requested Change	No change requested.		
LPA Response	Comment noted.		
Recommendation	No change required.		

Respondent Number	8	Representation Number	3
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	<p>Bovis Homes believes it is important to ensure that the LDP sets out a policy framework that is proportionate and deliverable, and does not set targets that could potentially affect overall project viability and, ultimately, delivery of those projects. Importantly, that framework should recognise the potential of both 'passive' and 'active' energy efficient measures, and ensures that a flexible approach to meeting standards is promoted to developers. Refer to paragraph 6.3.12 of the LDP noting support in principle but request the SPG makes it clear that it will be sufficient in development control terms to conform with minimum standards where appropriate. The SPG provides an opportunity to set out a clear position on this, ensuring applicants/developers can have confidence that achieving minimum standards will be acceptable when looking at development feasibility, and ensuring there is provision within the adopted policy framework to interrogate viability/feasibility if necessary, along with a clear mechanism to do that.</p>		
Requested Change	No specific change requested, further details provided in further representations.		
LPA Response	Comment noted.		
Recommendation	No change necessary.		

Respondent Number	8	Representation Number	4
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	In accordance with their 'Fabric First' principles Bovis Homes is also keen that the potential of passive energy efficiency measures is clearly identified and supported by the Councils policy guidance. Simply, it should be recognised in the SPG that passive measures alone can satisfy energy efficiency requirements, there should not be a need to incorporate additional renewable technologies.		
Requested Change	Provide recognition that passive measures alone can satisfy energy efficiency requirements as noted above.		
LPA Response	Chapter 3 of the SPG goes into specific detail on passive measures in order to reduce demand and energy efficiency. It is not considered appropriate to specify in the SPG that there should not be a need to incorporate additional renewable technologies, each application will be determined on a case by case basis, feasibility assessments should provide evidence in relation to suitable renewable energy and low or zero carbon technologies that could be incorporated into the Strategic Housing Sites.		
Recommendation	No change required.		

Respondent Number	8	Representation Number	5
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Without prejudice to these representations Bovis Homes draw reference to the Ministerial Statement released on 27th March 2015 confirming the Government's intention to amend Part L and to withdraw the Code for Sustainable Homes, further requesting that local planning authorities refrain from setting any additional local technical standards relating to construction or performance of new dwellings. It is noted the SPG does not set any firm targets but the Council are likely to need to consider the implications for this SPG as a result of the planned changes.		
Requested Change	No change requested.		
LPA Response	Noted, any updates to national policy will be taken into consideration prior to the publication of the final SPG.		
Recommendation	No change requested.		

Respondent Number	8	Representation Number	6
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Suggest amending paragraph 1.1.4 to ensure the SPG sets out a clear position with regard to commercial as well as technical viability for energy efficiency measures.		
Requested Change	Amend paragraph 1.1.4 to 'It is important to note that the SPG is developed on the assumption that proposed renewable energy projects and energy efficiency measures incorporated to new residential development are technically and commercially viable. As a result it only deals with the planning issues associated with the proposed scheme'.		
LPA Response	Noted, reference will be made to both renewable energy and energy efficiency measures in this paragraph to provide clarity.		
Recommendation	Amend wording of first sentence in paragraph 1.1.4 to read 'It is important to note that the SPG is developed on the assumption that proposed renewable energy projects and energy efficiency measures are technically and commercially viable.'		

Respondent Number	8	Representation Number	7
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Suggest Figure 1.2 (the Land Developers Route Map) should be amended to 1: encourage developers to identify at the outset what the minimum required standards are, in order that these can be built into upfront development viability calculations, and 2: to encourage developers to consider what, if anything, they can do to try and exceed those minimum standards.		
Requested Change	Suggest two additional issues to consider are included in the table: 'What is the minimum standard the development is required to achieve' and 'Is there potential to exceed minimum standards through either passive or active measures, or a combination of both'. The 'Where to go' section should be updated to include a reference to 'TAN22, PPW, Part L of current Building Regulations (or equivalent/updated' and to 'feasibility/viability assessment if required'.		
LPA Response	Noted, the intention of the Route Map is to provide easy navigation of the SPG rather than reference to external documents, it is not considered appropriate to add in the additional issues or amend the where to go section. In any event TAN22 has now been deleted.		
Recommendation	No change necessary.		



Respondent Number	8	Representation Number	8
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Concerned there is no clarification of what 'sound consideration' means in the context set out in paragraph 4.1.2 of the SPG. Suggest there could be potential for confusion about what justification might be expected for the inclusion/discounting of different technologies, and what standards are expected to be achieved.		
Requested Change	Suggest paragraph 4.1.2 be amended to state 'Monmouthshire County Council will expect to see evidence during pre-application discussions or through the Design and Access Statement (DAS) (see Section 6.2), that minimum standards of energy efficiency can be delivered through the development and that sound consideration has been given to the issues below in the choice of passive measures and/or additional renewable or low carbon energy technology including consideration of opportunities to exceed minimum standards subject on feasibility. This will be particularly important for larger scale developments (e.g. 5-15 dwelling developments in main villages and larger developments including strategic sites identified in the LDP)'.		
LPA Response	Comment noted, this chapter of the SPG refers specifically to renewable or low carbon energy options. It does not refer to energy efficiency, as such it would not be appropriate to amend paragraph 4.1.2 to include references to energy efficiency and passive measures.		
Recommendation	No change necessary.		

Respondent Number	8	Representation Number	9
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Bovis Homes is concerned that there should be recognition of the potential effect of viability on the selection of appropriate technologies in paragraph 4.4.1.		
Requested Change	Suggest amending the first sentence of paragraph 4.4.1 to include the following wording 'including the commercial as well as technical viability'.		
LPA Response	Noted, this should be updated for clarity.		
Recommendation	Add the following additional wording to the end of paragraph 4.4.1 'including the commercial as well as technical viability'.		

Respondent Number	8	Representation Number	10
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	With reference to paragraphs 6.2.9 and 6.2.10 Bovis Homes welcomes the use of the DAS as a platform for explaining the approach to energy efficiency taken for a particular development. In Bovis's view the DAS is the probably most appropriate place to consider the siting, design and feasibility assessment that has to be carried out when considering the incorporation of energy efficiency measures to a development.		
Requested Change	It is suggested that this section be amended in order to recognise the need to consider the potential for maximising built-in/passive energy efficiency measures as well as considering the potential for 'bolt-on' renewable technologies.		
LPA Response	Noted. Paragraph 6.2.10 does provide reference to energy efficiency measures, it is not considered necessary to add anything further.		
Recommendation	No change necessary.		

Respondent Number	8	Representation Number	11
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Bovis Homes also welcomes the transparency provided by Table 6.1 in setting out the 'list of key considerations in assessing planning applications'. A small change is suggested to item 4 under the heading 'Process Issues'.		
Requested Change	Suggest amending question 4 to 'Which renewable and low carbon technologies have been considered, including both passive and active energy efficiency measures? Has an assessment of their technical and commercial merits and feasibility been undertaken and a justification of choice based on meeting energy needs undertaken which is linked to the type of development proposed, scale and location?'.		
LPA Response	Comment noted. It is not considered appropriate to include the changes relating to passive and active energy efficiency. Questions 2 and 3 in Table 6.1 cover these topics. Agree a reference to technical and commercial merits and feasibility could be added to the end of the question for clarity.		
Recommendation	Add 'technical/commercial merits and feasibility' to the end of question 4 in Table 6.1.		

Respondent Number	8	Representation Number	12
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	It would be helpful if the glossary at appendix 1 included a definition for the term 'feasibility assessment'. Specifically the term features in Policy S3 of the LDP, but is not elaborated upon at that point. Explanatory text at paragraph 6.3.9 of the LDP goes a little further but in Bovis Homes view this can be usefully clarified using the SPG.		
Requested Change	Suggest the following words are inserted into the glossary in Appendix 1 for Feasibility Assessment 'An investigation into the technical and commercial/economic feasibility of proposed renewable energy schemes and energy efficiency measures'.		
LPA Response	Noted. It is considered appropriate to include a glossary entry for a feasibility assessment to provide clarity. LDP Strategic Policy S3 refers to the inclusion of feasibility assessments for suitable renewable energy and low or zero carbon technologies that could be incorporated into development proposals.		
Recommendation	Insert a glossary entry for Feasibility Assessment to state 'An investigation into the technical and commercial/economic feasibility of proposed renewable energy schemes, low carbon technologies and energy efficiency measures'.		

Respondent Number	8	Representation Number	13
Respondent Name	Alistair Macdonald (RPS)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Bovis Homes believe it would be useful to also include guidance in the SPG on the potential benefits of passive energy efficiency measures, such as increased insulation, optimised U-Values and architectural and design considerations, expanding on the themes explored in sections 3,.2, 3.3 and 3.4 of the document. This information would be logically presented as an addition to Appendix 9.		
Requested Change	Include additional section in Appendix 9 as above.		
LPA Response	Comment noted, it is not considered appropriate to include an additional fact sheet in relation to this topic, sufficient information relating to passive and active energy efficiency measures is presented in Chapter 3 of the SPG. In addition to this key measures are identified within Chapter 3. Additionally, the fact sheets relate to specific Renewable Energy and Low Carbon Technologies, passive and energy efficiency measures do not fit within this framework.		
Recommendation	No change necessary.		

Respondent Number	22	Representation Number	1
Respondent Name	Amanda Spence		
Respondent Organisation	Design Commission for Wales		
Summary of Representation	Suggest a reference could be added to Design Commission for Wales' guide, Designing Wind Farms in Wales; <a href="http://cdn.dcfw.org.uk/Designing-Windfarms-in-Wales-2014.pdf">http://cdn.dcfw.org.uk/Designing-Windfarms-in-Wales-2014.pdf</a> .		
Requested Change	Add link to Designing Wind Farms in Wales in the SPG.		
LPA Response	The Designing Wind Farm guide is predominately aimed at schemes of over 50MW. TAN8 stipulates schemes of over 25MW should be concentrated in Strategic Search Areas, to which there are none in Monmouthshire. It does not appear relevant to include a link to this document specifically in the SPG, it is nevertheless appropriately referenced in the LVIA Planning Advice Note.		
Recommendation	No change required.		

Respondent Number	62	Representation Number	1
Respondent Name	Roy Nicholas		
Respondent Organisation	Llangattock Vibon Avel Community Council		
Summary of Representation	No comments.		
Requested Change	No change requested.		
LPA Response	Comment noted.		
Recommendation	No change necessary.		

Respondent Number	71	Representation Number	1
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Question 1 in Table 6.2 relating to Water Management/Hydrology and Flood Risk should be amended to 'Does your development fall within NRW flood map or Welsh Government's Development Advice Maps referred to in TAN15 Development and Flood Risk?'		
Requested Change	Amend wording of Question 1 as above.		
LPA Response	Agree this will provide a consistent approach.		
Recommendation	Amend Question 1 of Table 6.2 relating to Water Management/Hydrology and Flood Risk to 'Does your development fall within NRW flood map or Welsh Government's Development Advice Maps referred to in TAN15 Development and Flood Risk?'		

Respondent Number	71	Representation Number	2
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	<p>It is questioned whether it is necessary to include Appendix 7 as the information is set out on each fact sheet. If information is required to be set out as a separate Appendix the following wording is recommended: 'NRW is identified as a statutory consultee under various legislation which relate to development planning. One of NRW's roles is to provide advice on the potential impact of development proposals on Wales's natural resources and environment. NRW encourages potential applicants to contact them before submitting a planning application to discuss proposed development and any potential issues that may need addressed. NRW can also provide advice on any other relevant permits, consents and licences that may be required from them. It is advisable to discuss these other requirements with NRW at the earliest opportunity so they can be parallel tracked with any planning permission required. Further details on permits, consents and licences NRW issue can be found at <a href="http://naturalresources.wales/apply-and-buy/?lang=en">http://naturalresources.wales/apply-and-buy/?lang=en</a> .</p>		
Requested Change	Delete Appendix 7 or amend wording as above.		
LPA Response	Comment noted. Whilst information is set out in the individual energy fact sheets, Appendix 7 provides a quick reference summary of additional consents that may be required.		
Recommendation	<p>Delete existing text in the section relating to NRW and add the following text: 'NRW is identified as a statutory consultee under various legislation which relate to development planning. One of NRW's roles is to provide advice on the potential impact of development proposals on Wales's natural resources and environment. NRW encourages potential applicants to contact them before submitting a planning application to discuss proposed development and any potential issues that may need addressed. NRW can also provide advice on any other relevant permits, consents and licences that may be required from them. It is advisable to discuss these other requirements with NRW at the earliest opportunity so they can be parallel tracked with any planning permission required.</p> <p>Further details on permits, consents and licences NRW issue can be found at <a href="http://naturalresources.wales/apply-and-buy/?lang=en">http://naturalresources.wales/apply-and-buy/?lang=en</a>'</p>		

Respondent Number	71	Representation Number	3
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	The NRW hydropower link in Appendix 7 has changed.		
Requested Change	Please update link to: <a href="http://naturalresources.wales/apply-and-buy/water-abstraction-licences-water-discharges/water-abstraction-and-impoundment-licensing/hydropower/?lang=en">http://naturalresources.wales/apply-and-buy/water-abstraction-licences-water-discharges/water-abstraction-and-impoundment-licensing/hydropower/?lang=en</a>		
LPA Response	Agree, the link was appropriate when the draft SPG was being finalised, it is unfortunate the previous link is no longer working, the link should as a consequence be updated. It is noted that since NRW submitted comments the link has changed further.		
Recommendation	Update link as appropriate to: <a href="http://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/hydropower/before-you-apply/?lang=en">http://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/hydropower/before-you-apply/?lang=en</a>		

Respondent Number	71	Representation Number	4
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Please move Forestry Commission Wales section in Appendix 7 to the NRW section.		
Requested Change	As above.		
LPA Response	Agree it would be appropriate to move the section on Forestry Commission Wales.		
Recommendation	Move Forestry Commission Wales section to the NRW section as appropriate.		

Respondent Number	71	Representation Number	5
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	The links shown to the NRW website in Appendix 8 are no longer in use. NRW's protected sites and landscapes map is currently unavailable. Please check with NRW before publishing the SPG.		
Requested Change	Remove links and check with NRW to see whether they have been reinstated elsewhere.		
LPA Response	Noted. As the NRW links are still unavailable it is suggested the LDP Countywide Constraints Map is used as an alternative, as this relates to the designations within Monmouthshire. The Constraints Map shows the designated areas within the Monmouthshire County Council Boundary.		
Recommendation	Remove NRW link and in its place add link to Monmouthshire Local Development Plan Countywide Constraints Map.		

Respondent Number	71	Representation Number	6
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	In most of the Energy Fact Sheets in Appendix 9 there is a reference to contact NRW for information on whether a consent may be required 'as this can take some time to obtain'. This wording should be amended.		
Requested Change	Amend wording to 'It is advisable to contact NRW at the earliest opportunity if you think you need their permission, consent or license for your project. There are varying statutory deadlines depending on the permit, consent or licence you apply for.'		
LPA Response	Comment noted.		
Recommendation	Will amend wording accordingly listed in the energy fact sheets from 'as this can take some time to obtain' to 'It is advisable to contact NRW at the earliest opportunity if you think you need their permission, consent or license for your project. There are varying statutory deadlines depending on the permit, consent or licence you apply for.'		



Respondent Number	71	Representation Number	7
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	NRW generally use the term 'hydropower schemes' when referring to hydroelectricity installations. Several terms are used within the document and we recommend using 'hydropower schemes' to be consistent with NRW documents and to help with understanding.		
Requested Change	Amend any reference to hydroelectricity to 'hydropower scheme' for consistency.		
LPA Response	Comment noted, it is appreciated different organisations use different terms.		
Recommendation	Change references to 'hydro schemes' and 'hydroelectric schemes' to 'hydropower schemes'. The main headings referring to hydroelectricity should remain, as hydroelectricity is the comprehensive term relating to the generation of electricity by hydropower.		

Respondent Number	71	Representation Number	8
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	The description and impacts of specific turbines in the 3rd and 4th paragraph of the Technology Description in the Hydroelectricity Energy Fact Sheet are not necessarily true for all proposals. It often depends on site constraints and environmental requirements.		
Requested Change	Recommend it is stated that there are a range of options that should be fully considered with an appropriate advisor before selecting an option.		
LPA Response	Comment noted.		
Recommendation	An additional sentence will be included at the end of paragraph 4 noting 'A range of options should be fully considered with an appropriate advisor before selecting an option'.		

Respondent Number	71	Representation Number	9
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Recommend using the same terminology as NRW in the 5th paragraph of the Technology Description in the Hydroelectricity Energy Fact Sheet.		
Requested Change	Recommend replacing 'fish ladders' with 'fish passage' when describing structures to aid movement of fish.		
LPA Response	Agree this should be consistent with NRW terminology.		
Recommendation	Replace 'ladder' with 'passage in 5th paragraph of the Hydroelectricity Energy Fact Sheet.		

Respondent Number	71	Representation Number	10
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	The reference to 'very high availability' in the 2nd bullet point of the strengths section in the hydroelectricity SWOT Analysis table could be misleading. Agree there are many watercourses throughout Monmouthshire, however that does not mean they are suitable for a hydropower scheme.		
Requested Change	Recommend this point is deleted.		
LPA Response	It is agreed that this could be misinterpreted.		
Recommendation	Delete bullet point 'very high availability'.		

Respondent Number	71	Representation Number	11
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Recommend deletion of the 2nd bullet point of the weaknesses section in the hydroelectricity SWOT Analysis table that notes 'Achieving environmental permits can be protracted'.		
Requested Change	Delete 2nd bullet point referred to above.		
LPA Response	Noted, it should be stated within this SWOT analysis table that environmental permits are required, nevertheless the wording could be changed. A similar amendment to the wording should be made as per 71.6.		
Recommendation	Amend wording of 2nd bullet point in the weaknesses section to read 'There are varying statutory deadlines that depend on the environmental permit applied for'.		

Respondent Number	71	Representation Number	12
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Recommend amending the 1st bullet point of the threats section in the hydroelectricity SWOT Analysis table.		
Requested Change	Suggest changing 'wildlife' to the more general term of 'environment'.		
LPA Response	Comment noted, it is agreed there is potential for impact on both habitats and species in the watercourse and surroundings.		
Recommendation	Replace 'wildlife' with 'environment' in the 1st bullet point of the threats section in the hydroelectricity SWOT Analysis table.		

Respondent Number	71	Representation Number	13
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Question why EA (i.e. NRW) has only been mentioned in the 2nd bullet point of the threats section in the hydroelectricity SWOT Analysis table. Other requirements such as planning permission and grid connections can cause delay and add to costs.		
Requested Change	Recommend deletion of the bullet point referred to above.		
LPA Response	Comment noted, it was not intended to single NRW out, although they are listed specifically as this point relates to the process in attaining the relevant environmental permits, as noted in the response provided for 71.11. One of the aims of this SPG is to help streamline the planning application process which is also the aim of the pre-application advice service. This SPG outlines the information that will need to be submitted with applications and identifies other consents that may be needed. If the appropriate information is submitted from the outset this should in turn speed up the planning application process.		
Recommendation	Reword bullet point 2 as noted above to state 'NRW has varying statutory deadlines depending on the environmental permits applied for which can lengthen the process. Other requirements such as grid connections can also cause delays'.		

Respondent Number	71	Representation Number	14
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the 2nd bullet point of the technology section in the hydroelectricity energy fact sheet, noting that small hydropower schemes do not necessarily require grid connections and that it is possible that a small hydropower scheme can just serve a domestic property.		
Requested Change	No change requested.		
LPA Response	Comment noted, the wording notes schemes generally feed directly into the grid.		
Recommendation	For clarity the wording should be amended to include the following additional wording at the end of the bullet point 'It is nevertheless possible that an individual dwelling could be served by a small hydropower scheme'.		

Respondent Number	71	Representation Number	15
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the planning permission and other consents section in the hydroelectricity energy fact sheet, noting there are a number of permits, consents and licences that may be required from NRW.		
Requested Change	Recommend amending the wording to 'Planning permission is required for hydropower schemes along with various permissions, consents and licences from NRW'.		
LPA Response	Comment noted, the additional wording could provide clarity.		
Recommendation	Amend first sentence to 'Planning permission is required for hydropower schemes along with various permissions, consents and licences from NRW'.		

Respondent Number	71	Representation Number	16
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the Getting Consents: A Summary of the Process section in the hydroelectricity energy fact sheet. Recommend changing the heading and the text within the box. Also recommend this section references the need for grid connections.		
Requested Change	Amend the heading to 'NRW permissions, consents and licences' and the text within the box to 'You will require various permissions, consents and licences from NRW'. Include reference to the need for grid connections.		
LPA Response	Comment noted. The text within the box should be changed for clarity in order to provide sufficient information to support the heading. It would not be appropriate to change the heading of the box as this would be inconsistent with the other energy fact sheets and would also duplicate the text below. It is noted in the spatial elements section that grid connection is likely to be required, for consistency with other energy fact sheets it is not considered appropriate to include this as a separate heading in the summary of the process.		
Recommendation	Amend the text beneath the NRW consent heading to 'You will require various permissions, consents and licences from NRW'.		

Respondent Number	71	Representation Number	17
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	The Hydroelectricity - Site Selection and Planning Issues table uses the terms hydroelectric plant, plant, projects, system development and site to describe the proposed project.		
Requested Change	Recommend changing these terms to 'hydropower scheme' to reduce confusion and provide consistency.		
LPA Response	Comment noted, see response provided for 71.7.		
Recommendation	Change references within the table 'to 'hydropower schemes'. The main heading referring to hydroelectricity should remain, as hydroelectricity is the comprehensive term relating to the generation of electricity by hydropower.		

Respondent Number	71	Representation Number	18
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the first bullet point of the Ecology section of the Hydroelectricity - Site Selection and Planning Issues table. Recommend that 'migratory patterns of fish' is replaced with 'fish movements' as fish movements within a stream is just as important as at migratory periods.		
Requested Change	Replace 'migratory patterns of fish' with 'fish movements'.		
LPA Response	Noted, this should be updated to be consistent with NRW terminology.		
Recommendation	Replace 'migratory patterns of fish' with 'fish movements' in the first bullet point of the Ecology section of the Hydroelectricity - Site Selection and Planning Issues table.		

Respondent Number	71	Representation Number	19
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the first bullet point of the Ecology section of the Hydroelectricity - Site Selection and Planning Issues table. Recommend that 'whether protected species exist' is replaced with 'what species are present'.		
Requested Change	Replace 'whether protected species exist' with 'what species are present'.		
LPA Response	Noted, this should be updated for clarity.		
Recommendation	Replace 'whether protected species exist' with 'what species are present' in the first bullet point of the Ecology section of the Hydroelectricity - Site Selection and Planning Issues table.		

Respondent Number	71	Representation Number	20
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the second bullet point of the Ecology section of the Hydroelectricity - Site Selection and Planning Issues table. Recommend that fish 'passage' is replaced with 'movement'.		
Requested Change	Replace 'passage' with 'movement'.		
LPA Response	Noted, this should be updated to be consistent with NRW terminology.		
Recommendation	Replace 'passage' with 'movement' in the second bullet point of the Ecology section of the Hydroelectricity - Site Selection and Planning Issues table.		

Respondent Number	71	Representation Number	21
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the first bullet point of the Water management, hydrology and flood risk section of the Hydroelectricity - Site Selection and Planning Issues table. Recommend that 'mitigation measures may be needed' is changed to 'mitigation measure(s) will be needed'.		
Requested Change	Change 'mitigation measures may be needed' to 'mitigation measures will be needed'.		
LPA Response	Comment noted, whilst it is appreciated mitigation measures are generally needed it is not a certainty that mitigation measures will always be required.		
Recommendation	Amend wording to state mitigation measures 'are usually needed' in the first bullet point of the Water management, hydrology and flood risk section of the Hydroelectricity - Site Selection and Planning Issues table.		

Respondent Number	71	Representation Number	22
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the second bullet point of the Water management, hydrology and flood risk section of the Hydroelectricity - Site Selection and Planning Issues table. Recommend replacing 'consent' with 'permissions, consents and licences'.		
Requested Change	Replace 'consent' with 'permissions, consents and licences'.		
LPA Response	Comment noted, the additional wording could provide clarity.		
Recommendation	Amend wording to 'permissions, consents and licences' in the second bullet point of the Water management, hydrology and flood risk section of the Hydroelectricity - Site Selection and Planning Issues table.		



Respondent Number	71	Representation Number	23
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the Energy from Waste energy fact sheet. Under Environmental Permitting Regulations (EPR) NRW permit any activity where the thermal input is greater than or equal to 50MW, including aggregated values from more than one piece of equipment. There are set criteria by which we permit the incineration of waste as follows: 10tonnes/day of hazardous waste are burnt; or 3tonnes/hour of non-hazardous waste are burnt; or any gaseous compound containing halogens is burnt. Processes falling outside of these criteria but within the scope of EPR may still require permits from the local authority.		
Requested Change	No change requested.		
LPA Response	Comment noted.		
Recommendation	No change necessary.		

Respondent Number	71	Representation Number	24
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the Biomass energy fact sheet. Under the key issues table it states that emissions are controlled by NRW. This is incorrect and should be removed from the table or explained in full. NRW only regulate the burning of biomass in appliances with a rated thermal input of 50MW and above. In the case of biomass that is classified as waste, we regulate appliances with a rated thermal input of 3 MW and above.		
Requested Change	Either remove reference to emissions being controlled by NRW or explain in full detail.		
LPA Response	Comment noted.		
Recommendation	'(Emissions are controlled by NRW)' should be removed from the last bullet point in the key issues table of the Biomass energy fact sheet to avoid confusion.		

Respondent Number	71	Representation Number	25
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	Refer to the Getting Consents: A Summary of the Process section in the biomass energy fact sheet. We recommend that you replace the wording under 'NRW consent' with 'NRW regulate the burning of biomass in appliances with a rated thermal input of 50MW and above or if the biomass is classed as waste a rated thermal input of 3MW and above. Any proposal below the above criteria may still require a permit from the Local Authority'.		
Requested Change	Replace wording under the NRW consent heading with NRW regulate the burning of biomass in appliances with a rated thermal input of 50MW and above or if the biomass is classed as waste a rated thermal input of 3MW and above. Any proposal below the above criteria may still require a permit from the Local Authority'.		
LPA Response	Noted, for clarity it is considered it is appropriate to amend the wording.		
Recommendation	Amend the first section of text under the NRW Consent heading to 'NRW regulate the burning of biomass in appliances with a rated thermal input of 50MW and above or if the biomass is classed as waste a rated thermal input of 3MW and above. Any proposal below the above criteria may still require a permit from the Local Authority' in the Getting Consents: A Summary of the Process section in the biomass energy fact sheet.		

Respondent Number	71	Representation Number	26
Respondent Name	Gemma Beynon		
Respondent Organisation	Natural Resources Wales		
Summary of Representation	The reference to Forestry Commission should be changed to NRW in the Biomass Site Selection and Planning Issues Table.		
Requested Change	Remove reference to Forestry Commission and replace with NRW.		
LPA Response	Agree this reference should be updated to NRW.		
Recommendation	Remove 'Forestry Commission (FC)' and 'FC' and replace with NRW in the Biomass Site Selection and Planning Issues Table.		

Respondent Number	80	Representation Number	1
Respondent Name	Rachael Bust		
Respondent Organisation	The Coal Authority		
Summary of Representation	No specific comments to make.		
Requested Change	No change requested.		
LPA Response	Comment noted.		
Recommendation	No change required.		

Respondent Number	112	Representation Number	1
Respondent Name	Judith Doyle		
Respondent Organisation	Glamorgan Gwent Archaeological Trust		
Summary of Representation	<p>The impact that proposals may have on archaeological resource is a consideration, archaeological investigation and recording may be a requirement of any application. Impact on setting of heritage assets also requires consideration. Development may have a direct physical impact on buried and upstanding archaeological remains and an indirect visual impact on heritage assets. Less than 2% of these are on average Scheduled Ancient Monuments: Cadw have responsibility for the SAMs and must be consulted for Consent if any development is proposed that may impact them. For sites with non-statutory designations, archaeological mitigation work may be required both pre and post determination to ensure that development complies with Planning Policy Wales Chapter 6: Conserving the Historic Environment, and the Welsh Office Circulars 60/96 and 61/96. Any developments of a large scale within a Registered Historic Landscape/Parks and Gardens may need a Assessment of the Impact of Development on a Historic Landscape (ASIDHOL) report.</p>		
Requested Change	No change requested.		
LPA Response	Comment noted, Cadw are a statutory consultee and are consulted as a matter of course on applications that are close to Scheduled Ancient Monuments.		
Recommendation	No change required.		

Respondent Number	412	Representation Number	1
Respondent Name	Lisa Bullock		
Respondent Organisation	Network Rail		
Summary of Representation	<p>Wind turbine masts are considered to be fixed structures that could be constructed in close proximity to Network Rail (NR) property boundaries. Wind turbine blades on the contrary are not fixed structures and their placement and operation is considered as a specific issue. NR will not permit third party operation of turbine blades above operational infrastructure and require a minimum distance of at least one blade length away from NR property boundary. NR should be consulted on any application where an operator intends to construct new turbines in close proximity to an operational railway. Each proposal will be considered on a case by case basis.</p>		
Requested Change	No change requested.		
LPA Response	<p>Comment noted. The table relating to Wind Energy - Site Selection and Planning Issues in the Wind Energy Fact sheet contains a planning issue relating to aviation and telecommunications. A reference to railways could be made in this field to ensure Network Rail are consulted when necessary.</p>		
Recommendation	<p>Add 'railways' to the aviation and telecommunications field in the Wind Fact Sheet and provide an additional point to consider stating 'Network Rail should be notified of proposals in close proximity to railways. New turbines should be located with a minimum Wind Turbine Setback to be related to the proposed mast height and blade length. You should check with Network Rail to ensure the distance is appropriate to ensure turbines do not interfere with railway operations'.</p>		

Respondent Number	412	Representation Number	2
Respondent Name	Lisa Bullock		
Respondent Organisation	Network Rail		
Summary of Representation	<p>Advise that the provision of any reflective material used in the solar collecting equipment should not interfere with the line of sight of train drivers and the potential for glare or reflection of light from the panels that may impact on signalling must be eliminated. Panels should either not be reflective or appropriate fencing/screening should be erected to avoid any incidents happening.</p>		
Requested Change	No change requested.		
LPA Response	<p>Comment noted. The table relating to Solar Power - Site Selection and Planning Issues in the Solar Power Energy Fact sheet contains a planning issue relating to aviation and telecommunications - glint and glare. A reference to railways could be made in this field to ensure Network Rail are consulted as and when necessary.</p>		
Recommendation	<p>Add 'railways' to the aviation and telecommunications field in the Solar Power Fact Sheet and provide an additional point to consider stating 'Consider whether the site is located in proximity to a railway. Consultation with Network Rail will be required if the proposal is located in the line of sight of train drivers or where glare/reflection could impact on signalling. It should be demonstrated that panels are not reflective to ensure solar panels do not interfere with railway operations, screening may also be required'.</p>		

Respondent Number	2284	Representation Number	1
Respondent Name	Sacha Rossi		
Respondent Organisation	NATS Safeguarding		
Summary of Representation	<p>Refers to Appendix 6 Table A1 in relation to standalone wind turbines under 50kW. Under the TCPA Safeguarding Direction 2003, safeguarded land is that defined by a safeguarding map lodged with a LPA. The NATS map lodged for turbines covers the whole of the UK which suggests planning permission is required for all turbines. This debate has been had with other LPAs and CLG, whilst happy for the document to remain as it is, Monmouthshire as the LPA should consult NATS on all turbines, even those under GPDO. Provide a FAQ that can be shared with applicants.</p>		
Requested Change	No change requested.		
LPA Response	<p>Comment noted. The LPA will not be notified of all wind turbines that come under the GPDO, only those where a certificate of lawful use is applied for to formalise the use. It is not practicable and would be unreasonable to expect authorities to notify of something out of their jurisdiction. A paragraph has been added to the Wind Turbine Fact Sheet under Planning Permission and Other Consents to identify NATS as a statutory consultee.</p>		
Recommendation	No change required.		



# Monmouthshire Renewable Energy and Energy Efficiency

Draft Supplementary Planning Guidance  
February 2016



monmouthshire  
sir fynwy

Draft Monmouthshire Renewable Energy and Energy Efficiency SPG

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## Draft Monmouthshire Renewable Energy and Energy Efficiency SPG

### Document Control Sheet

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- Appendix 8: Designations That Affect How a Proposal Will Be Assessed
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# 1 Introduction

## 1.1 Purpose of the Supplementary Planning Guidance (SPG)

1.1.1 Supplementary Planning Guidance is not a statutory Local Development Plan document. It cannot set targets or policies. Its role is to help those seeking to make planning applications involving renewable or low carbon energy by providing further detail and explanation of the relevant policies in the *Adopted Monmouthshire Local Development Plan* (February 2014). It relates in particular to policies S3, S12, SD1, SD2 and DES1(j).

1.1.2 This SPG is intended to provide guidance for emerging renewable and low carbon energy schemes at every scale from small householder to large standalone proposals. As such, it is intended to be of use to a wide range of interested parties including householders, people wishing to adapt business premises, developers of residential and mixed use schemes, developers of stand-alone renewables schemes, planning officers and Councillors.

1.1.3 The SPG will assist by:

- Helping to decide what type of renewable and low carbon technologies to use in a given application;
- Helping to identify whether planning permission and Listed Building Consent will be required;
- Highlighting the need for other consents; and
- Advising on how to make an application and setting out the criteria which will be used to assess that application.

1.1.4 It is important to note that the SPG is developed on the assumption that proposed renewable energy projects and energy efficiency measures are technically and commercially viable. As a result it only deals with the planning issues associated with the proposed scheme.

1.1.5 Planning applicants will be expected to develop their proposals for renewable and low carbon energy schemes in line with this guidance. It will be a material consideration in the assessment of planning applications by Councillors and planning officers.

1.1.6 SPG is needed in this area to help manage the process of moving to more renewable and low carbon energy generation as a means of mitigating the detrimental social, economic and environmental impacts of climate change. Renewable and low carbon energy generation often involves the construction of new generation devices in areas rich in renewable energy sources, which have the potential to be sensitive in nature. Achieving the balance between the need to decarbonise energy supply and maintaining the unique character of Monmouthshire is the challenge of the planning system and a focus of this SPG.

1.1.7 This SPG is to be formally adopted by Monmouthshire County Council.

## Draft Monmouthshire Renewable Energy and Energy Efficiency SPG

### The Planning Framework

- 1.1.8 The Adopted Monmouthshire Local Development Plan (February 2014) provides the planning framework for this SPG. Planning policies for renewable low carbon energy in the Local Development Plan (LDP) are set within an overall planning context that requires new development to demonstrate sustainable and efficient resource use.

### Policy S12 – Efficient Resource Use and Flood Risk

- 1.1.9 All new development must:

- *“Demonstrate sustainable and efficient resource use – this will include energy efficiency/increasing the supply of renewable energy, sustainable construction materials/techniques, water conservation/efficiency and waste reduction;*
- *Avoid the siting of inappropriate development in areas at risk of flooding.”*

### Policy S3 – Strategic Housing Sites

- 1.1.10 In addition, Policy S3 – Strategic Housing Sites implies consideration of the energy hierarchy in its requirement that:

- *“Any detailed application for development shall include a feasibility assessment for suitable renewable energy and low or zero carbon technologies that could be incorporated into the development proposals.”*

- 1.1.11 Development Management policies SD1 and SD2 address the energy efficiency and renewable energy components of Policy S12 more specifically:

### Policy SD1 – Renewable Energy

*“Renewable energy schemes will be permitted where:*

1. *There are no unacceptable adverse impacts upon the landscape, townscape and historic features and there is compliance with Policy LC5 with regard to protection and enhancement of landscape character;*
2. *There are no unacceptable adverse impacts on biodiversity;*
3. *There are no unacceptable adverse impacts on the amenities of nearby residents by way of noise, dust, odour or increases in traffic;*
4. *The wider environmental, economic, social and community benefits directly related to the scheme outweigh any potentially adverse impacts; and*
5. *The distinct identity of Monmouthshire will not be compromised.*

*For all types of renewable energy, cumulative impacts will be an important consideration where there are other renewable energy schemes currently operating in the area.*

*When the technology is no longer operational there is a requirement to decommission, remove the facility and complete a restoration of the site to its original condition.”*

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### Policy SD2 - Sustainable Construction and Energy Efficiency

*“Proposals for low carbon design solutions in new buildings will be permitted in accordance with the energy hierarchy of reducing energy demand through passive design, promoting energy efficiency through use of appropriate building fabric and inclusion of renewable or low carbon energy generation technologies.*

*All new development proposals will be required to incorporate efficient resource use during construction, operation and maintenance.*

*Where planning permission is required, proposals for the installation of renewable and low carbon technology on existing buildings will be permitted subject to detailed planning considerations.”*

### Policy DES1 – General Design Considerations (criterion j)

- 1.1.12** All development proposals will be expected to meet general design considerations which are set out in Policy DES1. Policy DES1 requires all development to be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire’s built and natural environment. DES1 provides twelve criteria in total. Criterion (j) in particular addresses energy efficiency and renewable energy.

*“(j) achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology”*

### Other Monmouthshire Planning Policy Documents

- 1.1.13** The Green Infrastructure SPG was adopted in April 2015 and is interrelated with this SPG. The Landscape SPG will also be of particular relevance once adopted.
- 1.1.14** Green Infrastructure (GI) assets and functions have the potential to deliver a wide range of benefits including mitigation and adaptation of the effects of climate change. The promotion of sustainable energy use is one of the many functions of GI and is obtained through measures such as: reduction in levels of CO<sub>2</sub>, carbon storage, energy saving methods including living roofs and natural rather than engineered solutions.
- 1.1.15** The Landscape SPG is currently under preparation and will provide a definitive up to date Landscape Character Area (LCA) assessment for Monmouthshire and practical guidance for applicants and planning officers on all landscape matters when considering development proposals, including how to address landscape issues in each of the LCAs. Data provided on each LCA will include an evaluation of its landscape sensitivity and capacity, which will assist in establishing its suitability for renewable energy projects.

## Draft Monmouthshire Renewable Energy and Energy Efficiency SPG

**1.1.16** A Planning Advice Note on Wind Turbine Development: Landscape and Visual Impact Assessment (LVIA) Requirements has been prepared that sets out a methodology to determine whether or not Environmental Impact Assessment is required for wind turbine development and the minimum requirements and standards of information to be submitted with a LVIA. A Wales wide consultation has also been carried out on this planning advice note, led by Blaenau Gwent County Borough Council.

### 1.2 Climate Change Policy Context

**1.2.1** The key policy drivers at national level behind the LDP Policies SD1 and SD2 are those related to climate change and energy (including building regulations) and to planning. These are dynamic areas of policy which are developing as the UK moves towards a so called 'decarbonised' economy.

**1.2.2** Monmouthshire County Council has also made a commitment to reducing its own impact on climate change. In 2008, the Council adopted its own climate change and sustainable energy strategy. It is developing strategic policies for sustainable energy in relation to the County Council's own buildings and estate, housing, transport and wider community activities including encouraging community led sustainable energy schemes. The Council is therefore proactive in seeking to encourage sustainable energy initiatives.

**1.2.3** The Climate Change Policy context is discussed in more detail in **Appendix 2**. This includes reference to earlier work by Camco, which identifies issues and opportunities around the local energy market. It also identifies and locates potential sources of renewable and low carbon energy in the county

### 1.3 Planning Policy Context

**1.3.1** Planning Policy Wales (PPW) and a series of Technical Advice Notes (TAN's) provide the framework within which local authorities in Wales develop their LDPs. Further detail on planning policy is provided in **Appendix 3**.

### 1.4 Guiding Principles

**1.4.1** The policy framework identified above recognises that it is better to avoid the need to build energy generation capacity by reducing energy consumption to a minimum and ensuring that energy demand is met as efficiently as possible. Where energy generation is required this should come first from renewable (zero carbon) or at least low carbon sources (see **Glossary** in **Appendix 1** for definitions). Only then should fossil derived energy be used.

**1.4.2** This is the basis of the Energy Hierarchy that is referred to in Policy SD2 and is the approach that all developers should adopt to energy supply to any development. It is the guiding principle for this SPG and as a result, applicants for planning permission will need to demonstrate that they have followed this hierarchy in developing their schemes in order to comply with policies S3 and S12. More detail regarding the energy hierarchy is provided in **Chapter 2**.

## Draft Monmouthshire Renewable Energy and Energy Efficiency SPG

### 1.5 Using the SPG

- 1.5.1 This SPG will be used by different groups of people for different purposes and it contains a range of information, not all of which will be relevant to everyone. As a result a route map approach is used to guide the user to relevant parts of the document. The SPG also provides references and links throughout to where further information on a range of issues can be sourced. This is particularly important as technology, policy and practice is evolving quickly in the areas of energy efficiency, low and zero carbon technology.
- 1.5.2 The remainder of the document is set out as follows. **Chapters 2 to 4** cover issues associated with the energy hierarchy, and the selection of specific technologies to suit the scale and location of development. **Chapters 5 to 7** cover issues associated with the need to obtain planning and other consents. Additional information can also be found in the Appendices. In essence, the SPG is structured to allow the developer / householder to make an informed choice based on energy requirements (**Chapters 2-3**) and suitability of the technology to the site conditions (**Chapters 4, 6 and Appendix 9**). More detail on the content of each chapter is given below:

#### Chapter 2 – The Energy Hierarchy and Energy Demand Assessment

- 1.5.3 This section emphasises the need to consider the energy hierarchy when considering options for energy generation. It also sets out the need to understand energy requirements in terms of times of the day, week, month and year. This is vital information that is needed before thinking about energy efficiency or low / zero carbon technologies. Additional information is provided in **Appendix 4** which explains how energy is measured, and provides links to information on how to assess energy needs.

#### Chapter 3 – Reducing Demand and Energy Efficiency

- 1.5.4 This section highlights the need for consideration of energy reduction and energy efficiency measures as a first step within the energy hierarchy – i.e. before low and zero carbon technologies are considered. Key measures are identified.

#### Chapter 4 – Renewable and Low Carbon Energy Options

- 1.5.5 The options for renewable and low carbon energy generation are set out and discussed in this chapter. The issues are considered in relation to energy supply and development scale. The developer / householder will need to consider this information together with information in **Chapter 6** and the energy factsheets which relates to the suitability of the technology to the site conditions. Additional information on the contribution of low and zero carbon technologies in reducing greenhouse gas emissions is to be found in **Appendix 5**, along with information on where to get help with carbon energy efficiency calculations for new developments.



## Chapter 5 – Do I Need Planning and Other Consents?

- 1.5.6 This section discusses whether planning permission or Listed Building Consent is required. **Appendix 6** provides more detailed information on this. The chapter also highlights the need for other consents. **Appendix 7** details these, and gives information on who to approach for further help and discussion.

## Chapter 6 – Obtaining Permissions and Consents

- 1.5.7 This chapter sets out the requirements for the planning process and identifies potential impacts and the main issues that will be assessed as part of planning applications. **Appendix 8** lists the heritage, landscape, geological and biodiversity designations which may affect the consideration of a planning application. This chapter needs to be considered together with the information in **Chapter 4** relating to choosing technologies, and the energy factsheets in **Appendix 9**, which look at the planning issues and impacts related to specific technologies.

## Chapter 7 – Community Involvement in Renewable Energy

- 1.5.8 This section outlines the benefits of community involvement in renewable and low carbon technology schemes and looks at opportunities for social benefit for local communities both in general terms, and in Monmouthshire.

## Appendix 9 / Energy Fact Sheets

- 1.5.9 **Appendix 9** is set out as a series of fact sheets which can stand alone. The fact sheets set out information on a series of technologies. They include a technology description and SWOT, spatial implications and key impacts, flow charts setting out the various consents which may be needed, and tables outlining the specific planning issues that need to be considered in relation to each technology (these should be read in conjunction with **Chapter 6** which looks at generic planning issues).
- 1.5.10 The route maps below (**Figures 2-4**) set out key questions that might be asked by different users of the guide and identify which sections of the document can help in providing information to assist in developing and accessing schemes:

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**Figure 1.1: Householder / Business Premises Route Map**

This route map is intended to help householders as well as people wishing to install low and zero carbon technologies to their business premises.

Questions	Issues to consider	Where to go
<p><b>Question one:</b> What kind of energy efficiency measures and low / zero carbon technology should I choose?</p>	<ul style="list-style-type: none"> <li>▪ Assess your home's energy demand</li> <li>▪ What kind of energy efficiency measures can you implement?</li> <li>▪ What LZC technology options are there and what is most appropriate for my home / location?</li> <li>▪ What financial support is available / does Government policy affect my choice?</li> </ul>	<p>Chapter 2 (Appendix 4) Chapter 3</p> <p>Chapter 4 (Appendix 9)</p> <p>(Appendix 2)</p>
<p><b>Question two:</b> Do I need Planning permission or Listed Building Consent?</p>	<ul style="list-style-type: none"> <li>▪ What are the Permitted Development (PD) rights for householders?</li> <li>▪ If I do not need planning permission, I may still need Listed Building Consent</li> </ul>	<p>Chapter 5 Appendix 6 Chapter 5</p>
<p><b>Question three:</b> What other consents do I need?</p>	<ul style="list-style-type: none"> <li>▪ Do I need consent from other organisations (NRW)</li> </ul>	<p>Chapter 5 (Appendix 7)</p>
<p><b>Question four:</b> What Information do I need to provide in an application?</p>	<ul style="list-style-type: none"> <li>▪ What information do I need to provide on my decision making process?</li> <li>▪ Do I need to provide any design or other statements?</li> <li>▪ What kind of drawings and diagrams are needed?</li> </ul>	<p>Chapter 6</p> <p>Chapter 6</p> <p>Chapter 6</p>
<p><b>Question five:</b> How will my application be assessed?</p>	<ul style="list-style-type: none"> <li>▪ What issues / criteria will be considered</li> </ul>	<p>Chapter 6 Appendix 8 Appendix 9</p>

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**Figure 1.2: Land Developers' Route Map**

This route map is intended to help developers of residential, mixed use and other schemes on small, medium and major sites.

Questions	Issues to consider	Where to go
<b>Question one:</b> What kind of energy efficiency measures and low / zero carbon technology should I choose?	<ul style="list-style-type: none"> <li>▪ Assess the energy demand of your proposed development</li> <li>▪ What kind of energy efficiency measures can you implement?</li> <li>▪ What LZC technology options are there and what is most appropriate for the site / general location and size of development?</li> <li>▪ What financial support is available / does Government policy affect my choice?</li> </ul>	Chapter 2 (Appendix 4) Chapter 3 Chapter 4 (Appendix 9) (Appendix 2)
<b>Question two:</b> What consents do I need?	<ul style="list-style-type: none"> <li>▪ I will need planning permission</li> <li>▪ Do I need Listed Building Consent?</li> <li>▪ Do I need consent from other organisations (NRW)</li> </ul>	Chapter 5 Chapter 5 (Appendix 7)
<b>Question three:</b> What Information do I need to provide in an application?	<ul style="list-style-type: none"> <li>▪ What information do I need to provide on my decision making process?</li> <li>▪ What should I cover in the Design and Access Statement (DAS)?</li> <li>▪ What kind of drawings and diagrams are needed?</li> </ul>	Chapter 6 Chapter 6 Chapter 6
<b>Question four:</b> How will my application be assessed?	<ul style="list-style-type: none"> <li>▪ What issues / criteria will be considered</li> </ul>	Chapter 6 (Appendix 8, Appendix 9)

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**Figure 1.3: Energy Developers' Route Map**

This route map is intended to help developers of standalone low and zero carbon energy schemes, such as wind farms or biomass plants.

Questions	Issues to consider	Where to go
<b>Question one:</b> What consents do I need?	<ul style="list-style-type: none"> <li>▪ I will need planning permission</li> <li>▪ Do I need Listed Building Consent in addition to planning permission?</li> <li>▪ Do I need consent from other organisations (NRW)</li> </ul>	Chapter 5  Chapter 5 (Appendix 7)
<b>Question three:</b> What Information do I need to provide in an application?	<ul style="list-style-type: none"> <li>▪ What information do I need to provide on my decision making process?</li> <li>▪ What should I cover in the Design and Access Statement (DAS)?</li> <li>▪ What kind of drawings and diagrams are needed?</li> </ul>	Chapter 6  Chapter 6  Chapter 6
<b>Question five:</b> How will my application be assessed?	<ul style="list-style-type: none"> <li>▪ What issues / criteria will be considered</li> </ul>	Chapter 6 (Appendix 8, Appendix 9)

## 2 The Energy Hierarchy and Energy Demand Assessment

### 2.1 The Energy Hierarchy

2.1.1 The energy hierarchy is described in **Figure 2.1**. The hierarchy sets out the principle that all developments, whether large or small (including householder and business improvements) should seek to reduce energy demand, and improve energy efficiency, before considering how the energy required should be generated. It then places priority on renewable and low carbon forms of energy generation before resorting to conventional energy sources. As stated in **policy SD2**, any new development is required to follow the energy hierarchy.

2.1.2 There are a number of different approaches to achieving any given carbon and energy targets. As a result, rather than setting out a definitive approach that may not be resilient to changes in technology, policy and market conditions, it is important that the approach to energy supply considers all viable options and opportunities within the energy hierarchy at the time when detailed design is being developed.

2.1.3 The Energy Saving Trust in Wales has a number of free online energy tools to help in assessing options within the energy hierarchy. These can be found by going to the energy saving trust website and searching on ‘tools and calculators’:

**<http://www.energysavingtrust.org.uk/wales/>**

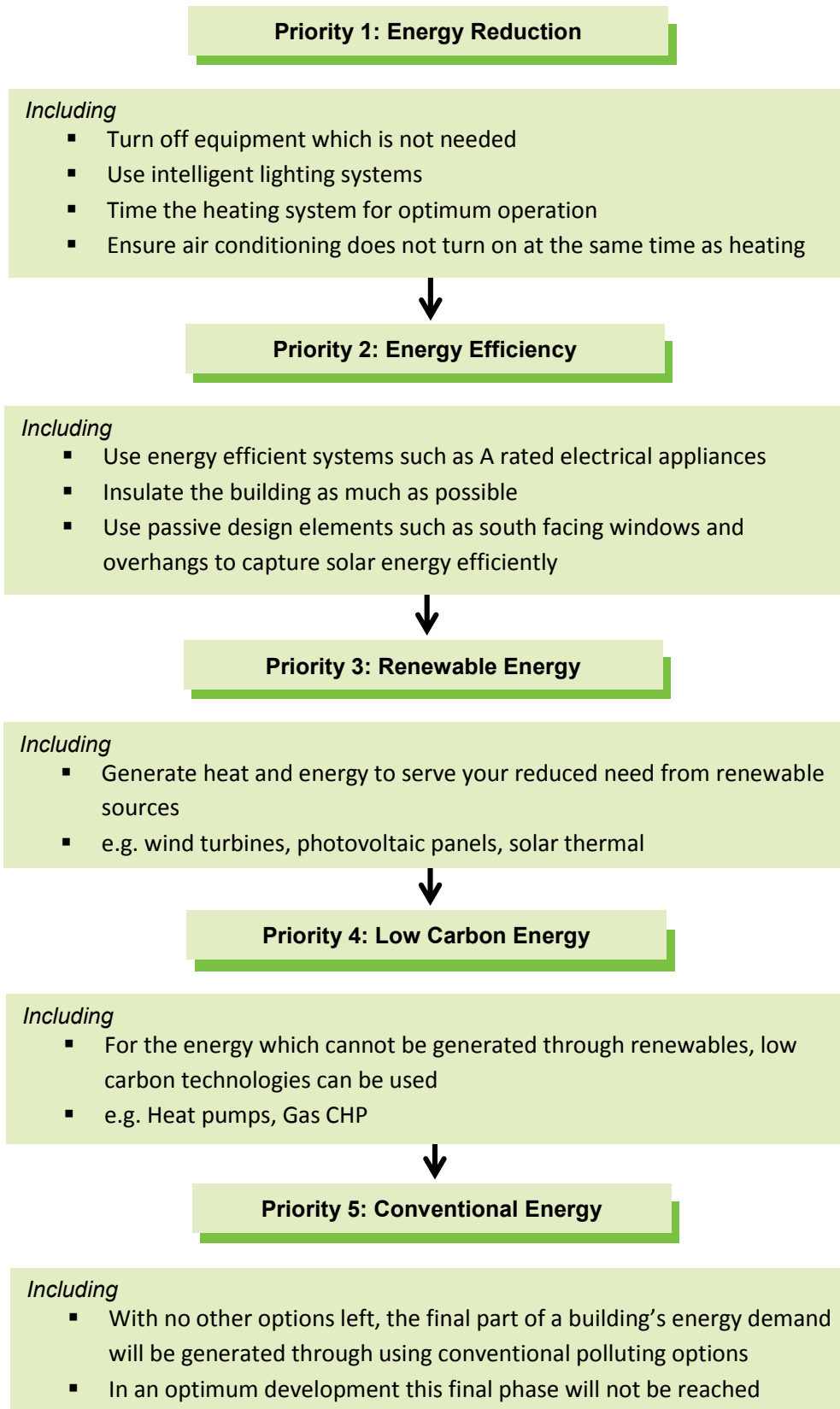
2.1.4 They also provide guidance on the cost of renewable energy technology to enable a decision to be made about the cost of improving fabric energy performance relative to the use of renewable or low carbon technology. This can be found by going to the **energy saving trust** website (above) and searching on the term ‘renewable technologies guide’.

### 2.2 Why Carry Out an Energy Demand Assessment?

2.2.1 Decisions about options within the energy hierarchy (i.e. energy demand reduction, energy efficiency measures and which technology should be used in any new development) should be made based on knowledge about the predicted energy demand of a new development. This is the case whether you are a developer seeking approval for a large residential or mixed use scheme, or a householder or business owner, looking to improve your property. Monmouthshire County Council will look for evidence that energy need has been assessed in planning applications (the Design and Access Statement is the appropriate place to include this information– see **Chapter 6**).

2.2.2 **Appendix 4** provides background information on how energy is measured, and gives links to tools which may assist in producing an energy demand assessment.

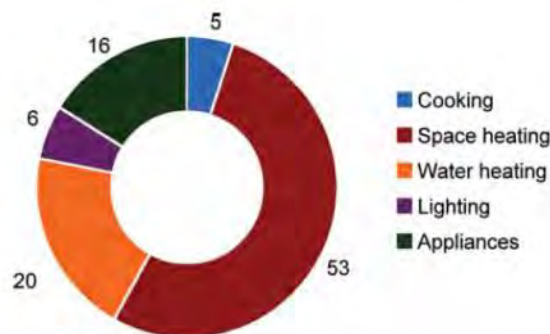
Figure 2.1: The Energy Hierarchy



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2.2.3 Knowledge about the predicted energy demand of the development can include information on how energy is used at different times of the day and year, and how this breaks down between regulated electricity (i.e. non-discretionary consumption from lighting, heating, hot water etc.) and unregulated electricity (i.e. discretionary consumption from white goods, TV, computers, etc.). An **Energy Demand Assessment**, is used to understand how this breaks down. **Figure 2.2** shows a typical analysis of total carbon emissions against household activities:

**Figure 2.2: A Typical Analysis of Total Emissions Against Household Activity**



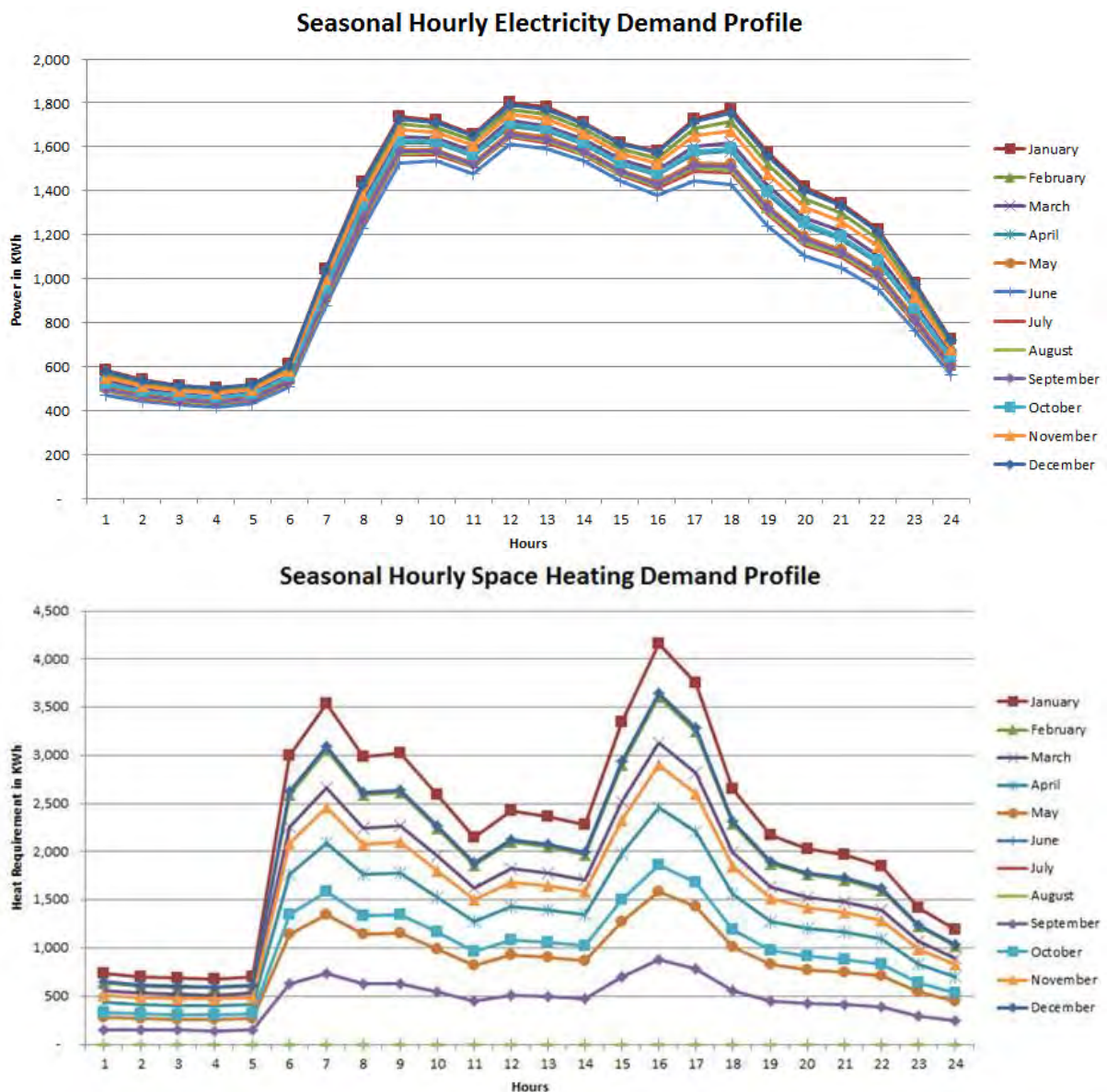
Source: *Building a Greener Future: policy statement, DCLG, 2007.*

2.2.4 Understanding the predicted energy demand is important for a number of reasons:

- Local planning policy and building regulations will set performance targets to be met in terms of predicted carbon performance and/or contributions from renewable energy relative to the energy demand of the proposed development;
- By calculating the predicted energy demand the impact of improved fabric efficiency or the incorporation of passive design options can be measured and the costs calculated relative to the cost of incorporating renewable or low carbon energy generation to meet a given building's energy or carbon performance;
- Decisions about which type of low and zero carbon (LZC) technology is appropriate can be made. For example different technologies deal differently with diurnal demand. Solar energy is only produced in the day and more is produced in the summer. This does not match with electricity demand for household heating; and
- The capacity of local electricity or gas networks to supply a new development may be insufficient relative to predicted demand. This situation may require a developer to put more investment into reducing energy demand or increasing energy efficiency relative to the required investment in grid reinforcement. (It should be noted however that on-site renewable energy generation will not necessarily remove the need for grid reinforcement).

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2.2.5 The two diagrams below provide examples of energy demand profiles for electricity and space heating on a mixed use, residential led development. This shows how demand varies across the day and the year and this can be helpful in supporting the selection of technology to meet the demand profile. For instance, in this illustration clearly the nature of the electrical and heat demands is not ideal to support combined heat and power, given the low heat demand for long periods of the day and year. If a swimming pool or similar were included within this development this could do much to even out these dips in heat demand. It is therefore no surprise that it is common for large swimming pools to include CHP systems.





## 3 Reducing Demand and Energy Efficiency

**3.1.1** Energy efficiency is the subject of Policy SD2 in the LDP. The need to reduce demand and increase options for energy efficiency applies to all proposals, from larger residential and mixed use developments, to applications for planning and other consents relating to households and individual businesses.

**3.1.2** There are two forms of energy efficiency – passive and active measures – which can be used together to reduce energy demand and increase the efficient energy use in new developments. Passive measures include design features, such as architectural and building fabric selection, that inherently reduce the building energy requirement, and post-occupancy behaviour change. Active measures describe the use of efficient energy consuming equipment, such as LED lighting.

### 3.2 Passive Measures: Spatial Layout and Design

**3.2.1** Spatial layout and design is a consideration within the planning process, and there are opportunities for reducing energy demand and increasing energy efficiency in a number of ways. While most of these suggestions only relate to larger developments, the principles should be considered against any proposed new development. Opportunities include:

- The orientation of buildings on a site or plot to maximise opportunities for passive solar gain (generally considered to be within 30° of south);
- Where possible plot layout and building location to facilitate air movement and enhance natural ventilation;
- Orientation of buildings to reduce the level of uncontrolled shading from overshadowing buildings and green infrastructure;
- Green infrastructure allocated such that it supports energy demand reduction through summer shading or winter wind breaks. This also includes shading of car parking spaces to reduce the use of in-car air conditioning; and
- Green open spaces to provide evaporative cooling at night, reducing any heat island effects.

**3.2.2** The Government has agreed that the Zero Carbon Hub has a lead responsibility for delivering homes to zero carbon standards by 2016. Work by the Zero Carbon Hub shows that the energy demand of a new development can be reduced by up to 11% through good spatial orientation alone.

**3.2.3** Further advice on spatial layout and design to reduce demand and increase energy efficiency can be found in the following documents which are available online:

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- *Sustainable site layout, an introduction to creating a sustainable housing development*, Energy Saving Trust, 2011;
- *Sustainable energy by design, a TCPA design guide for sustainable communities*, TCPA 2006; and
- *Passive solar estate layout, general information report 27*, Energy Efficiency Best Practice Programme (Energy Saving Trust), 1997.

### 3.3 Passive Measures: Fabric Energy Efficiency

3.3.1 Measures can also be adopted in building design (through fabric energy efficiency and the method and quality of construction) to reduce energy demand requirements from the building use. Increasingly, building regulation is dictating how fabric energy efficiency is approached and sets the desired performance outcomes. The following passive design measures can be incorporated into the design of buildings to reduce energy requirements and may be subject to building regulations approval:

- Reducing the air permeability and thermal bridging coefficient of the building envelope;
- Optimising the U-Values of the external fabric to enable a reduction in energy loss, e.g. through providing additional insulation;
- Incorporating thermal mass to support “free cooling” during summer months;
- Enlarging window areas to maximise the use of natural daylight;
- Locating any plant rooms away from the southern elevation to avoid excessive heat gain and to allow maximum plant efficiency;
- Providing passive shading to avoid overheating; and
- Provision of post occupancy training material.

3.3.2 The Zero Carbon Hub provides detailed design specification for a variety of different fabric energy efficiency standards. Reports from the Hub can be found at:

<http://www.zerocarbonhub.org/full-lib>

### 3.4 Passive Measures: Scale of Development

3.4.1 Some of these passive elements require space in which to deliver them, making them only really available to larger development. **Table 3.1** illustrates this point:

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**Table 3.1: Potential Impact of Scale on Passive Energy Options**

Indicative Scale		Passive Measures	
		Spatial Layout and Design	Fabric Energy Efficiency
<b>Small</b> ↕ ↕ ↕ ↕ ↕ ↕ ↕ ↕ <b>Large</b>	Single dwelling	Limited	High
	2-5 dwellings	Limited	High
	Single small commercial	Limited	High
	Single small employment	Limited	High
	5-15 dwellings	Low	High
	15-100 dwellings	Medium	High
	100+ dwellings	High	High
	Larger commercial	Medium	High
	Larger employment	Medium	High

**3.4.2** In addition, in large developments, the use of ‘smart grid’ techniques to reduce peaks in electrical demand should also be considered. This can reduce the cost of any required grid reinforcement and can potentially smooth heat and power demand to make CHP more attractive.

### 3.5 Active Measures

**3.5.1** Active energy efficiency measures are associated with the energy efficiency of the equipment used within a building or development such as lighting or heating. These are not linked to scale and should be ubiquitous to all new development. The following measures could be considered:

- Highly efficient boilers;
- Controls to optimise heat output and compensate for heating variations;
- Zonal control of heating to supply different parts of a building via a building management system;
- Time and thermostat control of hot water;
- Variable speed drives fitted to those pumps and fans that will benefit from speed control;
- High efficiency lighting;
- Installation of electricity check meters;
- Include daylight and passive infra-red motion detection systems to lighting to common areas in order to ensure they are only operated when required;
- Ensuring white goods, where supplied, are suitably rated or alternatively, information is provided on selecting energy rated appliances; and

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- Reject heat capture and re-use, especially from Heating, Ventilation and Air Conditioning (HVAC) systems, especially in commercial/industrial developments.

**3.5.2** Energy efficient technologies as referred to in the energy hierarchy will be internal to any development and thus not an issue for planning. Where there may be issues is the use of new efficient external lighting systems in **heritage areas or Listed Buildings**, or where external insulation cladding systems will change the appearance of buildings. Internal alterations that affect the character of a Listed Building will also need Consent. Active measures are also increasingly becoming influenced by building regulation.

**3.5.3** The above lists of passive and active measures are not exhaustive and will need to be considered in more detail by the developer, not least as technology developments in this area are progressing quickly.

## 4 Renewable and Low Carbon Energy Options

4.1.1 Within the context of the energy hierarchy outlined in **Chapter 2**, some kind of renewable or low carbon energy generation technology is likely to be included in a new development. This section looks at different options for generating energy using low and zero carbon technologies. It explains the differences between low carbon and renewable energy, provides a brief introduction to each technology and looks at what issues will need to be considered when selecting a technology. Further detail on the technologies, and the planning issues associated with renewable technologies can be found in the **Energy Fact Sheets (Appendix 9)**, and in **Chapter 6 (Section 6.4)**.

4.1.2 Monmouthshire County Council will expect to see evidence during pre-application discussions or through the Design and Access Statement (DAS) (**see Section 6.2**), that sound consideration has been given to the issues below in the choice of renewable or low carbon energy technology. This will be particularly important for larger scale developments (e.g. 5-15 dwelling developments in main villages and larger developments including strategic sites identified in the LDP).

### 4.2 Low Carbon or Renewable Energy?

4.2.1 Low carbon energy is different to renewable energy. While renewables deliver zero carbon energy, low carbon energy typically involves highly efficient use of fossil fuels. One example is heat pumps which use electrical energy to collect, concentrate and deliver thermal energy. Every unit of electrical energy used generates between 2 and 4 units of thermal energy. Another example is Combined Heat and Power (CHP). Here, the thermal energy produced as a secondary product from electrical generation is captured and used, maximising the overall efficiency of input fuel use. **Table 4.1** sets out the low carbon technologies described in this Section.

**Table 4.1: Low Carbon Technologies**

Technology	Inputs	Outputs
Heat pumps	Electricity	Thermal energy (heat and/or cold)
CHP	Combustible Fuel	Electricity and thermal energy (heat and/or cold)
Fuel Cells	Liquid or gaseous oxidisable fuel*	Electricity and thermal energy (heat and/or cold)

Notes - \* Oxidisable fuels include natural gas, biogas, alcohols, hydrogen, etc.

4.2.2 Of course, if the input fuel to low carbon technologies is itself renewable, then these low carbon technologies can be classed as renewable (zero carbon). Examples are where electrical energy from a wind or hydro scheme feed a heat pump, or where the input fuel to a CHP is biomass.

4.2.3 Renewable, or zero carbon technologies, either directly harness renewable natural energy from the sun, wind or flowing water, or burn fuels that are derived from plants. Examples of renewable fuels are biomass, gases produced from the decomposition of biomass or liquid biofuels from oilseeds or bio alcohols. **Table 4.2** sets out the renewable energy technologies considered in this section.

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**Table 4.2: Renewable Energy Technologies**

Technology	Inputs	Outputs
Wind	Natural wind energy	Electricity
Biomass	Wood, straw, energy crops (grasses, wood, etc.) dry biological waste	Heat and/or Electricity
Hydro	Natural water flow	Electricity
Solar water heating	Sunlight	Heat
Photovoltaics	Sunlight	Electricity
Waste combustion	Dry wastes	Electricity, with CHP possible
Anaerobic digestion (AD)	Wet organic wastes, crop by-products, energy crops.	Electricity and or heat.

**4.2.4** The UK Government also classifies energy from the biological elements of waste as a renewable technology, although energy from waste occupies a low ranking within the waste hierarchy coming after reduce, re-use and recycle.

**4.2.5** Even though the combustion of renewable fuels produces carbon dioxide, this activity displaces the use of fossil fuels. The carbon removed from the atmosphere to create renewable fuels is effectively recycled back into the atmosphere when it is burnt on a short time cycle. As this 'recycled' carbon displaces fossil carbon that is 'new' to the atmosphere, it leads to a reduction in overall carbon emissions.

**4.2.6** **Appendix 5** provides details on the contribution of renewable and low carbon energy options to the reduction of greenhouse gas emissions, along with information on where to get help with producing carbon efficiency calculations for new developments, should these be required.

### 4.3 Renewable and Low Carbon Technologies

**4.3.1** This section gives a brief description of each of the renewable and low carbon technologies covered in the SPG. The **Energy Fact Sheets (Appendix 9)** provide much more detail on their use, planning implications and what consents are needed.

- **Heat Pumps (including Air, Ground and Water source pumps).** Heat pumps are a low carbon option. They use the same principles as a refrigerator to move thermal energy from one place to another. Thermal energy from air, water or ground is absorbed into a fluid and passed through a compressor to raise its temperature. It can then be used to heat buildings. Heat pumps are best used for under floor heating systems as they produce heat at a lower temperature than a standard boiler. Heat pumps often require a small compressor unit located either within or outside the building. They are suited to domestic and non-domestic use.
- **Anaerobic Digestion.** This is a renewable technology which uses a bacteria to break down organic material to produce a methane rich biogas. This can be used instead of fossil gas or burnt to generate electricity and heat. 'Feedstock's' input into the process including organic household or industrial waste, crop residues, or specifically grown crops.

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Plants can be quite industrial looking but not dissimilar to agricultural tanks and silos. Anaerobic Digestion can provide both electricity and heat.

- **Biomass.** This is a renewable technology. It uses solid fuels from biological sources which are burnt to provide electricity and/or heat. Fuels include wood, straw and energy crops such as coppice, and grasses such as Miscanthus. Plants can be small domestic or larger scale industrial. Biomass can also be used as a combined heat and power plant (CHP).
- **Energy from Waste.** This is classed as a renewable technology, and can be either a combustion or thermal processing plant. Energy is normally captured in the form of electricity, but CHP is an option where a suitable heat load exists. Plants can be quite industrial and are often associated with municipal recycling facilities. **Fuel Cells.** A fuel cell is a device which converts the chemical energy present within a fuel into electricity using a chemical reaction. This is a low carbon option which produces both electricity and heat. Fuel sources include hydrogen, natural gas and alcohols such as methanol. Fuel cells are smaller than conventional CHP and do not require a flue system.
- **Gas CHP.** Fossil (natural) gas is not a renewable energy, but using it within a CHP system is considered to be a low carbon option because it makes use of the heat produced during electricity generation. Systems can operate at micro (domestic), small and large scale. At micro scale, they can provide a direct replacement for a domestic heating boiler, which generates electricity when the heating boiler is operating. Larger systems recover heat in several different ways, and are often used for specific developments when there is a known heat demand (e.g. swimming pool).
- **Hydroelectricity.** This is a traditional source of renewable energy which can be used to capture electricity. Hydropower schemes comprise a system to direct water into a turbine, the turbine itself, and appropriate fish ladders or other mechanisms to avoid harm to wildlife. Archimedes screws allow hydroelectricity to be harnessed at small scale and can operate in 'lower head' situations (i.e. downstream).
- **Solar Power.** Solar thermal panels capture thermal energy from the sun and can be used to heat water. Solar photovoltaic (PV) systems generate electrical power by converting solar radiation into electricity. Systems can be roof mounted for domestic or business use, or provided at a larger scale through a solar 'array'. This can either be roof mounted on large flat roofs, or on the ground.
- **Wind Energy.** This is a renewable energy collected by blades which are directly connected to a generator. Turbines need to be mounted on tall towers. They automatically align their blades with the wind, and 'feather' their blades in high wind to avoid damage. Energy can be collected at large or small (domestic) scales. Average wind speeds of 6.0 m/s at 45 metres are considered commercially viable, but this may change with rising energy prices. Developers of large schemes often install an 'anemometry mast' to collect data on whether the scheme will be viable.

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- 4.3.2 Tidal Lagoons are not addressed in this SPG as being predominantly below the High Water Mark, any such schemes will be considered by the Secretary of State rather than Monmouthshire County Council. Whether freestanding or connected to the coast, physical effects on the coastal area in terms of flooding, erosion and sedimentation would need to be thoroughly assessed as would the impacts on the SAC/SPA status of the Severn Estuary's ecology, its archaeology and the landscape setting of the Gwent Levels.



#### 4.4 Which Technology is Appropriate for my Development?

4.4.1 In selecting an appropriate technology for a particular development there is a need to consider both the nature of the energy supply and issues of development scale including the commercial as well as technical viability. This reinforces the need to carry out an Energy Demand Assessment as suggested in **Chapter 2**. This will help you to select the right technology for the nature of the demand. In addition, it will be important to consider the suitability of each technology to the conditions of the site. This chapter should therefore be read in conjunction with **Chapter 6** and the **Energy Fact Sheets (Appendix 9)**, which cover site selection and site planning issues. In summary, the aim is to allow the developer / householder to make an informed choice based on energy requirements and suitability of the technology to the site conditions.

#### 4.5 Energy Supply Issues

4.5.1 Different technologies supply energy in different ways. Some technologies are termed 'intermittent'. These cannot supply electricity continuously, but at specific times related to the availability of their energy source (e.g. wind or solar power). Other technologies are capable of constant generation. These are termed 'baseload' technologies. **Appendix 4** provides a more detailed explanation of intermittent and baseload technologies. **Table 4.3** shows which low carbon and renewable technologies are baseload and which are intermittent technologies:

**Table 4.3: Intermittent and Baseload Renewable and Low Carbon Generation Technologies**

Intermittent technology	Baseload technology
PV (electricity only)	Biomass heating (heat only)
Solar water heating (heat only)	Biomass CHP (electricity and heat)
Wind (electricity only)	Anaerobic Digestion (electricity and heat)
	Energy from waste (electricity and heat)
	Gas CHP (electricity and heat)
	Heat pumps (heat only)
	Hydro* (electricity only)
	Fuel cells (electricity and heat)

Note- \* Yields may fall during periods of drought

4.5.2 Particular issues to consider in relation to energy supply include:

- Technology like PV generates electricity maximally in the middle of the day during the summer when demand is low. This means that the local electricity network has to have enough capacity to accept this generation capacity, which might be an issue where large numbers of cells are being installed such as on a major development.
- Trying to provide a high proportion of energy demand on a residential or mixed use development from PV may prove impractical, due to the low annual energy output of the cells relative to the area available to fit them to. Similarly, as solar water heating systems generate more energy in the summer, suitable back up is required in the winter.
- Opportunities to combine technologies based on their supply can also be considered. For example, small scale wind will generate more electricity in the winter and can also

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generate at night. This complements PV systems which generate more electricity in the summer and only during the day.

### 4.6 Development Scale Issues

4.6.1 The scale at which low carbon and renewable technologies can operate is also important when making decisions about which technology is appropriate for a particular development. Some technologies only offer outputs in the kW range whilst others can generate at MW scale. **Table 4.4** shows how renewable and low carbon technologies perform in terms of scale:

**Table 4.4: The scale of Energy Generation from Renewable or Low Carbon Technologies**

Small scale technology (kW)	Large scale technology (MW)
PV (electricity only)	Biomass heating* (heat only)
Solar water heating (heat only)	Biomass CHP (electricity and heat)
Building scale wind (electricity only)	Anaerobic Digestion* (electricity and heat)
Heat pumps (heat only)	Energy from waste (electricity and heat)
Hydro (electricity only)	Gas CHP* (electricity and heat)
Fuel cells (electricity and heat)	Wind (electricity only)

Notes - \*Can also operate at kW levels. Clearly, it is possible to aggregate small scale technology to deliver larger outputs. One example is PV where 6m<sup>2</sup> of cells on a typical domestic roof generates about 1kW of electricity. Some developers have aggregated many hectares of these cells together into 'Solar PV Farms'.

4.6.2 The following summarises some key considerations at different scales of development:

- In general, larger developments will create larger demand for energy and therefore the potential to select renewable or low carbon technologies that can operate at a larger scale (see **Table 4.2**). In particular larger employment development can have more opportunity to integrate energy generation with any industrial processes within the building. This will impact on technology selection.
- Larger footprint developments can create more space for energy generation schemes, again allowing a greater technology choice.
- Larger residential and mixed use developments can offer more opportunities for larger scale technology and even centralised energy generation options. These can have cost advantages over smaller scale schemes. They also offer the opportunity to consider whether on or off site solutions could be linked with other surrounding developments to achieve greater economies of scale and greater benefits beyond the development itself. This is why the potential for community involvement to increase the market size of the development is potentially important (see **Chapter 7**).

### Grid Connections

4.6.3 All schemes will need to check the potential for connection to the national grid, where electricity is to be produced:

- Small (household) scale electricity generation is referred to as low voltage generation (even though it is still at 240 volts) and is currently allowed up to 3.6kW on a single phase and 11kW on a three phase supply. For small household schemes, the installer is likely to check the potential for connection to the grid on your behalf as part of the installation service.

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- Above household scale additional arrangements for connection will have to be discussed with the local Distribution Network Operator (DNO) which in Monmouthshire is Western Power (<http://www.westernpower.co.uk/>). to check that a) the grid system where your connection might be has the capacity to take the proposed level of electricity output. If there are issues of grid capacity, then your scheme may need to include grid capacity strengthening or new connections; and b) any upgrade to the grid connection can be made relative to the timescale for completing your scheme ready for connection. This final point is not a planning consideration – but is a consideration for cash flow predictions.

### 4.7 District or 'Community' Heating

4.7.1 District heating describes the use of a heat pipe network to take energy from a point where it is generated to a point where it is used. Community energy is sometimes used to describe smaller scale schemes, especially within a single multi-occupant building or small scale development.

4.7.2 While not a renewable or a low carbon energy technology in itself, district heating offers a number of benefits:

- It allows larger combustion plant to be used and these tend to be more efficient than smaller equipment, potentially increasing the cost and carbon efficiency of heating;
- It supports the use of CHP technology by providing the means to distribute the heat produced for beneficial use; and
- In areas where air quality is an issue, it can allow the combustion process to be moved to a different location.

4.7.3 The main problem associated with district heating in new residential developments is that building regulation is increasing building thermal efficiency and thus reducing heat demand. As a consequence, the income from heat sales is reduced to a point where it potentially cannot support the high investment costs in a district energy scheme. The addition of a commercial or industrial load, or possibly connection to users beyond the development, has the potential to overcome this problem. District heating could be usefully considered on mixed use development schemes, such as those proposed for strategic sites in the Monmouthshire LDP.

## 5 Do I need Planning or Other Consents?

### 5.1 Introduction

5.1.1 This section provides guidance on whether planning permission or Listed Building Consent will be needed for your project and the information you will need to submit with an application. It also identifies other consents which might be needed.

### 5.2 Do I Need Planning Permission or Listed Building Consent?

5.2.1 Some renewable, low carbon energy or energy efficiency measures may not require planning permission. These circumstances are often referred to as '*permitted development*' and are set out within the **Town and Country Planning (General Permitted Development) (Amendment) (Wales) Order 2012** (referred to as the GDPO). If you think you do not require planning permission, but your proposal relates to a Listed Building, or to any structure or building that has been within the curtilage of a Listed Building since 1948, you are still likely to require *Listed Building Consent* from the Council.

5.2.2 It is recommended that you always check with Monmouthshire County Council if you think that planning permission or Listed Building Consent will not be required. You can do this by phone or email to the development management team for planning permission on **01633 644 880** or [planning@monmouthshire.gov.uk](mailto:planning@monmouthshire.gov.uk). Planning officers can provide you with an informal opinion. If you require a formal opinion you will need to make a request for a Certificate of Lawful Proposed Development, for which a charge will be made. An application form for a certificate of lawful development can be downloaded here: <http://www.monmouthshire.gov.uk/home/planning-and-housing/planning/how-to-apply-for-planning-permission/> For queries regarding Listed Building Consent, you will need to contact the heritage team on **01633 644880** or [heritage@monmouthshire.gov.uk](mailto:heritage@monmouthshire.gov.uk) .

5.2.3 The information below gives more detail. There are also flow charts in the **Energy Fact Sheets (Appendix 9)** which will help you to identify whether you need planning permission and other consents for the particular technology you wish to install. In addition, the Welsh Government has produced guidance documents summarising when planning permission is needed for both homes and non-domestic properties. These can be accessed at the following link:  
<http://wales.gov.uk/topics/planning/policy/guidanceandleaflets/generaterenewable/?lang=en> .

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### Domestic Household Development

- 5.2.4 Many of the energy efficiency measures identified in **Chapter 3** will not need planning permission. Energy efficiency measures such as work to change or enlarge window openings or providing passive shading will not require planning permission, neither will 'active' measures such as installing highly efficient boilers or high efficiency lighting. However, any alterations that affect the character of a Listed Building will require Listed Building Consent. This includes any changes to windows, doors or roofs as well as internal alterations. Building regulations approval may also be required.
- 5.2.5 Some renewable and low carbon technologies can be installed as 'permitted development' for domestic properties (houses and flats) where they are small scale and deemed to be 'microgeneration', which is defined in the (*Energy Act 2004*) as technologies that:
- Generate less than 50 kilowatts of electricity; or
  - Generate less than 45 kilowatts of thermal energy.
- 5.2.6 **Table A1** in **Appendix 6** summarises the information set out within the GDPO and identifies when planning permission and Listed Building Consent will be required for the installation of low and zero carbon technologies for householders (as at July 2012). This table is provided as a guide, and you should still check with planning officers if you think that you do not need planning permission or Listed Building Consent (see **para 5.2.2**).

### Permitted Development Rights for Non-Domestic Premises

- 5.2.7 **Table A2** in **Appendix 6** summarises the information set out within the GDPO and identifies when planning permission and Listed Building Consent will be required for the installation of low and zero carbon technologies for buildings which are not domestic (i.e. not housing) (as at October 2012). This table is provided as a guide, and you should still check with planning officers if you think that you do not need planning permission or listed building consent (see **para 5.2.2**).

### Permitted Development Rights for Stand Alone Low or Zero Carbon Developments

- 5.2.8 There are no permitted development rights for stand-alone developments except for domestic solar panels as described in **Table A1** and **A2**.

### Agricultural and Forestry Permitted Development Rights

- 5.2.9 Agricultural and forestry units benefit from a number of permitted development rights. Planning permission is not required for the development of some new buildings and changes to existing buildings, provided that they are for the purposes of agriculture or forestry. However, the planning authority has to be informed about many proposed changes in advance, through a procedure called 'prior notification'.

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**5.2.10** Recent changes to the GDPO (5<sup>th</sup> October 2012) confirm that planning permission will not be required for buildings on agricultural or forestry land to house microgeneration equipment, including hydro-turbines, biomass boilers and anaerobic digestion systems, and to store associated fuel and waste, provided that the fuel or waste is produced on the agricultural or forestry land or by the boiler system. Buildings to house Biomass boilers and anaerobic digestion systems will still need planning permission if they are within 400m of the curtilage of a Listed Building or Scheduled Ancient Monument.

**5.2.11** If a farm or forestry building is listed, any changes or alterations will also require Listed Building Consent. Please check with the heritage team to confirm whether Listed Building Consent will be required for the proposed changes (see [para 5.2.2](#)).

### Cases When Permitted Development Rights Do Not Apply

**5.2.12** Sometimes, permitted development rights do not apply and this means that planning permission is required. The circumstances in which this applies include:

- Listed Buildings and buildings or structures that have been within the curtilage of Listed Buildings since 1948 or Scheduled Ancient Monuments (as specified in [Table A1, Appendix 6](#));
- Sites within a Conservation Area where there are additional restrictions so that planning permission is required if the installation is visible from the road (see [Table A1, Appendix 6](#)); and

**5.2.13** Owners of buildings within Conservation Areas which have been identified within Conservation Area Appraisals as making a particularly positive contribution to the character of the area should check with the Local Authority with regard to the status of the permitted development rights related to the building. For further information on Conservation Area Appraisals can be obtained from the heritage team on **01633 644880** or [heritage@monmouthshire.gov.uk](mailto:heritage@monmouthshire.gov.uk) .

- In sensitive areas, such as AONB or SSSI, or on Safeguarded land (see [Table A1, Appendix 6](#) and [Appendix 8](#)).
- There is an Article 4 Direction on the property or a planning condition which has removed permitted development rights from the property. You will need to check with the planning department (see [paragraph 5.2.2](#)) as to whether there are any Article 4 directions in your area.
- Buildings where planning conditions have been placed on the building which remove permitted development rights (this is sometimes the case in Monmouthshire for example where barns have been converted to residential dwellings).

**5.2.14** You can check whether your site lies within one of the above designated areas using information in [Appendix 8](#).

### 5.3 What Other Consents Do I Need?

- 5.3.1 There are a number of other consents which may be required in relation to any planning application, including those involving low and zero carbon energy generation. These are listed in **Appendix 7**. Even where planning permission or Listed Building Consent is not required, you will still need to check whether you need these other consents.
- 5.3.2 The flow charts in the **Energy Fact Sheets (Appendix 9)** will also help you to identify what other consents you need for the particular technology you wish to install.

## 6 Obtaining Permissions and Consents

6.1.1 This section explains what information you need to provide with your planning application, and how this will be assessed. This includes detailed lists of criteria which give information on what planning issues will be considered.

### 6.2 What Information do I Need to Provide with my Planning or Listed Building Consent Application?

6.2.1 The information in this SPG focuses on the specific aspects of making a planning application that are relevant to renewable or low carbon energy technology and energy efficiency. The level of detail required in any planning application will vary depending on the scale and nature of the development being proposed.

6.2.2 Monmouthshire County Council provides a considerable amount of information about the planning application process generally, including checklists of information that are required to support planning applications and the requirements for site maps, plans and other illustrations of proposed development. Applicants and/or agents are however advised to discuss with Development Management Officers whether their proposals are likely to be acceptable in advance of submitting a planning application. Please note there is a formal pre-application service which is available at a cost, the cost of which is dependent on the level of service required. Certain exemptions apply. Information on the pre-application service is available using the following link: <http://www.monmouthshire.gov.uk/planning/pre-application-advice-service>

6.2.3 Application forms for planning permission, Listed Building Consent and Conservation Area Consent and checklists of requirements can be downloaded here: <http://www.monmouthshire.gov.uk/home/planning-and-housing/planning/how-to-apply-for-planning-permission/>.

6.2.4 Paper copies of these documents are also available on request (see [paragraph 5.2.2](#)).

### Listed Building Consent

6.2.5 Applications for Listed Building Consent must show that works which would affect the character of a building are desirable or necessary. Applicants are required to submit a justification statement in addition to the relevant plans. Cadw has produced a document which provides advice on installing low and zero carbon technology in historic buildings. ***Renewable energy and your historic building: Installing micro-generation systems a guide to best practice.*** This can be downloaded at: [http://cadw.wales.gov.uk/docs/cadw/publications/Micro\\_gen\\_booklet\\_EN.pdf](http://cadw.wales.gov.uk/docs/cadw/publications/Micro_gen_booklet_EN.pdf)



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### Householder / Business Premises

- 6.2.6** Proposals to install renewable and low carbon technologies may need to be accompanied by a Design Statement. This is a formal requirement where a development is in a Conservation Area. Elsewhere, Design Statements can also be provided for householder applications as good practice.
- 6.2.7** A checklist of general requirements for householder planning applications and applications for Listed Building Consent is available at the link in [paragraph 6.2.3](#).

### New Residential and Other Developments

- 6.2.8** Planning applications for new residential, mixed use and other schemes on small, medium and major sites will require a number of supporting documents. The checklist at the link in [paragraph 6.2.3](#) includes a number of requirements.
- 6.2.9** A **Design and Access Statement (DAS)** will be required for all planning applications for residential, mixed use and other schemes. This is a document which sets out the design principles underpinning the proposal and covers issues such as the amount, use, layout, scale, landscaping and appearance of the proposed development. It should provide information on the process that has been undergone in developing the proposal or scheme. Appendix 1 of TAN 12 states: *“the applicant must explain how the proposal has appraised and taken into account national/local policy and other relevant aspects of the context of the site”*.
- 6.2.10** The DAS should also include consideration of the results of an energy demand assessment and evidence that the energy hierarchy has been fully considered in developing the scheme. The DAS will need to draw attention to energy efficiency measures and include information on features such as external housing of generators, grid connections, pipelines and other development features associated with any proposals for low and zero carbon technology, as well as buildings. It will need to include information on achieving a good standard of sustainable design, including external spaces, under the Environmental Sustainability heading of the DAS. Although no longer mandatory under the planning application process, developers may wish to explore the potential for designing and building their proposals to meet sustainable building accreditation schemes, such as the Code for Sustainable Homes and the Building Research Establishment Method Scheme (BREEAM). Further information on preparing a Design and Access Statement, information on the Code for Sustainable Homes, and links to accredited code assessors can be found at the following link: <http://www.monmouthshire.gov.uk/home/for-businesses/property-and-planning/guidance-on-making-a-planning-application/>.
- 6.2.11** Technical studies are likely to be required which consider the impacts of the proposals in areas such as ecology, noise, archaeology & heritage, and landscape, and the DAS should also summarise this information. For larger medium and large schemes, full Landscape Impact should be shown. A Landscape and Visual Impact Assessment (LVIA) should include photo montages to show impacts in longer views. A landscape and development checklist can be found [here: http://www.monmouthshire.gov.uk/wp-content/uploads/2013/06/landscape\\_and\\_development\\_checklist\\_2012.pdf](http://www.monmouthshire.gov.uk/wp-content/uploads/2013/06/landscape_and_development_checklist_2012.pdf) .

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**6.2.12** An **Environmental Impact Assessment (EIA)** may be required for some large scale developments. If this is the case, supporting information covering the rationale for the scheme, and an investigation of possible impacts, must be put into an Environmental Statement, and submitted with the planning application. The regulations governing EIA set out where EIAs are mandatory or discretionary, and provide information on the EIA screening process. Parts 1 and 2 of the Planning Advice Note on Wind Turbine Development: Landscape and Visual Impact Assessment Requirements provide guidance on whether an EIA is likely to be required in relation to proposed wind turbine developments.

### Stand-Alone Renewable and Low Carbon Energy Technology Schemes

**6.2.13** A **DAS** (see section above) will also need to be prepared for stand-alone renewable and low carbon energy technology schemes. It will need to pay particular attention to the potential impacts of the proposal in terms of landscape, townscape, historic features, biodiversity and amenity. For medium and larger schemes, landscape impact assessment (LVIA) should be undertaken with photo montages to show impacts.

**6.2.14** A checklist of general requirements for applications for planning permission, in outline, in full or for reserved matters is available at the link in [paragraph 6.2.3](#).

**6.2.15** Information should also be provided on the wider environmental, economic, social and community benefits directly related to the scheme.

**6.2.16** An Environmental Impact Assessment (EIA) could also be required for some large scale renewable and low carbon energy developments. The regulations governing EIAs set out where EIAs are mandatory or discretionary.

## 6.3 How Will My Application be Assessed?

**6.3.1** Planning applications are considered in relation to planning policies in the LDP in the first instance. Where planning applications are made that fall within the scope of Policies S3, S12, SD1 and SD2, applications need to provide evidence that a sound and well informed approach has been taken to the identification of measures and technologies for energy efficiency, renewable and low carbon technology in the context of the energy hierarchy.

**6.3.2** The checklist in [Table 6.1](#) sets out in broad terms the elements that will be considered in the assessment of planning applications and identifies which type of development each question is relevant to.

**6.3.3** Applications for Listed Building Consent will be assessed in relation to the policies in the LDP, Circular 61/96; Planning and the historic environment and the Planning (Listed Buildings and Conservation Areas act 1990). The Cadw guidance referenced in [paragraph 6.2.5](#) will also be considered.

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**Table 6.1: List of Key Considerations in Assessing Planning Applications**

Questions	Householder / business	Development schemes	Stand-alone technology	Relevant SPG chapter
<b>Process Issues</b>				
1. Does the DAS / Design statement include evidence that energy need has been assessed?	Y	Y		2
2. Is there evidence that spatial layout and design have been influenced by thinking on passive measures to reduce energy demand? (e.g. building orientation, Green infrastructure use).		Y		3
3. Is there evidence that fabric energy efficiency has been considered in the proposals (e.g. appropriate insulation and materials selection).		Y		3
4. Which renewable and low carbon technologies have been considered? Has an assessment of their merits been undertaken and a justification of choice based on meeting energy needs undertaken which is linked to the type of development proposed, scale and location, technical/commercial merits and feasibility?	Y	Y		4, 6
<b>Issues related to site selection and impacts</b>				
5. Has information on connection to the national grid been provided?		Y	Y	4
6. Are there any actual or potential impacts on landscape, townscape, historic features, biodiversity or residential amenity? If so are there proposals to mitigate or compensate, and are the impacts considered acceptable?	Y	Y	Y	6 App 9
7. Does the proposal comply with policy LC5 with regard to protection and enhancement of landscape character?	Y	Y	Y	6 App 9
8. Would the proposal compromise the distinct identity of Monmouthshire as a result of impacts identified above?		Y	Y	6 App 9
9. If acceptable impacts have been identified in question 6 (above), are there cumulative impacts which mean that this proposal, together with others already implemented, or with planning permission, will be unacceptable?	Y	Y	Y	6 App 9
10. Have the wider social, economic and environmental benefits been considered, along with opportunities for community benefit from the proposal? Do these outweigh any negative impacts?	Y	Y	Y	6, 7 App 9
11. Have satisfactory arrangements been identified for decommissioning and removal of renewable and low carbon energy technology installations and the restoration of the site to its original condition?	Y	Y	Y	6 App 9

## 6.4 Assessing Impacts: Site Selection and Planning Issues

- 6.4.1 The options for renewable and low carbon technologies are reviewed in **Chapter 4**, and examined in detail in the **Energy Fact Sheets (Appendix 9)**. **Chapter 2** explains how the selection of a renewable or low carbon energy technology needs to respond to the energy demand requirements of the development. However, this selection must also respond to site conditions. The following generic checklist of site planning considerations (**Table 6.2**) will be used in the assessment of all planning applications incorporating renewable and low carbon energy technologies. Applicants should also use it to help develop their proposals. It identifies a series of issues and sets out key questions in relation to each of these issues.
- 6.4.2 **Energy Fact Sheets** containing more specific technology focused checklists are also included in **Appendix 9**. These should be used in conjunction with **Table 6.2**. The Fact Sheets provide a profile for each technology, including technology description, a flow diagram summarising the need for planning permission and other consents, SWOT analysis, spatial implications and the checklist of technology specific site planning considerations. They consider, for example, issues such as shadow flicker in relation to wind turbines.
- 6.4.3 Additional technology specific information including information on potential renewable energy resource availability is provided in a previous Camco study referred to in **Chapter 1** and **Appendix 2**.
- 6.4.4 The Design Statement / Design and Access Statement should cover all the considerations identified in **Table 6.2** below. The extent to which each of these is relevant will depend on the scale and type of development:
- Householder / business premises applications should consider all headings; and
  - Developers of proposals for residential, mixed use and other schemes as well as for stand-alone renewable proposals will require more detailed consideration, often supported by the preparation of reports by technical specialists.
- 6.4.5 Each site planning consideration is potentially a large topic to describe in its own right. This SPG does not seek to provide comprehensive guidance but looks to highlight the key questions to address and signpost to further information.

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**Table 6.2: Generic Checklist of Site Planning Issues**

Landscape Sensitivity, Character and Visual Impact				
<p>The questions below are intended as pointers to highlight key issues. The level of information required to accompany an application in relation to landscape issues will vary significantly, depending on the scale of the proposal and its location. Applicants should consult the Landscape and Development checklist for developers (online link at paragraph 6.2.11), and the MCC landscape officer at pre-application stage in order to establish an overall approach to assessing the landscape impact of the proposal and what level and type of information will be required (contact details can be found in paragraph 5.2.2). The Planning Advice Note on Wind Turbine Development: Landscape and Visual Impact Assessment Requirements provides specific guidance in relation to proposed wind turbine developments.</p> <p>All applications will be considered in the context of policy LC5.</p>				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
<p>1. Site information</p> <p>Is the site in a designated landscape area?</p>	Y	Y	Y	<p>Monmouthshire includes areas affected by international, national and local landscape quality designations. These are set out in <b>Appendix 8</b>. For sites in or close to international or nationally designated areas, there is a high risk that they will not be suitable for some renewable and low carbon technologies, especially larger scale developments of biomass schemes, anaerobic digesters, wind farms or solar PV arrays. It will be particularly important to avoid visual impacts in designated landscapes. Locally designated sites may not be suitable for some proposals depending on their specific location and scale. In designated landscape areas, even the smallest proposals can have unacceptable impacts, and so a pre-application consultation with a landscape officer will be particularly important here.</p> <p>Reference should be made to the supporting studies for statutory designations (as identified in the LDP). For other designations, some have accompanying studies and methodologies for assessing potential development, and you will need to contact the green infrastructure and countryside team to check whether this is the case at 01633 644850 or <a href="mailto:countryside@monmouthshire.gov.uk">countryside@monmouthshire.gov.uk</a>.</p>
<p>2. Site context</p> <p>What landscape character area are you in? – What are its key qualities and significance?</p>	Y	Y	Y	<p>The Monmouthshire LANDMAP Landscape Assessment Volume 1 Draft SPG 2001 currently defines the Landscape Character Areas (LCA's) for Monmouthshire. These character areas have been informed by 5 layers of data, comprising the Visual and Sensory, Landscape Habitats, Geological, Historical and Cultural layers, each layer subdivided further and attributed values. These layers are available to view on the Natural Resources Wales website: <a href="http://naturalresourceswales.gov.uk/?lang=en">http://naturalresourceswales.gov.uk/?lang=en</a></p> <p>The LANDMAP character assessment is currently being updated (2012).</p> <p>If your site is in a rural area, or on the periphery of a built up area, understanding the qualities and significance of your landscape character area may influence your choice of technology, the scale of the development, clarify areas of the site which are more sensitive than others and help establish design principals which should be included in the Landscape masterplan. The LANDMAP Landscape Assessment provides a baseline of data outlining key characteristics and qualities</p>

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				<p>which will help define important features in the landscape and is the basis from which a more detailed landscape character assessment should be derived.</p> <p>Landscape Character Areas that are particularly sensitive may mean that there is a risk that the site is not suitable for renewable or low carbon technology</p>
<p>3. Visual analysis</p> <p>Have you considered the visibility / appropriateness of the site in its wider setting?</p>	Y	Y	Y	<p>Proposals for new development should consider the visibility of the site and its setting, as this can guide the layout and placement of buildings, structures and planting. For example it might be necessary to protect important views, vistas or landmark features or block/filter unattractive ones from within the site. The following guidelines are useful for considering small or large developments and sites in sensitive locations (including householder developments).</p> <p>Visual analysis should address;</p> <ul style="list-style-type: none"> <li>• Positive or attractive views from within the site and location of viewpoints and vistas</li> <li>• Location of local landmarks that form the focal point of key views and vistas from the site</li> <li>• Identify key views to be protected and negative views for mitigation</li> <li>• Analysis of views into the site from key locations such as exposed hills that may be inappropriate for development.</li> <li>• Analysis of the scale of the site in relation to its setting. Consideration of scale will assist in determining the massing and location of proposals and their appropriateness.</li> </ul>
<p>4. The effect of development on the landscape.</p> <p>Have you carried out your own Landscape Character Assessment / LVIA?</p>	Y	Y	Y	<p>The effect of development on the landscape will depend upon many factors in particular on the location, choice of technology, scale of the proposal and mitigation measures proposed. For example, a small wind turbine in an exposed and sensitive location may have a much greater impact than a large solar PV array that is well screened and in a location which is less sensitive.</p> <p>Therefore, where it is anticipated that development could have a significant effect upon the character of the landscape or townscape or result in the loss of important features, a Landscape and Visual Impact Assessment (LVIA) is often requested. This is an automatic requirement if a project is judged to require an Environmental Impact Assessment (EIA). Householder applications will not usually require a full LVIA, but early consultation with the Green Infrastructure and Countryside team is advised in all cases (contact in <b>in section 1 above</b>) to establish whether this will be required.</p> <p>A LVIA or Townscape Assessment should be carried out in accordance with the Guidelines for Landscape and Visual Impact Assessment (GLVIA) as published by the Landscape Institute and Institute of Environmental Assessment (April 2013) Reference should also be made to NRW's LANDMAP Guidance Note 3 May 2013 on how LANDMAP data should be integrated into an assessment.</p> <p>Wind turbine proposals should make reference to the Planning Advice Note on Wind Turbine Development: LVIA Requirements wind turbine developments. Part 3 of this document sets out the minimum requirements and standards of information to be submitted with a LVIA.</p> <p>It is advisable to engage a suitably qualified Landscape Architect to help deliver this assessment.</p>
<p>5. Cumulative Impact</p> <p>Are there other buildings or sites</p>	Y	Y	Y	<p>Cumulative impact should be considered in relation to existing and proposed development for all types of development. For example a single wind turbine may not be visually intrusive in isolation; however, if located on a site where it can be readily seen in combination with</p>

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with renewable or low carbon technologies installed or with planning permission within the locality?				<p>other turbines, then it could have a negative visual impact and result in an adverse impact upon the character of the landscape.</p> <p>For larger schemes where a LVIA is requested, cumulative impact should address this issue as part of the process as is required by the 2012 draft guidelines for LVIA.</p> <p>Wind turbine proposals should make reference to the Planning Advice Note on Wind Turbine Development: LVIA Requirements wind turbine developments. Section D of Part 3 of this document relates specifically to the cumulative landscape and visual impact assessment of wind turbines.</p>
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### Ecology

The points below relate primarily to planning Consent. However, other consents relating to impacts on the natural environment may also be necessary (see [Appendix 8](#)).

For ecological impacts, the following principle will be applied: 1. Avoid any impacts, 2, if impacts are unavoidable seek to mitigate, 3. If mitigation is impossible then compensation will be sought.

All applications will be considered in the context of policy NE1

Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
<p>1. Site information / context</p> <p>Is the site in or near a nationally or internationally designated ecological area?</p>	Y	Y	Y	Information on sites designated for their ecological importance is set out in <a href="#">Appendix 8</a> . Development schemes for residential or other uses are unlikely to be permitted on these sites. There may be a possibility that such sites are considered for 'stand-alone' renewables schemes. Applications for locations near designated sites must also consider the potential impacts on their habitats and species. On internationally designated sites, a Habitats Regulation Assessment may also be required. Natural Resources Wales will be able to advise whether this is necessary.
<p>2. Site information / context</p> <p>Is the site in or near to a site designated locally as of ecological importance?</p>	Y	Y	Y	Information on sites designated for their ecological importance is set out in <a href="#">Appendix 8</a> . If the answer is 'yes' then there is a risk that the site may not be suitable or that significant mitigation measures may need to be put in place to deal with likely impacts.
<p>3. Impact of development.</p> <p>Has the potential for impacts on habitats or species on or close to the site been considered?</p>	Y	Y	Y	<p>Applicants will need to demonstrate that they have considered whether there are any impacts on habitats or species on or adjacent to the site. For larger schemes a technical assessment will normally be required which identifies the nature conservation value of the site and any habitats or species of value, whether the proposals will have any negative impacts, how these can be avoided and opportunities for mitigation and enhancement.</p> <p>Consider whether there could be any direct impact on habitats and species during construction; and if so, how any impact can be avoided/reduced through design or construction techniques.</p>

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				Consider the opportunities for improving habitats as a result of works.
4. Cumulative impacts  Are there other buildings or sites with renewable or low carbon technologies installed or with planning permission within the locality?	Y	Y	Y	Cumulative impact should be considered in relation to existing and proposed development for all types of development. For example, there may be cumulative impacts on the viability of bird populations associated with wind turbines.
<b>Historic Environment</b>				
All applications will be considered in the context of policy HE1, HE2, and National Policy on Listed Buildings in PPW chapter 6 and Circular 61/96.				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1. Is the site part of or close to a SAM's or Registered landscapes / parks?	N	Y	Y	Information on historic designations is set out in <a href="#">Appendix 8</a> . If the site is at a Scheduled Ancient Monument (SAM), there is a high risk that that the site may not be suitable or that significant mitigation measures may need to be put in place to deal with likely impacts. At locations close to these sites, consideration will be given to whether the technology/development has any adverse impact on the setting of these historic features. Scheduled Monument Consent will be required from Cadw if the proposal affects a SAM.
2. Is the site close to the Blaenavon World Heritage Site or in a Conservation Area?	Y	Y	Y	Information on historic designations is set out in <a href="#">Appendix 8</a> .  For sites close to the Blaenavon World Heritage Site, there is a risk that they will not be suitable for some renewable and low carbon technologies, especially larger scale developments.  Sometimes permitted development rights are removed in Conservation Areas – and in these cases planning permission may be required even for the smallest schemes. In Conservation Areas there will be a need to preserve or enhance the special character of the area, as identified in the Conservation Area Character Appraisal. Renewable or low carbon energy technology installations on individual buildings, and larger developments should be designed, sited and orientated to minimise adverse impacts on the character of the Conservation Area. Impacts of the installation / development on views into and out of the Conservation Area will also be considered.
3. Does the development or installation involve a Listed Building?	Y	Y	Y	For these buildings, Listed Building Consent will also be required (this does not replace the need for planning permission). The impact on the structure and immediate setting of the Listed Building will be important considerations. It should be noted that some buildings can be 'curtilage listed': any building or structure which falls within the curtilage or garden of a Listed Building, also benefits from Listed Building status.



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4. Are there any Listed Buildings in the vicinity?	Y	Y	Y	If the answer is 'yes' then a key consideration will be whether the development has an adverse impact on the setting of the Listed Building.
5. Are there any archaeological features of importance on the site?	N	Y	Y	Applicants will need to demonstrate that they have investigated whether there are any features of archaeological interest on the site. This is particularly important in Archaeologically Sensitive Areas (ASA's) ( <b>Appendix 8</b> ). A technical assessment will normally be required which identifies the potential for archaeological features. This may affect the siting, and design of proposals.
6. Cumulative impacts Are there other buildings or sites with renewable or low carbon energy technologies installed or with planning permission within the locality?	Y	Y	Y	Cumulative impact should be considered in relation to existing and proposed development for all types of development. For example, the installation of solar panels within a Conservation Area may not be significant in isolation but its cumulative impact may change the character of the area).
<p>Other useful guidance relating to historic buildings:</p> <ol style="list-style-type: none"> <li>1. The Green guide for historic buildings: how to improve the environmental performance of listed and historic buildings, The Prince's Regeneration Trust, 2010.</li> <li>2. <i>Renewable energy and your historic building: Installing micro-generation systems a guide to best practice</i>, CADW <a href="http://cadw.wales.gov.uk/docs/cadw/publications/Micro_gen_booklet_EN.pdf">http://cadw.wales.gov.uk/docs/cadw/publications/Micro_gen_booklet_EN.pdf</a></li> </ol>				

Public Rights of Way				
All applications will be considered in the context of policy MV3.				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1 Do any public or permissive rights of way cross the site?	N	Y	Y	If the answer is 'yes' how will the development impact on these? Will they require diversion? (information on public and permissive rights of way can be found here: <a href="http://www.monmouthshire.gov.uk/home/explore-and-enjoy/countryside-services/public-rights-of-way/">http://www.monmouthshire.gov.uk/home/explore-and-enjoy/countryside-services/public-rights-of-way/</a> Permission is also necessary for footpath diversion, and if you wish to do this you should contact the green infrastructure and countryside team on: <b>01633 644 850</b> <a href="mailto:countryside@monmouthshire.gov.uk">countryside@monmouthshire.gov.uk</a>
2. Are there any public or permissive rights of way near to the site?	Y	Y	Y	If so there may be some impact if a view from the right of way is interrupted by the development. Consideration will need to be given to mitigation of any adverse impacts.

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Access and Servicing				
All applications will be considered in the context of policy MV1 & MV2.				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1. Will traffic be generated during construction of the development?	N	Y	Y	<p>Check to ensure that the road network and site access is capable of taking vehicles of the size required to deliver the largest pieces of equipment and whether on site access roads need to be built.</p> <p>Identify what extent of traffic generation will be associated with the construction process. A Transport Assessment may be required, which measures traffic impact during construction as well as operation.</p>
2. Will there be a requirement to service equipment once operational and/or to provide access in order to deliver supplies e.g. fuel.	N	Y	Y	<p>Consider what routine maintenance access will be required, how often it will be and whether there is likely to be noise or nuisance created by this, to neighbouring properties. If so, consider how site layout can help mitigate impacts and also ensure site layout provides the necessary access to equipment for maintenance purposes.</p>

Design of Buildings				
All applications will be considered in the context of policy DES1.				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1. Is there is a requirement for any building associated with using the technology?	N	Y	Y	<p>If the answer is 'yes' these should be designed with the energy hierarchy in mind, including measures to reduce demand and improve energy efficiency.</p>

On Site Landscaping and Boundary Treatment			
All applications will be considered in the context of policy DES 1.			

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Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1. Are there any trees on the site with preservation orders (TPO) that will be affected by the proposed development?	Y	Y	Y	If the answer is 'yes' then you should check with the planning officer whether permission will be required to pruned or fell the tree. A planning consideration will be whether there is any adverse impact on the preserved trees.
2. In Conservation Areas, are there any trees on the site that that will be affected?				If the answer is 'yes' then you may need to give the Council 6 weeks' notice in writing (by email or letter) of your intention to carry out any works to trees (see <a href="#">Section 5.2.2</a> for contact details). You should check the requirements with the heritage team.

### Water Management / Hydrology and Flood Risk

The points below relate primarily to planning Consent. However, consents from NRW may also be necessary (see [Appendix 8](#)).

All applications will be considered in the context of policy EP2.

Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1. Does your development fall within the NRW flood map or Welsh Government's Development Advice Maps referred to in TAN15 Development and Flood Risk?	N	Y	Y	If the answer is 'yes' there is a high risk that the site will not be suitable for development. Information on flood risk zones can be found on the Natural Resources Wales (NRW) website here: <a href="http://naturalresources.wales/?lang=en">http://naturalresources.wales/?lang=en</a>
2. Will your development involve use of water or have any impact on watercourses?	N	Y	Y	If the answer is 'yes' then an important consideration will be whether there is any adverse impact on hydrology, water management and water quality; and if so whether this can be mitigated with measures included in the proposal.

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<b>Health &amp; Quality of life (Noise, Air quality, emissions, amenity issues)</b>				
All applications will be considered in the context of policy EP1.				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
<p>Will the construction process have unacceptable noise impacts?</p> <p>Will any part of the process and fuel delivery emit any noise that is above background noise levels?</p>				<p>Consider whether there will be noise associated with the construction which will affect neighbours and how this can be mitigated through hours of construction, and timings of deliveries. A noise assessment may be required for larger developments. This should include consideration of acceptable levels against standards and assessment criteria to be agreed beforehand with the Environmental Health Officer</p> <p>If there is potential for any noise from the equipment you propose to install, careful siting will be needed to minimise disruption to neighbours and mitigation measures might be needed to reduce noise. A noise assessment may be required for larger developments.</p>

<b>Agriculture</b>				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1. Is your development taking place on agricultural land?	N	Y	Y	If the answer is 'yes' there is a risk that the site may not be suitable for development if the agricultural land is of high quality (Grade 1, 2 and 3a). Considerations should include impact of loss of agricultural land on the farm business, extent of irreversible loss of agricultural land and, for stand-alone renewable projects, potential for maintaining agricultural uses on the site alongside the technology.

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Community Engagement				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1. Has there been any community involvement in developing the proposed scheme?	N	Y	Y	Monmouthshire County Council encourages developers to engage in community consultations on renewable or low carbon energy schemes at an early stage in developing proposals and would like to see evidence of this in Design and Access Statements/other information accompanying planning applications.
2. Is there any potential for community partnership or benefit from the scheme?	N	Y	Y	Monmouthshire County Council is keen to prompt developers to work with communities on development proposals where possible and appropriate and hence this question is asked in order to encourage such partnership working ( <a href="#">Chapter 7</a> provides details).

Decommissioning				
Questions to address.	Relevant at which scale			Points to consider
	Householder / Business	Development Schemes	Stand-alone technology	
1. Have you considered what happens to the technology at the end of its lifespan?	N	Y	Y	Monmouthshire County Council will require decommissioning of technologies and their removal (where practicable) and return of land to its former use where this was productive. It will want to know there is a mechanism and organisation in place to carry through decommissioning and will seek to include conditions on planning consents to secure this.

## 7 Community Involvement in Renewable Energy

### 7.1 The Benefits of Community Involvement

7.1.1 Fossil fuels like coal, oil and gas are all found underground and need to be extracted, processed and moved to the point of use. This means that fossil fuel resource ownership and consequent energy supply is mainly in the hands of a small number of large organisations.

7.1.2 Renewable energy generation is different. The input energy is either harnessed from natural energy flows such as wind or solar, or comes from renewable fuels such as biomass. These are all above ground resources and are based on the ownership of land assets, not underground reserves. This means that, for the first time, energy generation can be in the ownership of almost anyone. The government is supporting this through the targeting of support mechanisms to smaller scale technology and has liberalised the energy market to support local ownership.

7.1.3 Communities now have the potential to become important players in the energy market in a number of ways. Communities represent energy markets which can be potentially valuable. Land assets with potential value for energy generation projects are often available within the community. More importantly, communities can also benefit from the social and economic benefits that come from retaining the value of energy generation within the local economy.

7.1.4 The second area of potential benefit comes from physically attaching the local community to a new energy scheme. For instance, by supplying the local community with energy as well as a new development, the size and value of the energy market goes up which may enable a more cost effective scale of technology to be used. In addition, technology such as combined heat and power (CHP) may become viable. This approach has the potential to benefit all parties.

### 7.2 Opportunities and Support for Community Involvement

7.2.1 DECC is supportive of community energy and has a number of practical ways to support community energy development (see <https://www.gov.uk/guidance/community-energy>).

7.2.2 The Energy Saving Trust also has a database of community energy case studies: <http://www.energysavingtrust.org.uk/organisations/community-project-case-studies> .

7.2.3 An example of this approach is the Westmill wind Farm. The Westmill Co-op was established in 2004 for the purpose of constructing and operating a community-owned wind farm at Westmill Farm in Oxfordshire. The Wind Farm involved the purchase, construction and 25 year operation of five wind turbines. More information can be found at [http://www.westmill.coop/westmill\\_home.asp](http://www.westmill.coop/westmill_home.asp) .

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- 7.2.4 In Wales, the Welsh Government has created the Arbed programme which also has the potential for community links. Here, the target is to reduce carbon emissions, eradicate fuel poverty and create employment in the low carbon energy sector. New developments involving low carbon energy have a potential to contribute to this programme.
- 7.2.5 Monmouthshire County Council recognises that community involvement in climate change and sustainable energy work is essential. To this end, their Climate Change and Sustainable Energy Strategy which was adopted in 2008 includes a section on Community.
- 7.2.6 Projects and initiatives that involve working with the community on renewable and low carbon energy include:
- Establishment of the *Community Climate Champions*. This is an MCC facilitated partnership which includes representatives from community groups working on energy, local renewable energy installers and Council officers and members. They meet quarterly and partners all give an update of the work they have been doing around climate change and peak oil. The Community Climate Champions are a great networking group, but also work on and develop partnership projects.
  - An example of a Community Climate Champions project is *Eco Open Doors*. This annual event involves properties across the county with renewable energy and other sustainability features opening up their homes to the public for a weekend, so that members of the public can visit, see how their systems work and chat to the owners, to help them to decide if the technology would be suitable for them. See <http://www.monecoopendoors.org.uk/>.
  - MCC are developing a loan scheme for individuals or community buildings who would like to install solar panels.
  - Through the Council's Rural Development Programme, the *Vital Villages* project offers energy advice to communities in Monmouthshire, grant support for renewable energy

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projects, grants for energy efficiency measures in community buildings and grants for community gardens

- Tailored support can be offered to community groups looking to develop community renewables scheme. Projects that have received support so far include the Tintern Angiddy Hydropower Project (TAP).

**7.2.7** Where a new development of buildings or a stand-alone energy scheme is being considered at any scale, this will almost undoubtedly create the opportunity for collaboration between the developer and the local community that can be exploited to mutual benefit. For example, the local community may provide an additional market allowing more cost efficient scales of technologies to be used. Perhaps a community heat market may also unlock the potential for CHP.

**7.2.8** Clearly, as a result of these benefits, it is important that all developers planning to invest in a renewable or low carbon energy scheme (irrespective of the size, location or nature) engage with the local community at an early stage, so that any benefits from collaboration can be explored from the outset and included within the development.

**7.2.9** This can be achieved by contacting the Sustainability Team at Monmouthshire County Council on 01633 644417. The team are in touch with an extensive network of community groups and organisations, and have a database of community projects that could potentially benefit from collaboration.

**7.2.10** Applicants for new standalone renewable energy projects are encouraged, therefore, to carry out an engagement exercise with the local community prior to submitting their planning applications. The aim of the process should be to encourage discussion before a formal application is made and therefore to avoid unnecessary objections being made at a later stage. Such consultation could take the form of public meetings / exhibitions and mail shots to residents living near to an application site. This would provide an opportunity to try and address any concerns raised by the local community prior to submission of the application. In addition, criterion 4 of Policy SD1 also states that renewable energy schemes will be permitted where wider environmental, economic, social and community benefits directly related to the scheme outweigh any potential adverse impacts. Early community engagement provides an opportunity to explore the possibilities for achieving such benefits, as discussed above.



# Appendix 1: Glossary

## Appendix 1: Glossary

<b>A</b>	
Anemometry Mast	A mast used to measure wind speed and direction at a particular location.
Article 4 Direction	Article 4 Directions are issued by the Council in circumstances where specific control over development is required, primarily where the character of an area of acknowledged importance would be threatened by home owners installing extensions or works outside of the Planners Control.
AONB	Area of Outstanding Natural Beauty.
<b>C</b>	
Cadw	Cadw is the Welsh Government's historic environment service, working for an accessible and well-protected historic environment for Wales.
CHP (combined heat and power)	CHP is the process whereby the otherwise waste heat produced when fuel is burnt in a gas engine, turbine or steam boiler to generate electricity is captured and used beneficially.
Curtilage	The land immediately surrounding a house or dwelling, including gardens and any closely associated buildings and structures, but excluding any associated 'open fields beyond' which may be in the same ownership.
Conservation Area	An area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.
<b>D</b>	
Design Statement / Design and Access Statement (DAS)	A design statement or Design and Access Statement is a report that sets out, illustrates and justifies the process that has led to the development proposals. It is submitted to accompany a planning application.
<b>F</b>	
Feasibility Assessment	An investigation into the technical and commercial/economic feasibility of proposed renewable energy schemes, low carbon technologies and energy efficiency measures.
Feathering Blades	The capacity of a wind turbine to turn its blades so as not to collect wind energy as a protection measure in damagingly high winds or during maintenance.
Feedstock	Fuel entering a process, usually refers to solid fuels.
Flue	A chimney, duct or pipe for conveying exhaust gases from boiler systems.
<b>G</b>	
Gate Fee	The price paid to dispose of waste into a suitable facility.
<b>L</b>	
Listed Building	A building or structure placed on the statutory list of buildings of special architectural or historic interest.
Low Carbon Energy	Highly efficient energy generation compared with standard energy generation techniques. One example is CHP, where the heat produced as part of the process to generate electricity is captured and used (unlike in traditional power stations where it is discarded). Another example is a heat pump, where electrical energy is used to boost thermal energy captured from the air, grounds or water such that for every unit of electrical energy used between 2.5 and 4 units of thermal energy are produced.
<b>N</b>	
NRW	Natural Resources Wales
<b>M</b>	
MCS	Microgeneration certification scheme.
<b>P</b>	
Parasitic Load	The energy (usually electricity) used within an electricity generation plant that leads to a reduction in exported energy.
Permitted Development	This is the name given to specific minor developments which do not require planning permission as set out in legislation.

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Plume	The moisture emitted from a flue or chimney. This is often mistaken as smoke by merely comprises water vapour. It is a particular feature when fuels such as biomass are burnt.
<b>R</b>	
Rankine Cycle	The Rankine Cycle is a thermodynamic cycle which converts heat into work, usually by heating water to raise steam for expansion through a turbine to generate electricity.
Renewable Energy	Energy provided from a renewable source i.e. that which is replaced on a short timescale compared with fossil fuels. Examples include directly harnessed energy as from the wind, sun or hydro sources or those from crops including trees such as biomass. Renewable energy is also known as Zero Carbon Energy.
<b>S</b>	
SAM	Scheduled Ancient Monument.
SSSI	Site of Special Scientific Interest.
<b>Z</b>	
Zero Carbon Energy	Energy that leads to a net zero emission of CO <sub>2</sub> . Examples include directly harnessed energy from the wind, sun or hydro sources. Energy sources that emit CO <sub>2</sub> can also be zero carbon, where they effectively recycle carbon recently removed from the atmosphere such as in the production of biomass. Here, as these fuels lead to a displacement of emissions from fossil fuels, they are considered as zero carbon. Zero carbon energy is also known as renewable energy.

## Appendix 2: Climate Change Policy

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### Appendix 2: Climate Change Policy

#### National Policy

The UK has made binding international commitments to reduce greenhouse gas emissions and we are also subject to EU regulation in this area. The UK has passed legislation which introduced the world's first legally binding targets to reduce carbon emissions through the 2008 Climate Change Act. This sets ambitious targets for reducing UK greenhouse gas emissions by 80% (relative to 1990 levels) by 2050. It also assumes powers to help achieve them, strengthening the institutional framework, enhancing the UK's ability to adapt to the impact of climate change and establishing clear and regular accountability to the UK, Parliament and devolved legislatures.

To help achieve this, a carbon budgeting system has been set in law which caps emissions over a 5 year period. Information on these, the current carbon budget level and the latest Carbon Plan that describes how the budget will be met can be found at:

[http://www.decc.gov.uk/en/content/cms/emissions/carbon\\_budgets/carbon\\_budgets.aspx](http://www.decc.gov.uk/en/content/cms/emissions/carbon_budgets/carbon_budgets.aspx) .

The Welsh Government has set out its own commitment to reduction of greenhouse gas emissions in two main areas, climate change strategy:

<http://wales.gov.uk/topics/environmentcountryside/climatechange/publications/firstprogressreport/?lang=en> and low carbon energy:

<http://gov.wales/topics/environmentcountryside/energy/difference/?lang=en> .

One result of these reforms has been the establishment of more support mechanisms for low and zero carbon energy supply. One area of support is the UK Government's Renewable Energy Policy to increase the proportion of renewable energy that we use. Mechanisms in this are the Renewables Obligation (for 5MW plus schemes), Feed-in Tariff (for schemes below 5MW) and Renewable Heat Incentive.

Of these, the Renewables Obligation is designed to stimulate investment to deliver the Climate Change Act targets, while the Feed-in Tariffs and Renewable Heat Incentive are cash limited schemes that are designed to stimulate the initial uptake of technologies. As such, they can apply from small householder scale schemes to schemes for large developments. As a result, the nature and level of support is subject to regular review and will change. The latest information on renewable energy policy and these schemes can be found at:

[http://www.decc.gov.uk/en/content/cms/meeting\\_energy/renewable\\_ener/renewable\\_ener.aspx](http://www.decc.gov.uk/en/content/cms/meeting_energy/renewable_ener/renewable_ener.aspx)

Details of the Renewables Obligation and the latest support rates can be found at: <https://www.gov.uk/government/policies/increasing-the-use-of-low-carbon-technologies/supporting-pages/the-renewables-obligation-ro>

The Welsh Government has set out its commitments to moving towards low carbon energy solutions. Whilst recognising that energy policy as such is set at the UK Government level, the Welsh Government has the opportunity to use enabling policy areas to help achieve a transition to a low carbon energy policy. Details of proposals from the Welsh Government to use policy to support its low carbon aims are set out in the document 'Energy Wales: A New Carbon Transition' and can be found at:

<http://wales.gov.uk/docs/desh/publications/120314energywalesen.pdf>

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The Welsh Government have consulted on an Energy Efficiency Strategy for Wales which will be of particular importance once finalised.

The UK Government has signalled its intention to significantly reduce energy use in buildings as an important element in its climate change strategy and its approach to securing energy supplies in the future. The minimum energy efficiency requirements in Part L of the Building Regulations are one of the mechanisms through which these reductions are to be achieved.

Since the end of 2011, the Welsh Government has assumed the powers to set Welsh Building Regulations, with the stated intention of improving the energy performance of new housing. The latest information on these regulations can be found at:

<http://gov.wales/topics/planning/buildingregs/?lang=en>

### **Monmouthshire's Climate Change and Sustainable Energy Strategy**

In 2008 Monmouthshire County Council adopted a climate change and sustainable energy strategy which can be found here:

<http://www.monmouthshire.gov.uk/home/for-businesses/advice-and-legislation/environmental-health-and-pollution/sustainable-development/>

The objective of this strategy is to reduce carbon dioxide emissions across Monmouthshire through energy efficiency, raising awareness of the issue of climate change and promoting renewable energy sources where appropriate.

Further work supporting the implementation of the strategy has been carried out in the form of two studies. These are the Monmouthshire Renewable Energy and Energy Efficiency Study undertaken in 2010 by Camco and CDN planning and a subsequent addendum to the study completed in 2012. These documents provide valuable reference material in addition to this SPG, in that they give a commentary on energy supply in Monmouthshire such as the extent of the gas grid, County wide energy demand and consideration of fuel poverty issues.

These 'Camco' studies included some useful high level assessment of renewable energy resources within the County, along with the identification of constraints to these resources becoming available. The reports include some mapping analysis of where the renewable energy resources are thought to exist. This is important, as this SPG is developed on the assumption that proposed energy projects are technically and commercially viable and deal only with the resulting planning issues.

The Monmouthshire Local Service Board has also been working with the Kafka Brigade to identify ways to reduce the barriers to micro-renewable energy generation in Monmouthshire and the Brecon Beacons National Park (BBNP). The work brought together a team of people from Monmouthshire County Council (MCC), BBNP, Countryside Council for Wales (CCW), Environment Agency Wales (EAW), Welsh Government (WG) and related organisations. A collective performance review identified ways in which the organisations could work more efficiently together to improve delivery of micro-regeneration projects. One of these areas was to streamline permissions processes (including planning permissions) across the different agencies, and increase understanding and communication between agencies.

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## **Appendix 3: National Planning Policy**

## Appendix 3: National Planning Policy

Planning Policy Wales (PPW) provides the framework within which local authorities in Wales develop their LDPs.

Section 12 of PPW focuses on energy with the responsibility for all onshore energy development proposals for less than 50 megawatts falling to local authorities in Wales. It makes clear that, in planning policy terms, renewable energy refers to all sources of energy which are continuously and sustainably available whilst low carbon energy covers technologies that are energy efficient. It also makes clear the Welsh Government's commitment to using the planning system to optimise renewable and low carbon energy, whilst also taking into account other issues such as statutory obligations towards protecting designated areas. PPW is updated periodically and the current edition can be found here:

<http://wales.gov.uk/topics/planning/policy/ppw/?lang=en>

PPW is supported by a series of Technical Advice Notes (TANs) providing further guidance on particular topics. Several TANs are relevant to policies SD1 and SD2 of the Monmouthshire LDP with two of particular relevance highlighted here.

TAN8 (2005) on 'Planning for Renewable Energy' remains relevant although parts have now been superseded by changes to Section 12 of PPW. TAN 8 can be found here:

<http://wales.gov.uk/topics/planning/policy/tans/tan8/?jsessionId=qnnQP6TZDgh0YwQInJSJ0G1bywFxn7QDYhhGnS7n8GsXvFX54HLs!1858592419?lang=en>

In addition, a letter setting out PPW changes superseding parts of TAN 8 is set out here:

<http://wales.gov.uk/docs/desh/publications/110228ppw4letteren.pdf>

TAN 12 (2014) provides guidance on design. TAN 12 makes reference to environmental sustainability and, within that, energy efficiency and carbon reduction. It includes discussion around development layout and approaches within design, together with consideration of built form and fenestration as other factors that can affect environmental sustainability. It also usefully discusses Design and Access Statements (DAS) in an Appendix, making clear that environmental sustainability needs to be covered within the DAS. The requirement for a DAS could apply to a number of planning applications incorporating renewable energy and energy efficiency. TAN 12 can be found here:

<http://wales.gov.uk/topics/planning/policy/tans/tan12/?lang=en>

In addition to this the Welsh Government has produced practice guidance specifically relating to making the most of renewable and low carbon technologies in the design process in Planning Implications of Renewable and Low Carbon Energy (February 2011):

<http://wales.gov.uk/docs/desh/publications/110228planimplicationsen.pdf>

Practice Guidance has also been produced in relation to integrating sustainable building design principles into proposals in Planning for Sustainable Buildings (July 2014):

<http://gov.wales/docs/desh/publications/150311practice-guidance-planning-for-sustainable-buildings-en.pdf>



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## **Appendix 4: Predicting the Energy Demand of a New Development**

## Draft Monmouthshire Renewable Energy and Energy Efficiency SPG

### Appendix 4: Predicting the Energy Demand of a New Development

#### How is Energy Measured?

Before looking at energy demand assessment it is useful to consider how energy generation plant is sized and what this means in terms of its energy output.

Energy is measured most commonly in watts. As with normal conventions on metric units, 1,000 watts = 1 kilowatt (kW), 1,000kW = 1 megawatt (MW) and 1,000 MW = 1 gigawatt (GW) and so on.

When domestic energy is traded, this is done kilowatt hours (kWh). This means that if a piece of equipment with a demand of 1kW is connected to the electricity supply for 1h, then it will consume 1kWh. If the energy demand is for heat, then kWh is also the standard unit of consumption. Normal convention is that where both heat and electricity are being considered in the same document that to differentiate between the two, a kWh of electricity is denoted as kWh<sub>e</sub> and a kWh of heat as kWh<sub>th</sub>.

Larger commercial consumption is sometimes measured and traded in MWh.

In the case of electrical generation, the size of the generation plant is quoted as its instantaneous generation capacity. For instance a hydroelectric generator may be rated at 100kWe, which means that for each hour that it operates at maximum output it produces 100kWh of electricity.

The number of hours that a generation plant can physically operate is dictated by a number of factors. If an energy generation plant can operate for 24hours per day and 365days per year, then it will generate for 8760hours per year. The actual 'availability' of any energy generation plant is usually expressed as a % of this maximum (see in the table below).

So called 'baseload' generators can (in theory) operate continuously and so can come close to maximum availability. Examples are those technologies such as biomass that burn a fuel. In this case, providing that a constant supply of biomass is available the plant can operate 24h per day, 365 days per year, giving 8760h of output. In practice, baseload plant are normally taken out of service for a period of time during the year for maintenance giving a typical maximum 'availability' in the region of 90 to 98% of the year. In the case of intermittent technologies such as wind the output is dictated by the availability of wind energy. Here, most wind energy projects are based on an estimated availability which can be as low as 25%. In other words, generation is only expected for 25% of the year or  $8760 \times 0.25 = 2190\text{h/y}$ . This lower availability is factored in to project economic appraisals.

This means that different technologies require different sizes of generation plant to satisfy a given demand. For instance, a 5MWe biomass plant operating at 95% availability will generate  $5\text{MWe} \times (8760 \times 0.95)\text{h} = 41610 \text{ MWh}$  per year. Assuming an availability of 35%, a wind development would have to comprise over 13.5MW of turbine capacity to generate the same output.

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For this reason, both the generation capacity and the intermittency (availability) of a renewable energy technology are important in technology selection, as is the location of intermittent technology. For instance, if the wind energy example given above were in an exposed location such that the availability increased to 50%, then the required turbine capacity will fall to 9.5MW. To put these figures into context, in 2011, Ofgem estimated that an average household consumed 3,300 kWh of electrical energy and 16,500 kWh of thermal energy every year.

The table below shows the indicative impact of scale and availability in terms of average households supplied from various renewable energy technologies based on generalised plant sizes and availabilities. It is for illustration only. More detailed energy yield calculations will require more detailed site-based assessment. The Households served column shows the overall households served. The final column shows the households served per megawatt of technology (households served divided by typical project size). This shows that for example wind development gives a lower output per megawatt than Anaerobic Digestion does.

Technology	Typical Project Size (MW)	Typical Availability (%)	Annual projected output (MWh)	Households Served*	Households served/MW
Anaerobic Digestion	1	85	7446	2256	2256
Biomass power	5	95	41610	12609	2522
Energy from waste	30	90	236520	71673	2389
Hydroelectricity	0.1	99	867.24	263	2628
Solar PV	0.000357	48	1.5	0.45	1274
Wind (large scale)	2	35	6132	1858	929
Wind (Medium scale)	0.1	35	306.6	93	929

\*calculation based on MWh x 3,300Kwh (average consumption of electrical energy per household)

### Tools for Use in Assessing Energy Needs

It is important that an Assessment of Energy Needs is made for any scale of installation, be it for an individual householder scheme or a large residential or industrial development. Whoever is designing the buildings that will comprise the new development should be able to provide information on the predicted energy demand of the development.

In addition, the following signposts some tools to help in assessing energy needs.

The Standard Assessment Procedure (SAP) is DECC's methodology for assessing and comparing the energy and environmental performance of dwellings. Its purpose is to provide accurate and reliable assessments of dwelling energy performances that are needed to underpin energy and environmental policy initiatives. More information on SAP can be found at:

<http://www.decc.gov.uk/en/content/cms/emissions/sap/sap.aspx>

A different procedure called the Simplified Building Energy Model (SBEM) is used for non-domestic buildings. It was developed by the Building Research Establishment (BRE) in support of the National

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Calculation Methodology (NCM) and the Energy Performance of Buildings Directive (EPBD). The model is described in detail at:

**<http://www.bre.co.uk/page.jsp?id=706>**

In addition, householders or builders of single dwellings can get additional information from the Energy Saving Trust (EST). For instance, the EST Home Energy Check tool may be of use to predict carbon emissions from a proposed building design and may be of help to identify low carbon or renewable energy technology options. This can be found at:

**<http://www.energysavingtrust.org.uk/Insulation/Home-Energy-Check>**

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## **Appendix 5: Contribution of LZC Technologies to Reduction in Greenhouse Gas Emissions**

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### Appendix 5: Contribution of LZC Technologies to Reduction in Greenhouse Gas Emissions

The contribution of each renewable and low carbon energy technology is linked to the amount of fossil energy it displaces and the nature of that fossil energy. This is because the carbon content of different input fuels varies. This is shown in **the table below**, which is reproduced from the Carbon Trust and was published in August 2011.

#### Carbon Content of Fossil Fuels (as published in August 2011, Carbon Trust)

Fuel	kg CO <sub>2</sub> /kWh
Grid electricity	0.5246
Natural gas	0.1836
LPG	0.2147
Fuel oil	0.2674
Burning oil	0.2468
Industrial coal	0.3325

In the case of electricity, its carbon content is dictated by the fuel that it is generated from. The carbon content of grid supplied electricity is subject to change as the mix of generation technologies changes. For instance the move from coal to gas fired power stations leads to a reduction in carbon content, but on the other hand the retirement of nuclear generation leads to an increase. DECC regularly updates the carbon content of grid supplied electricity.

In terms of the individual technologies, heat pumps use electrical energy to drive them. As in round terms, the carbon content of grid electricity is about three times higher than gas, then coefficient of performance or COP (which describes the amount of energy produced relative to the input energy supplied) of the heat pump must be three or more in order to achieve a net reduction in carbon emissions compared with using a high efficiency gas boiler. The required COP of systems replacing oil needs to be lower in order to achieve a carbon benefit.

In the case of fossil gas CHP, the carbon performance of the scheme is related to the efficiency of input gas conversion to electricity, the efficiency of heat capture and the amount of captured heat that is used beneficially. Poorly sized CHP, where there is excess heat produced which is wasted, has reduced carbon (and cost) efficiency compared to a scheme where all of the heat is used.

Renewable technologies are all zero carbon, even those burning a renewable fuel such as biomass. Here, the carbon in the biomass fuel was removed from the atmosphere when the fuel was grown. When used to displace fossil fuel, it prevents new carbon entering the atmosphere leading to a reduction in carbon emissions.

If required to produce carbon efficiency calculations associated with new developments, the Energy Saving Trust Wales has tools to help with this and these use a range of standard input data. These can be found at: <http://www.energysavingtrust.org.uk/corporate/our-calculations> .

## **Appendix 6: Circumstances When Planning Permission and Listed Building Consent is Not Required**

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### Appendix 6: Circumstances When Planning Permission and Listed Building Consent is Not Required

Table A1: The Need for Planning Permission and Listed Building Consent on Houses and Flats

Technology	Permitted Development	Comments
Solar Photovoltaic	Under 50 kW	<p>Planning permission is not required to install panels on the roof or walls of a house or flat<sup>1</sup> provided the panels do not project more than 200mm from the wall/roof and no part of the panels are higher than the highest part of the roof (excluding chimneys). On flat roofs, the equipment should not be less than 1m from the edge, and should not protrude more than 1m above the roof.</p> <p>Planning permission will still be required on Listed Buildings or Scheduled Ancient Monuments. In Conservation Areas, planning permission is needed if a panel is installed on a wall forming the main or side elevation of the house where it fronts a highway, or on the wall of any building within the curtilage of the house which fronts a highway.</p> <p>Equipment must be located so as to minimise effects on the building's external appearance and the amenity of the area and must be removed once it is no longer needed.</p> <p>Stand-alone solar panels will not require planning permission provided that:</p> <ul style="list-style-type: none"> <li>▪ They are within the boundary of the house or flat.</li> <li>▪ They are set back at least 5m from a highway.</li> <li>▪ They are not more than 2m high within 5m of a boundary, or 4m elsewhere.</li> <li>▪ Only one stand-alone solar array (group of panels) is permitted with a total area not more than 9m<sup>2</sup>. The array must not exceed 3m in any dimension.</li> <li>▪ The impact on the amenities of the area and the external appearance of the building must be minimised.</li> <li>▪ All equipment must be removed if generation ceases.</li> </ul> <p>Listed Building Consent will be required for the installation of Solar Panels on roofs or walls on a Listed Building or on any object or structure which has been within the curtilage a Listed Building since 1948. It will not be required for stand-alone solar panels within gardens.</p>
Solar Thermal	Under 45 kW	As above
Biomass heating flues	Under 45 kW	<p>Flues that are part of the heating system do not require planning permission provided they do not go higher than 1m above the highest part of the roof. However on a Listed Building, or on a structure or object that has been within the curtilage of a Listed Building since 1948, they may require Listed Building Consent.</p> <p>Equipment installed internally in the house will not require planning permission, but it will require Listed Building Consent on a Listed Building or on any object or structure that has been within the curtilage of a Listed Building since 1948.</p> <p>In a Conservation Area, the flue will not require planning permission unless it is installed on a wall or roof slope forming the main or side house elevation which fronts a highway.</p>
Combined Heat and Power flues	Under 45kW <sup>2</sup>	As above.

<sup>1</sup> A flat here means a flat within a building that is solely flats. A flat over a shop for example, would not have these same permitted development rights.

<sup>2</sup> Note that the Government's definition does not specifically cover CHP technologies which generate both heat and electricity. If 45kW of heat is generated, then the electrical generation capacity will be lower. If a CHP system generates 50kW of electricity, then the heat output would be higher than 45kW.



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Technology	Permitted Development	Comments
Water and Ground Source Heat Pumps	Under 45kW	These do not require planning permission within the boundary of a house/flat. However they may require Listed Building Consent on a Listed Building or on any object/structure that has been within the curtilage of a Listed Building since 1948.
Air Source Heat pumps	Under 45kW	<p>Planning permission is not required to install these on a house, within the curtilage of the house, or on another building within the curtilage provided that:</p> <ul style="list-style-type: none"> <li>▪ The heat pump complies with the MCS (Microgeneration certification scheme) planning standards or equivalent standards.</li> <li>▪ There are no other air source heat pumps or stand-alone wind turbines already at the property.</li> <li>▪ The volume of the pumps outdoor compressor unit (including housing) does not exceed 1 cubic metre.</li> <li>▪ The pump is more than 3 metres from the house boundary.</li> <li>▪ The pump is not on a wall or roof which fronts a highway.</li> <li>▪ The pump is not on a pitched roof.</li> <li>▪ The pump is not within 1m of the edge of a flat roof.</li> </ul> <p>The pump must be used solely for heating purposes and sited so as to minimise effects on the external appearance of the building and the amenity of the area. The pump must be removed if generation ceases.</p> <p>Planning permission will be required on a Listed Building or a scheduled Ancient Monument. Listed Building Consent may also be required on a Listed Building or on any object or structure that is located within the curtilage of a Listed Building.</p>
Standalone wind turbines	Under 50kW	<p>Planning permission is not required provided that:</p> <ul style="list-style-type: none"> <li>▪ The turbine complies with the MCS (Microgeneration certification scheme) planning standards or equivalent standards<sup>3</sup>.</li> <li>▪ There are no other wind turbines or air source heat pumps already at the property.</li> <li>▪ The turbine is no more than 11.1 metres in height.</li> <li>▪ The distance between ground level and the lowest part of any blade would be less than 5 metres.</li> <li>▪ The turbine is located at a distance from the boundary which is at least as much as its height plus 10% (including blades but excluding guy lines).</li> <li>▪ The swept area of the blades does not exceed 9.6 metres.</li> </ul> <p>Planning permission will be required at Listed Buildings, Scheduled Ancient Monuments, Safeguarded land, Areas of Outstanding Natural Beauty (AONB), World Heritage Sites or Sites of Special Scientific Interest (SSSI). In a Conservation Area planning permission will be required if the turbine is visible from a highway which bounds the property. Listed Building Consent will not be required where turbines are not attached to a building.</p> <p>In addition, the blades must be made of non-reflective materials, and be sited so as to minimise effects on the amenity of the area. When no longer needed, the turbine must be removed.</p>
Temporary anemometry mast (to measure wind speeds)		<p>Planning permission is not required provided that:</p> <ul style="list-style-type: none"> <li>▪ There are no other anemometry masts, wind turbines or air source heat pumps already at the property.</li> <li>▪ The mast is no more than 11.1 metres in height.</li> <li>▪ The mast is located at a distance from the boundary which is at least as much as its height plus 10% (including blades but excluding guy lines).</li> </ul> <p>Proposals will require planning permission within the curtilage of Listed Buildings, Scheduled Ancient Monuments, on safeguarded land, within AONB, World Heritage Sites or SSSI. In a Conservation Area planning permission will be required if the mast is visible from a highway which bounds the property.</p>

<sup>3</sup> [www.microgenerationcertification.org/admin/documents/MCS%202020%20Planning%20Standards%20Issue%201.0.pdf](http://www.microgenerationcertification.org/admin/documents/MCS%202020%20Planning%20Standards%20Issue%201.0.pdf)

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Technology	Permitted Development	Comments
		<p>Planning permission is also required if an anemometry mast has been installed at the property within the last 5 years. The mast must be sited to minimise its effects on the amenity of the area.</p> <p>The developer must notify Monmouthshire County Council in writing of the development and its location within 7 days of installing the mast. The mast must be removed after 12 months. Listed Building Consent will not be required.</p>

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**Table A2: The need for planning permission and Listed Building Consent for Non-Domestic Premises**

Technology	Permitted Development	Comments
Solar Photovoltaic or Solar thermal panels on a building	Under 50 kW	<p>Planning permission is not required to install panels on the pitched roof or walls of a non-domestic building subject to the following conditions:</p> <ul style="list-style-type: none"> <li>The panels do not project more than 20cm from the plane of the wall/roof (when measured from the perpendicular with the external wall/roof slope surface).</li> <li>On a flat roof, the panels should not protrude more than 1 metre above the roof.</li> <li>The equipment should be more than 1m from the edge of the roof.</li> <li>On walls, the equipment should be more than 1 metre from the junction of the wall with another wall or with the roof.</li> <li>On article 1(5) land<sup>4</sup> and at World Heritage Sites, the equipment should not be installed on a wall or roof slope which fronts a highway.</li> </ul> <p>Planning permission will still be required on Listed Buildings or Scheduled Ancient Monuments. Listed Building Consent will be required for the installation of solar panels on roofs or walls on a Listed Building or on any object or structure which has been within the curtilage a Listed Building since 1948.</p> <p>Equipment must be located so as to minimise effects on the building's external appearance and the amenity of the area and must be removed once it is no longer needed.</p>
Standalone solar	Under 45 kW	<p>The installation, alteration or replacement of stand-alone solar panels within the curtilage of a building will not require planning permission provided that:</p> <ul style="list-style-type: none"> <li>This would mean there was more than one stand-alone solar installation at the property.</li> <li>The equipment is not more than 4m in height.</li> <li>On article 1(5) land or within a World Heritage Site the equipment should not be visible from the highway.</li> <li>They are set back at least 5m from the boundary.</li> <li>The surface area of the solar panels should not be more than 9m<sup>2</sup>.</li> <li>The array must not exceed 3m in any dimension.</li> </ul> <p>Planning permission will still be required on Listed Buildings or Scheduled Ancient Monuments. Listed Building Consent will not be required for stand-alone solar panels within the curtilage of the building.</p> <p>Equipment must be located so as to minimise effects on the amenity of the area and must be removed once it is no longer needed.</p>
Biomass heating flues	Under 45 kW	<p>Flues that are part of the heating system can be installed, altered or replaced on a non-domestic building or on a building situated within the curtilage of a house or block of flats without planning permission provided that:</p> <ul style="list-style-type: none"> <li>The capacity of the system does not exceed 45KW thermal.</li> <li>The height of the flue is not more than 1m above the highest part of the roof, or higher than an existing flue which is being replaced (whichever is the highest).</li> <li>There would not be more than one flue on the same building for either Biomass or CHP.</li> <li>On article 1(5) land or within a World Heritage Site the equipment should not be installed on a wall or roof slope which fronts a highway.</li> </ul> <p>Planning permission will still be required for a flue on a Listed Building or within its curtilage, or at a Scheduled Ancient Monument. On a Listed Building, or on</p>

<sup>4</sup> National Parks, Areas of Outstanding Natural Beauty (AONB), Conservation Areas and areas specified under section 41(3) of the Wildlife and Countryside Act 1981 (enhancement and protection of the natural beauty and amenity of the countryside)

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Technology	Permitted Development	Comments
		<p>a structure or object that has been within the curtilage of a Listed Building since 1948, flues will require Listed Building Consent.</p> <p>Equipment installed internally in the building will not require planning permission, but it may require Listed Building Consent on a Listed Building or on any object or structure that has been within the curtilage of a Listed Building since 1948.</p>
Combined Heat and Power flues	Under 45kW <sup>5</sup>	<p>Flues that are part of the heating system can be installed, altered or replaced without planning permission on a non-domestic building or on a building situated within the curtilage of a house or block of flats provided that:</p> <ul style="list-style-type: none"> <li>▪ The capacity of the system does not exceed 45KW thermal.</li> <li>▪ The height of the flue is not more than 1m above the highest part of the roof, or higher than an existing flue which is being replaced (whichever is the highest).</li> <li>▪ There would not be more than one flue on the same building for either Biomass or CHP.</li> <li>▪ On article 1(5) land or within a World Heritage Site the equipment should not be installed on a wall or roof slope which fronts a highway.</li> </ul> <p>Planning permission will still be required for a flue on a Listed Building or within its curtilage, or at a Scheduled Ancient Monument. On a Listed Building, or on a structure or object that has been within the curtilage of a Listed Building since 1948, flues will require Listed Building Consent.</p> <p>Equipment installed internally in the building will not require planning permission, but it may require Listed Building Consent on a Listed Building or on any object or structure that has been within the curtilage of a Listed Building since 1948.</p>
Ground Source Heat Pumps	Under 45kW	<p>Planning permission is not required to install a ground source heat pump within the curtilage of a building provided that:</p> <ul style="list-style-type: none"> <li>▪ This would not result in more than one ground source heat pump at the property.</li> <li>▪ The area of land excavated to accommodate the pump is not more than 0.5 hectares.</li> </ul> <p>Planning permission will still be required on Listed Buildings or Scheduled Ancient Monuments.</p> <p>When the equipment has been installed, the land must be restored to its condition before the development took place, or to a condition agreed in writing with the Council. Equipment must be removed once it is no longer needed, and the land restored to the condition it was in before the pump was installed, or to a condition agreed in writing with the Council.</p> <p>Listed Building Consent may be required to install a heat pump on a Listed Building or on any object/structure that has been within the curtilage of a Listed Building since 1948.</p>
Water Source Heat Pumps	Under 45kW	<p>Planning permission is not required to install a water source heat pump within the curtilage of a building provided that The total area covered by the pump (including pipes) is not more than 0.5 hectares.</p> <p>Listed Building Consent may be required to install a heat pump on a Listed Building or on any object/structure that has been within the curtilage of a Listed Building since 1948.</p>

<sup>5</sup> Note that the Government's definition does not specifically cover CHP technologies which generate both heat and electricity. If 45kW of heat is generated, then the electrical generation capacity will be lower. If a CHP system generates 50kW of electricity, then the heat output would be higher than 45kW.

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# Appendix 7: Additional Consents That May Be Required

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### Appendix 7: Additional Consents That May Be Required

#### Tree Preservation Order (TPO) Permission

This will be needed if the development involves pruning or felling a tree covered by a TPO. You can find out whether trees on your premises or site are protected by a TPO by contacting the Council's tree officer at: 01633 644 850 or [countryside@monmouthshire.gov.uk](mailto:countryside@monmouthshire.gov.uk). Information on Tree Preservation Orders and a link to download TPO consent forms can be found here: <http://www.monmouthshire.gov.uk/protecting-trees-and-hedges>

#### Conservation Areas

In a Conservation Area, you must also give the Council 6 weeks' notice in writing (by email or letter) of your intention to carry out any works to trees. You can also use the above contact details to inform the Council about intended works to trees in a Conservation Area

#### Natural Resources Wales (NRW)

NRW is identified as a statutory consultee under various legislation which relate to development planning. One of NRW's roles is to provide advice on the potential impact of development proposals on Wales's natural resources and environment. NRW encourages potential applicants to contact them before submitting a planning application to discuss proposed development and any potential issues that may need addressed. NRW can also provide advice on any other relevant permits, consents and licences that may be required from them. It is advisable to discuss these other requirements with NRW at the earliest opportunity so they can be parallel tracked with any planning permission required.

Further details on permits, consents and licences NRW issue can be found at <http://naturalresources.wales/splash?orig=/>.

#### Hydropower

The following NRW page sets out their role in permitting hydropower schemes and gives some useful information on developing your hydropower scheme: <http://naturalresources.wales/apply-for-a-permit/water-abstraction-licences-and-impoundment-licences/hydropower/before-you-apply/?lang=en>

#### Forestry Commission Wales

Natural Resources Wales has taken over functions previously carried out by Forestry Commission Wales issues licences for felling trees in woodland. It is an offence to fell trees without a licence if an exemption does not apply. This may be needed if you proposed to fell trees for feedstock's for Biomass.

Further information can be found at <https://www.naturalresourceswales.gov.uk/forestry/tree-felling-and-other-regulations/tree-felling-licences/?lang=en>

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Cadw

Cadw are responsible for granting Scheduled Ancient Monument (SAM) Consent in Wales. Consent is required for works which might affect a SAM including demolition, destruction, removal or repair, alteration, addition, flooding or tipping. Further information can be found at: [http://cadw.wales.gov.uk/docs/cadw/publications/Scheduled Monument Consent EN.pdf](http://cadw.wales.gov.uk/docs/cadw/publications/Scheduled_Monument_Consent_EN.pdf)

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### **Building Regulations Approval**

This is required to construct new buildings and is often also needed to make alterations to existing buildings. This means that it may still be required for energy efficiency measures when planning permission is not necessary. This document does not address the building control requirements, and you are advised to contact the building control department for more information at [\*\*buildingcontrol@monmouthshire.gov.uk\*\*](mailto:buildingcontrol@monmouthshire.gov.uk) or by telephone on: **01633 644833**.



# Appendix 8: Designations That Affect How a Proposal Will Be Assessed

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### Appendix 8: Designations That Affect How a Proposal Will Be Assessed

Parts of Monmouthshire have been designated as being particularly important in terms of heritage, landscape and biodiversity. Different sections of this SPG refer to the need to check whether your property benefits from any kind of designation. This section gives a summary of those designations, and where you can go to check this information.

#### Heritage Designations

Information relating to the historic environment in Monmouthshire can be found here:

<http://www.monmouthshire.gov.uk/planning>

You can check whether your property is a Listed Building, within the site of a Scheduled Ancient Monument, within a Conservation Area or part of a site on the register of landscapes, parks and gardens of historic interest, by calling the Heritage team on: 01633 644 880 or emailing [heritage@monmouthshire.gov.uk](mailto:heritage@monmouthshire.gov.uk). A list of Conservation Areas, with maps and boundaries, can be found in the LDP:

<http://www.monmouthshire.gov.uk/planning-policy/monmouthshire-local-development-plan-2/monmouthshire-local-development-plan>

Archaeologically Sensitive Areas (ASA's) have also been identified in Monmouthshire. These are areas where there is a known archaeological resource and sites may be particularly sensitive to development pressure. The location of ASA's can also be obtained from the LDP (link above)

#### Landscape Designations

There are both Statutory and non-statutory landscape designations in and adjacent to Monmouthshire. PPW Chapter 5 explains statutory and non-statutory designations. Statutory designations include:

- The Blaenavon World Heritage Site;
- The Brecon Beacons National Park; and
- The Wye Valley Area of Outstanding Natural Beauty (AONB).

The Brecon Beacons National Park Authority is the planning authority for the National Park itself. However Monmouthshire County Council will consider the presence of the National Park in assessing proposals close to or impacting on the Park. The LDP Countywide Constraints Map shows the location of the National Park and AONB:

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/W-CONSTRAINTS-MAP-14v2.pdf>

Non-Statutory designations include the following:

- Historic Parks and Gardens;

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- Landscapes of Outstanding or High Historic Interest;
- Conservation Areas;
- Coastal Protection Zone; and
- Green Wedge.

Other designations that should be considered in relation to landscape issues are listed on the Monmouthshire landscape and development checklist: <http://www.monmouthshire.gov.uk/wp-content/uploads/2013/06/landscape-and-development-checklist-mcc-2013.pdf>

### Safeguarded Land

Paragraph 13 of Minerals Planning Policy Wales (MPPW) requires that access to mineral deposits which society may need in the future should be safeguarded – i.e. protected from development that would either sterilize them or hinder future extraction. Policy M2 safeguards sand, gravel and limestone deposits, and the LDP proposals map identifies parts of Monmouthshire that are identified as safeguarded land. To check whether your property / site is included contact the planning policy team on 01633 644429 or by email on: [planningpolicy@monmouthshire.gov.uk](mailto:planningpolicy@monmouthshire.gov.uk).

For more information on landscape designations contact the green infrastructure and countryside team at: 01633 644 850 or by email at [countryside@monmouthshire.gov.uk](mailto:countryside@monmouthshire.gov.uk).

### Ecological Designations

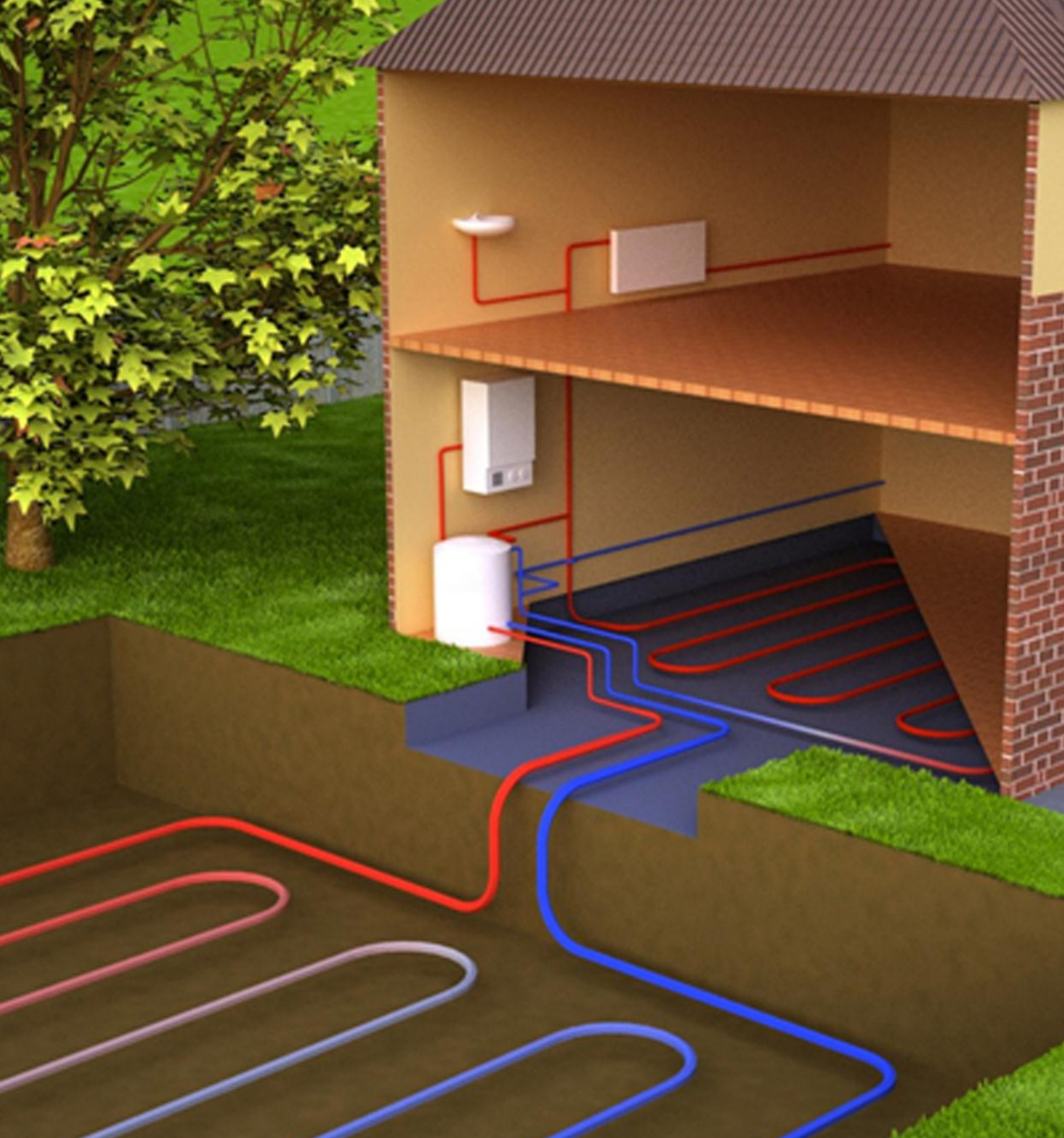
Sites of Special Scientific Interest (SSSI) Special Areas of Conservation (SAC's) and other designated ecological areas can be found on the NRW website: <https://naturalresources.wales/our-evidence-and-reports/maps/map-of-special-sites-and-protected-areas-of-land-and-seas/?lang=en>

Monmouthshire includes one area which benefits from European and other international designations. The Severn Estuary is an SPA (Special Protection Area) and a Ramsar site, as well as being an SAC.



# Appendix 9: Energy Fact Sheets

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## Heat Pumps: Water, Air and Ground Source



monmouthshire  
sir fynwy

## Air Source Heat Pumps

### Technology Description

Heat pumps use the same principles as applied in a refrigerator to effectively move thermal energy from one place to another. In the case of air source heat pumps, these take thermal energy from the ambient air and move it into a property to provide space heating, even at ambient temperatures as low as -15°C. Heat from the outside air is absorbed into a fluid, which then passes through an electrically driven compressor where its temperature is increased before entering the heating and/or hot water circuits of the house.

Heat pumps produce output heat at a lower temperature than from a standard boiler. As a result, it is not normally possible to use a heat pump to directly replace a boiler in standard low water volume radiator systems. Instead, they are best used in under floor heating systems or in high volume radiator systems such as those using traditional large, cast iron radiators. Air source heat pumps are also ideal when used to supply warm air distribution heating systems. Here, reversible heat pumps can be used to provide warm air in the winter and cool air in the summer.

Heat pumps require electrical energy to operate with each unit of electrical power producing many times more units of heat energy (the so called 'coefficient of performance' or COP). This makes them a low carbon technology if the electrical power is from a fossil source. However, if the heat pump is driven by a renewable electricity source then it will also become a renewable technology.

Air source heat pumps usually comprise a heat collector and compressor unit. These can be arranged such that the compressor unit is inside the building meaning that only the heat transfer system is mounted externally. However, some systems can comprise a free-standing, ground mounted, outside unit that is visually similar to packed air-conditioning units, which are in effect the same technology but providing cooling not heating.



**Air Source Heat Pumps – SWOT Analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Highly efficient.</li> <li>▪ Can be easily fitted to any building.</li> <li>▪ Baseload heating supply across the year.</li> <li>▪ Based on well understood technology with a mature supplier base.</li> <li>▪ (Unlike ground or water source heat pumps) no need to install collector systems.</li> <li>▪ Not constrained by ground conditions or water volumes as are ground and water source heat pumps respectively.</li> <li>▪ Where required, can be used reversibly to provide winter heat and summer cooling.</li> <li>▪ Can negate the cost of gas connection, liquefied gas or oil tanks, etc. in new build situations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requires electrical energy to operate.</li> <li>▪ Where electricity costs are high relative to heating fuels this can render the technology less commercially attractive.</li> <li>▪ Air source heat pumps are less efficient than ground or water source heat pumps.</li> <li>▪ Cannot directly replace existing heating boilers in low water content, radiator based heating systems</li> <li>▪ Only a truly renewable technology when supplied with renewable electricity.</li> <li>▪ Can be more visually intrusive than ground or water source heat pumps.</li> <li>▪ Few possibilities for community benefit, but may have a role in the alleviation of fuel poverty in some circumstances.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Highly flexible in application, especially in new build situations.</li> <li>▪ A potentially simple replacement for oil or liquefied gas in rural locations away from the gas grid, but this may require changes to the existing radiator system.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Can increase local electrical demand and cumulatively this may require local electricity grid upgrade.</li> <li>▪ Physical space may prevent use.</li> <li>▪ Cumulative impacts may lead to noise and visual issues.</li> </ul>

**Ground Source Heat Pumps**

**Technology Description**

Heat pumps use the same principles as applied in a refrigerator to effectively move thermal energy from one place to another. In the case of ground source heat pumps, these make use of the constant temperature of the earth below around 1.5m depth as a source of energy to provide space heating. Thermal energy from the ground is absorbed into a fluid which then passes through a compressor where its temperature is increased before entering the heating and hot water circuits of the building. This process is achieved either by using a closed loop collector system installed in trenches underground, or by the use of boreholes into which a closed loop collection system is installed. In both cases the surface area of the collector must be sized to allow sufficient energy to be absorbed to meet demand. This in turn is linked to the capacity of the ground to dissipate thermal energy. Wet, dense soils tend to have greater capacity to dissipate thermal energy than do dry, open soil structures.

Heat pumps produce heat at a lower temperature than a standard boiler. As a result it is not normally possible to use heat pump technology for direct boiler replacement in standard low water volume radiator systems. Instead they are best used in under floor heating systems or in high volume radiator systems such as those using traditional large, cast iron radiators. All heat pumps are also ideal for supplying air distribution heating systems, especially as in these applications reversible heat pumps can be used to provide warm air in the winter and cool air in the summer.

Heat pumps require electrical energy to operate with each unit of electrical energy producing many times more units of heat energy (the so-called coefficient of performance or COP). This makes them a low

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carbon technology if the electrical power is from a fossil source. If the heat pump is coupled to a renewable electricity source then it will also become a renewable technology.

Ground source heat pumps usually comprise an underground collector and collector/compressor unit. The size of the collectors is based on the load to be met and the capacity of the ground to supply or dissipate energy. Compressors can be located within the building or in a small outside container.

### Ground Source Heat Pumps – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Can be easily fitted to most buildings where the collector is large enough to meet the required demand.</li> <li>▪ Baseload heating supply across the year.</li> <li>▪ Based on well understood technology with a mature supplier base.</li> <li>▪ Where required, can be used reversibly to provide winter heat and summer cooling.</li> <li>▪ Can negate the cost of gas connection, liquefied gas or oil tanks, etc. in new build situations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requires electrical energy to operate.</li> <li>▪ Only a truly renewable technology when supplied with renewable electricity.</li> <li>▪ Where electricity costs are high relative to heating fuels this can make it less commercially attractive.</li> <li>▪ Requires installation of an underground collector system (unlike air source heat pumps).</li> <li>▪ Ground conditions can limit outputs.</li> <li>▪ Cannot directly replace existing heating boilers in low water content, radiator based heating systems.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Highly flexible in application, especially in new build situations.</li> <li>▪ A potentially simple replacement for oil or liquefied gas in rural locations away from the gas grid, but may need some modification to the heating system.</li> <li>▪ Any ground works create the opportunity to install heat pump collectors</li> </ul>	<ul style="list-style-type: none"> <li>▪ Can increase local electrical demand and cumulatively this may require local electricity grid upgrade.</li> <li>▪ Physical space may prevent use, especially for collector systems.</li> <li>▪ Cumulative impacts may lead to ground freezing/heating, noise and visual issues.</li> </ul>

## Water Source Heat Pumps

### Technology Description

Heat pumps use the same principles as applied in a refrigerator to effectively move heat energy from one place to another. In the case of water source heat pumps, these make use of the thermal energy in bodies of water as a source of energy to provide space heating.

Water source heat pumps can be close or open loop in design. Closed loop systems employ a closed loop collector system submerged in the water, similar to the approach used in ground source heat pump systems. This is useful if the water is saline. Open loop systems physically draw the water through the system and extract thermal energy directly. Here, particles, water purity, etc. can be an issue.

The thermal energy collected from the water is absorbed into a fluid, which then passes through a compressor where its temperature is increased before entering the heating and hot water circuits of the building. A big issue with water sourced heat pumps is the potential to either warm or cool the 'donor' water body and the impact that this might have on wildlife.

Heat pumps produce heat at a lower temperature than a standard boiler does. As a result, it is not normally possible to use heat pump technology for direct boiler replacement in traditional low water volume radiator systems. Instead, they are best used in under floor heating systems or in high volume radiator systems such as those using traditional large, cast iron radiators. All heat pumps are also ideal

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for supplying air distribution heating systems, especially as here reversible heat pumps can be used to provide warm air in the winter and cool air in the summer.

Heat pumps require electrical energy to operate with each unit of electrical energy producing many times more units of heat energy. This makes them a low carbon technology if the electrical power is from a fossil source. If the heat pump is coupled to a renewable electricity source, then it will also become a renewable technology.

Water source heat pumps usually comprise either a submerged closed loop collector or suitable extraction and filtration systems in the case of open loop systems. Both open and closed loop systems

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are then linked to a collector/compressor unit, which can be located within the building or in a small outside container.

### Water Source Heat Pumps – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Can be easily fitted to most applications where the available water body is of sufficient volume or flow to meet the required demand.</li> <li>▪ Supplies baseload heating supply across the year.</li> <li>▪ Based on well understood technology with a mature supplier base.</li> <li>▪ Where required, can be used reversibly to provide winter heat and summer cooling.</li> <li>▪ Can negate the cost of gas connection, liquefied gas or oil tanks, etc. in new build situations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Requires an available water body.</li> <li>▪ Requires electrical energy to operate.</li> <li>▪ Only a truly renewable technology when supplied with renewable electricity</li> <li>▪ Where electricity costs are high relative to heating fuels this can render the technology less commercially attractive.</li> <li>▪ Requires installation of a collector system (unlike air source heat pumps).</li> <li>▪ Water volumes can limit outputs</li> <li>▪ Cannot directly replace existing heating boilers in low water content, radiator based heating systems</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Highly flexible in application, especially in new build situations.</li> <li>▪ A potentially simple replacement for oil or liquefied gas in rural locations away from the gas grid.</li> <li>▪ Any water containment systems, areas of standing water (lakes/ponds) or flowing water can be used.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Can increase local electrical demand and cumulatively this may require local grid upgrade.</li> <li>▪ Thermal impact on the donor water body can prevent use.</li> <li>▪ Varying water flow/rainfall, etc. can affect water volume and thus thermal capacity.</li> </ul>

## The Technology – Spatial Elements

- Heat pumps are small scale with spatial implications at the micro level. All require compressor units as the central element of the heat pump system, which interfaces with the heating or cooling system. Ground and water source heat pumps require collectors to link with this system. Air source heat pumps draw thermal energy directly from external air.
- Heat pumps retrofitted into existing properties are more likely to have connectors/compressor units externally fitted. New build properties could include these as internal to the building. Collectors for ground source heat pumps are located under the ground either in vertical boreholes or horizontal trenches with coiled collectors. For new developments these can be located under parts of the scheme e.g. under car parking areas, to make best use of land.
- Heat pumps are suitable for domestic and non-domestic uses. They are well suited to rural locations as an alternative to fossil fuels (which are either absent or costly). Air source heat pumps are well suited to commercial property as they can provide both warm air as heating in winter and cold air in summer.
- They can be used in larger developments by having a bank of heat source pumps to heat a larger building. It could even be possible to have a ground or water source heat pump supplying a small group of residential properties (e.g. 2 or 3 properties), if the right energy output can be achieved. They could be used for a housing development e.g. an air source heat pump per property.

## Planning Permission and Other Consents

The flow chart will help you to identify whether planning permission, Listed Building or other consents are required for your heat pump. Permissions and consents should be applied for in parallel to ensure

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that there are no delays in taking projects forward. It is advisable to contact NRW at the earliest opportunity if you think you need their permission, consent or license for your project. There are varying statutory deadlines depending on the permit, consent or licence you apply for (see [Appendix 7](#)).

Where planning permission is required, [Section 6.4](#) gives guidance on how your application will be assessed and the kinds of issues you need to consider in preparing your application. You will also need to consider the issues which relate specifically to heat pumps.

Heat pumps do not generally give rise to significant impacts.

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Key issues in assessing planning applications are likely to be:

- Visual intrusion if compressor units are externally fitted – particularly if there are cumulative impacts; and
- Impacts on hydrology / water flow from water source heat pumps.

Examples of heat pump proposals in Monmouthshire can be found on the Eco Open Doors website:

<http://www.monecoopendoors.org.uk/> . Many of these schemes are small scale or domestic in nature and the web site includes contact details for property owners.



Image source: <http://www.ihs.com/products/energy-consulting/index.aspx>

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**Getting Consents: A Summary of the Process**

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**Planning Permission**

**Air Source Heat Pump:**  
 Will your installation require any kind of enclosure/equipment to be mounted outside the building?

**Ground and Water Source Heat Pumps:**  
 Is your installation for a domestic property and are you applying as an individual householder?

Yes

No

Yes

No

Planning permission is likely to be required – although if you propose construction of an outhouse this may be permitted as part of your general householder permitted development rights for extensions to properties.

Planning permission not required if the installation is entirely internal.

Installation could be 'permitted development' if within the limits set out in **Appendix 6**. If these limits are exceeded planning permission will be required.

Planning permission will be required.

**Ground Source Heat Pumps:**  
 You may need to carry out an archaeological investigation as part of any planning application.

**Listed Building Consent**

Is your building listed?  
 Check with the Heritage Team (**paragraph 5.2.2**).

Yes

No

Listed Building consent may be required, possibly even if the installation is internal.

Listed Building consent will not be required.

**Trees**

**Tree Preservation Orders (TPO):**  
 If you plan to fell or do any works to trees you should check whether they are covered by a TPO (**Appendix 7** for contacts)

**Conservation Areas:**  
 If you plan to fell or do any works to trees in a Conservation Area you need to inform the Planning Department in writing 6 weeks beforehand (**Appendix 7** for contacts)

**Building Regulations**

You will also need to check with Building control to find out whether you need building regulations approval (**Appendix 7** for contacts)

**NRW Consent**

**Water Source Heat Pumps:**  
 You may need consent from NRW.  
  
 You may also need a specific consent if your site is a SSSI or affects protected species.

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### Heat Pumps – Site Selection and Planning Issues

This table should be read in conjunction with **Table 6.2**:

Planning issue (See Table 6.2)		Points to Consider
Landscape sensitivity, character and visual impact	Have you considered the visibility of the site in its wider setting?	<ul style="list-style-type: none"> <li>▪ Installations should avoid siting at the front or sides of properties facing onto a road, to minimise visual impact.</li> <li>▪ If the installations will be visible consider ways in which you can minimise impacts on landscape or townscape e.g. by screening enclosures or matching the colour of your enclosure/equipment to its surroundings.</li> <li>▪ Visual impacts are likely to be minimal, and will usually be associated with air source heat pumps.</li> </ul>
Ecology	Could the installation affect ecological habitats or species?	<ul style="list-style-type: none"> <li>▪ If you are installing water source heat pumps, consider whether operation of the heat pumps will have any impact on habitats and species associated with the water source (i.e. warming of water).</li> </ul>
Historic Environment	<p>Is the site within a designated area of historic interest (see <a href="#">Appendix 8</a>)</p> <p>Will the installation of equipment affect a Listed Building?</p>	<ul style="list-style-type: none"> <li>▪ If you are installing ground source heat pumps you may need to undertake archaeological investigations (see section 5.2.2 to contact the Heritage team).</li> <li>▪ If your installation is in a Listed Building, you will specifically need to consider the impact of installation on the structure of the Listed Building and Listed Building Consent will be required, even if the installation is internal.</li> </ul>
Access and servicing	Will routine access be required to any part of the system?	<ul style="list-style-type: none"> <li>▪ Consider how access for delivery of fuel for heat pump operation will be achieved with minimum disruption. This consideration may affect where you can locate installations within your site.</li> </ul>
Design of buildings	Is the installation of equipment externally attached to a building or a freestanding building?	<ul style="list-style-type: none"> <li>▪ Consider how the design of any building housing equipment fits with the design of the building to which it is attached; or it if is free standing, consider the link with adjacent buildings.</li> </ul>
Water management, hydrology and flood risk	<p>Would the installation involve use of water and/or affect the hydrology of an area?</p> <p>Does your water or ground source heat pump system involve use of chemicals?</p>	<ul style="list-style-type: none"> <li>▪ If you are installing water source heat pumps, consider whether use of the water source will have any effect on hydrology in the area (e.g. affecting the water table) as this should be avoided.</li> <li>▪ If you need to dig trenches for water or ground source heat pump equipment consider if there will be any impact on the hydrology of the area resulting from the earthworks.</li> <li>▪ If you are in an area of flood risk, consider the location of external pumps and connectors to ensure they are above potential flood levels. This in turn might have an impact on visibility that you will need to consider.</li> <li>▪ Bear in the mind the best type of soils for ground source heat pumps are those in wetter soil types as these provide better heat conversion than drier soils – so location in an area of flood risk or where soils are more boggy is not necessarily an issue for ground source heat pumps and could be a benefit.</li> <li>▪ Consent from NRW (Natural Resources Wales) may be required for water source heat pumps.</li> <li>▪ Consider whether there is any risk of chemical pollution arising from operation of the system into watercourses and how this can be avoided/mitigated.</li> </ul>
Health / Quality of life (Noise & soil stripping / storage)	Will the external equipment emit any noise?	<ul style="list-style-type: none"> <li>▪ If there is potential for any noise from the equipment you propose to install, careful siting will be needed to minimise disruption to neighbours and mitigation measures might be needed such as screening/planting to reduce noise. Bear in</li> </ul>



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Planning issue (See Table 6.2)		Points to Consider
	Will the installation of equipment require digging, stripping and storage of soil?	<p>mind that for air source heat pumps, an air flow is essential so external equipment cannot be fully enclosed.</p> <ul style="list-style-type: none"> <li>▪ For ground and water source heat pumps you will need to consider how you manage the stripping and storage of soil on site during installation to avoid visual intrusion and minimise disruption to neighbours during installation.</li> </ul>
Cumulative impacts	Are there other similar installations nearby?	<ul style="list-style-type: none"> <li>▪ Whilst visual and ecological impacts are likely to be minimal, these may increase if there are a number of installations within a small area; if the area is particularly sensitive (such as in a Conservation Area) then this could begin to have a detrimental impact.</li> </ul>
Social considerations / engagement	Have you considered any level of community partnership in association with this scheme?	<ul style="list-style-type: none"> <li>▪ Consider whether there is potential for a water or ground source heat pump system that could be shared between more than one property. If so, consider if there is any opportunity for a community partnership and community benefit from the scheme (e.g. a community partnership could own the heat pumps and sell heat to occupiers). If you have not considered this, would you welcome working with the local community to share some of the risks and benefits to this development?</li> </ul>
Decommissioning	Have you planned for removal of the equipment at the end of its lifetime?	<ul style="list-style-type: none"> <li>▪ This is the same as replacement of any refrigeration plant.</li> <li>▪ There is unlikely to be any issues with hazardous waste.</li> <li>▪ The fate of any heat collector system will depend on its condition and the ease with which underground systems can be accessed for replacement.</li> </ul>



## Anaerobic Digestion



monmouthshire  
sir fynwy

## Anaerobic Digestion

### Technology Description

Anaerobic digestion (AD) is a natural process, similar to that which occurs in the stomach of cows. In the absence of oxygen, bacteria digest (break down) organic materials to produce a methane rich biogas. After cleaning and drying, this gas can be used to displace fossil gas or can be burnt in an internal combustion engine or small turbine to generate electricity and heat.

This treatment process is almost identical to that used to create 'sewage gas' from the treatment of human sewage in sewage treatment plants.

Feedstock's for AD can include the organic fraction from household waste, organic wastes from industrial processes including food processing, crop residues or crops grown specifically as a feedstock. It is also possible to co-digest sewage and other organic materials.

Depending on the feedstock, co-products can include a fibre fraction and a liquid fraction, both of which are potentially useful as fertilisers.

Because the feedstock for AD will typically be sourced locally, this creates the potential for economic benefits of an AD energy project to be retained locally as well.

A typical AD plant will comprise an area to receive and store the feedstock, a process to macerate or pulp the feedstock, holding tanks and the digester tank itself. The gas produced will then go through a clean-up process to dry it and remove acidic elements before being stored and/or used in either an on-site gas engine to support power generation or CHP or piped to a remote location for use.



500m<sup>2</sup> AD plant at Newcastle University. Image Source:  
<http://blog.emap.com/footprint/2011/07/22/footprintwire-220711/>

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### Anaerobic Digestion – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Baseload generation with the potential for gas storage to minimise risks from plant outage.</li> <li>▪ Accepts a large range of organic wastes from households, industrial processes, catering, food processing, etc.</li> <li>▪ Can adapt to changing feedstock.</li> <li>▪ Proven technology with many suppliers across the development chain.</li> <li>▪ Commercial waste attracts a gate fee improving the economic performance of AD schemes using this waste.</li> <li>▪ Local job creation and wealth retention.</li> <li>▪ Can feed CHP or displace grid gas supply.</li> <li>▪ AD can operate from kW to MW scale.</li> <li>▪ All products from the process have a value.</li> <li>▪ Methane is a more powerful greenhouse gas than CO<sub>2</sub> enhancing environmental benefits of the beneficial use of methane generating wastes such as animal slurry for energy generation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Relative to the amount of feedstock required, AD is an inefficient source of renewable energy.</li> <li>▪ The process can have a large physical footprint which means that land-take can be problematic in some applications.</li> <li>▪ In many cases, waste will need to be transported to the site of the digester creating possible issues.</li> <li>▪ There is the perception that odour may be a problem leading to potential local opposition.</li> <li>▪ Additional permitting is associated with waste based processes and will be required for AD.</li> <li>▪ Limited (but growing) operational capability outside of the water industry.</li> <li>▪ Has some visual impact, potential for low level noise, transport impacts and air quality issues, all of which need to be considered.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ As a rural county, Monmouthshire potentially has a range of AD feedstock's available including animal waste.</li> <li>▪ Can reduce the cost of waste processing from food production increasing profitability.</li> <li>▪ The process can fit well into a farm business.</li> <li>▪ Visually, AD resembles other existing agricultural processes.</li> <li>▪ As landfill taxes rise, AD will become more economically attractive as a route for organic waste treatment.</li> <li>▪ AD is recognised as having value in controlling nitrate release in agriculture.</li> </ul>	<ul style="list-style-type: none"> <li>▪ As a biological process, there is the potential for contamination to stop the process leading to failure of energy supply and potentially breaches of any discharge consents.</li> <li>▪ Possibility of EU waste legislation to change impacting on AD viability.</li> </ul>

### The Technology – Spatial Elements

- The combination of buildings, tanks, space for storage and access for delivery of feedstock's, means that AD plants can be quite industrial looking, but not dissimilar to other agricultural tanks and silos. There is no standard number or size of buildings, tanks, or other structures needed. This will depend on the size of the project, type of feedstock's to be used, the selected digestion process and the nature of the energy output. For instance, whether gas storage will be involved, or whether extra thermal stores of hot water will be needed. There may also be a requirement for on-site treatment of co-products from the process such as fibre for composting, although this treatment can also be off-site such as in an existing local composting facility. Additional treatment activities will add to the space requirement and may have other impacts.
- AD plants are often constructed as standalone units, but they can also be associated with other developments, especially where these produce the feedstock that will be used in the AD process.
- An AD system could be used to heat and/or power a residential development although fitting the spatial requirements into a residential 'landscape' would need careful thought. One possibility may be in association with rural housing sites.

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- AD is more usually associated with industrial or agricultural businesses where it can be used to process waste products into energy and further products (compost) both of which have a value. AD plants could also be attached to public facilities such as hospitals, to deal with waste products.
- While AD generally applies at the larger scale, in theory it can operate at small, even domestic scale as well. This means that at the individual farm or business level AD may be an option.

## Planning Permission and Other Consents

The diagram on the following page sets out the need for planning permission and other consents. It is advisable to contact NRW at the earliest opportunity if you think you need their permission, consent or license for your project. There are varying statutory deadlines depending on the permit, consent or licence you apply for ([see Appendix 7](#)).

**Section 6.4** gives guidance on how your application will be assessed and the kinds of issues you need to consider in preparing your application. In addition, you will need to consider the issues in the table below which relate specifically to Anaerobic Digestion.

Key issues in assessing planning applications are likely to be:

- Landscape and visual impact (depending on the location) – how large an area will be needed, and how tall will the buildings need to be?
- For large scale civic amenity sites transport / access is likely to be a key issue; and
- Impacts on ecology and human health through disturbance of habitats and species, noise pollution, water pollution, pests and air quality.

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### Getting Consents: A Summary of the Process

#### Planning Permission

Planning permission is required. Although this is under review by the Welsh Government and may change.

#### Listed Building Consent

Is your site within the curtilage (garden/boundary) of a Listed Building?  
Check with the Heritage Team (**para 5.2.2**)

Yes

Listed Building consent may be required if your proposal includes alterations existing structures/buildings.

No

Listed building consent will not be required.

#### Building Regulations Approval

Building regulations approval will be required.

#### NRW Consent

If your scheme uses waste you likely require consent from NRW.

You may also need a specific consent if your site is a SSSI or affects protected species.

#### Trees

##### Tree Preservation Orders (TPO):

If you plan to fell or do any works to trees you should check whether they are covered by a TPO (**Appendix 7** for contacts)

##### Conservation Areas:

If you plan to fell or do any works to trees in a Conservation Area you need to inform the Planning Department in writing 6 weeks beforehand (**Appendix 7** for contacts)

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### Anaerobic Digesters – Site Selection and Planning Issues

This table should be read in conjunction with **Table 6.2**:

Planning issue (See Table 6.2)	Key questions	Points to Consider
Landscape sensitivity, character and visual impact	<p>Will the AD plant be located in a designated landscape? (see <a href="#">Appendix 8</a>)</p> <p>Have you considered the visibility of the site in its wider setting?</p>	<ul style="list-style-type: none"> <li>▪ If you are considering an AD plant in the Wye Valley AONB or on the edge of the Brecon Beacons National Park, size and siting of a potential development will be particularly important planning considerations.</li> <li>▪ Smaller scale plants well integrated with agricultural sites are more likely to get planning permission than large industrial units in or close to designated landscapes.</li> <li>▪ Consider how to reduce visual impact by use of screening or selection of colour and type of materials. Other factors such as the need for delivery access, and where heat is piped to will also influence site layout and therefore how visual impact can be reduced.</li> <li>▪ If the AD plant is located on the edge of a settlement consider the wider visual impact on townscape character and views to/from the plant and the settlement.</li> <li>▪ Consider how on-site boundary treatment can be used to reduce visual impact.</li> </ul>
Ecology	<p>Could the AD plant affect ecological habitats or species? (see <a href="#">Appendix 8</a> for designations)</p>	<ul style="list-style-type: none"> <li>▪ The potential for contamination should be considered and if possible avoided (both on and off site). Mitigation measures (e.g. bunding to contain spillage) may be required. Particular care should be taken close to designated sites.</li> </ul>
Historic Environment	<p>Is the site within a designated area / site of historic interest, on a listed building or within a Conservation Area? (see <a href="#">Appendix 8</a>)</p>	<ul style="list-style-type: none"> <li>▪ At these sites, smaller schemes well integrated with the site in terms of building design, or using vegetation as screening are more likely to be acceptable.</li> </ul>
Access & Servicing	<p>What feedstock's will you be using and how often will they be delivered?</p>	<ul style="list-style-type: none"> <li>▪ If your AD plant is intended to use feedstock's from sources other than your own, you will need to identify how often and in what sort of vehicle supplies will be made, in order to identify the potential impact of traffic movements to and from the site. Consider how delivery of feedstock can be managed in terms of timings if there is likely to be disruption in terms of noise and nuisance, particularly where a site is relatively close to residential properties. A Transport Assessment may be required.</li> <li>▪ Ensure that the site layout has sufficient space for on-site vehicle movements generated as a result of delivery of feedstock's.</li> </ul>
Water management, hydrology and flood risk	<p>Are there any watercourses near to the potential site?</p>	<ul style="list-style-type: none"> <li>▪ You will need to plan protection measures against process failures that might lead to release of high strength liquid waste into the environment. This might require mitigation measures such as bunding to contain leakages. AD plants will need to be compliant with environment legislation, with the appropriate licenses obtained. You are likely to require consent from NRW.</li> </ul>
Human Health & quality of life (pests & odours)	<p>Will the plant attract pests?</p> <p>Is there potential from unpleasant odours?</p>	<ul style="list-style-type: none"> <li>▪ There is potential for impacts on human health related to the storage of waste and pest control, and proposals should seek to ensure that storage facilities take account of this.</li> <li>▪ Your planning application will need to include information on whether there is potential for odours to be emitted and how this can be mitigated.</li> </ul>

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Planning issue (See Table 6.2)	Key questions	Points to Consider
Agriculture	Is the AD plant likely to take any agricultural land?	<ul style="list-style-type: none"> <li>Developments should be well related to existing buildings rather than taking land in agricultural use where associated with existing farm enterprises.</li> </ul>
Cumulative Impact	Are there any other anaerobic digesters in the vicinity of your proposed installation?	<ul style="list-style-type: none"> <li>Check whether there are any other AD units existing or proposed in the vicinity. The potential for cumulative impacts will be particularly important in relation to landscape, visual, historic environment and ecological impacts.</li> </ul>
Social considerations / engagement	<p>Where will your fuel supply come from?</p> <p>Have you involved the local community in the development of your project?</p> <p>Have you considered any level of community partnership in association with this AD scheme?</p>	<ul style="list-style-type: none"> <li>If possible fuel supplies should be sourced locally as this can help to reduce local waste as this minimises transport impacts and can help to reduce the burden on local landfill sites. It can also help to support local businesses that grow feedstock's.</li> <li>Consider the opportunity to work with a local community through early consultations and discussions in the development of your project (discussions and outcomes can be recorded in the Design and Access Statement/information accompanying the planning application)</li> <li>Consider whether there is any opportunity for a community partnership and community benefit from the AD scheme. If you have not considered this, would you welcome working with the local community to share some of the risks and benefits to this development?</li> </ul>
Decommissioning	Have you planned for removal of the equipment at the end of its lifetime?	<ul style="list-style-type: none"> <li>Monmouthshire County Council will require decommissioning of technologies and their removal and return of land to its former use where this was productive. It will seek to include conditions on planning consents which require a mechanism and organisation in place to decommission.</li> </ul>



Image source: <http://www.ambergreenenergy.co.uk/anaerobic-digestion-ad-plant/>





## Biomass Combustion

### Technology Description

Biomass is the term that describes solid fuels coming from biological sources, such as wood and straw. Biomass can also be produced from energy crops such as coppiced trees and energy grasses such as Miscanthus. The term Biofuel is usually used to describe liquid fuels such as oils from oilseeds or bio-alcohols. The usual characteristic of biomass is that the material is dry, not least as this increases the effective energy yield from the material.

Biomass combustion is used to serve heat applications. Biomass for power generation or CHP is dealt with in another section of this SWOT analysis.

Small scale (domestic) combustion of biomass can be in stoves or larger batch fed combustion plant. Batch combustion systems are usually connected to a large insulated water tank that acts as a thermal store to provide day-round heat. These systems tend to burn logs or whole straw bales.

Larger scale combustion systems can be from large domestic to industrial scale. They are typically based on designs similar to traditional coal combustion systems and are fed by pelleted or chipped wood or by chopped straw. They are normally automatic in operation, including fuel feed. Ash production is typically low compared with coal. Matching fuel quality to the specification of the combustion plant is essential in terms of moisture content and particle size. Biomass that is too wet for the design of combustion system can lead to poor air quality, excessive plume, smoke, etc. and material that is over or under size can cause failure of the fuel feed mechanisms.

Biomass energy systems have the capacity to deliver a range of local economic and social benefits associated with fuel supply, especially for smaller combustion systems. This is because wood fuel supply creates a market for otherwise uneconomic woodland management activities such as thinning, removal of poor quality trees, harvesting residues, etc. In effect this means that the value of fuel sales is retained locally and potentially available to deliver these wider benefits.

A typical biomass system comprises a fuel reception/storage facility, a combustor within a building or container and a flue or chimney. Flue gas clean-up to remove particles, etc. is also always included in larger plant.

It can sometimes be more cost effective for biomass heating to take the baseload and to use other systems such as a gas boiler to 'top-up' as required.

### Biomass Combustion – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Biomass can provide a valuable income from un-merchantable material such as wood harvesting residues, pre-commercial thinning operations, removal of dead trees, etc.</li> <li>▪ Biomass harvesting can contribute to bringing woodlands back into production and the creation of habitat and biodiversity.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Air quality can be an issue with biomass use that has the capacity to limit uptake.</li> <li>▪ Solid fuel supply will increase transport movements.</li> <li>▪ Plant size is large relative to similar plants using fossil fuel systems.</li> </ul>

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Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Money spent on biomass fuel is retained within the local supply chain.</li> <li>▪ Jobs will be created from biomass supply.</li> <li>▪ Biomass is a baseload energy source.</li> <li>▪ Biomass fuel costs are not directly linked to oil (as with most fossil fuels) potentially leading to more stable fuel prices into the future.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The need for on-site solid fuel storage adds to land take and cost.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Monmouthshire is a wooded county creating opportunities for fuel supply.</li> <li>▪ The rural nature of the county makes it ideally placed to create and support a biomass supply infrastructure.</li> <li>▪ There is an existing forest products industry in South Wales.</li> <li>▪ Monmouthshire has good access to other potential sources of biomass fuel giving potential to create a larger and thus more sustainable biomass industry.</li> <li>▪ Biomass can provide income into local woodland management activities further enhancing the attractiveness of the county.</li> <li>▪ Good opportunities for community owned biomass combustion schemes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ If no credible, dependable fuel supply infrastructure exists then a biomass scheme will not be 'bankable' and cannot be developed.</li> <li>▪ The large physical size of a biomass system may render it inappropriate for some developments.</li> </ul>



Domestic scale biomass boiler

Image Source: [http://www.mgrenewables.com/product/Biomass\\_Systems.html](http://www.mgrenewables.com/product/Biomass_Systems.html)

## Biomass Combined Heat and Power (CHP)

### Technology Description

Biomass is the term that describes solid fuels coming from biological sources such as wood and straw. Biomass can also be produced from energy crops, such as coppiced trees, and energy grasses, such as Miscanthus. The term Biofuel is usually used to describe liquids fuels, such as oils from oilseeds or bio-alcohols. The usual characteristic of biomass is that the material is dry, not least as this increases the effective energy yield from the material.

Biomass CHP is used to generate electricity and heat applications. Biomass combustion for heat only generation is dealt with in another section of this SWOT analysis.

Biomass CHP is usually only considered at large (MW) scale due to issues around the efficiency of electricity generation; however, as new conversion processes that are capable of operating efficiently at smaller scale become commercialised, this ceiling will fall.

Biomass CHP is achieved either by using combustion systems or so called advanced conversion processes. Combustion systems are based on designs similar to traditional coal combustion systems and can be grate or fluidised bed designs. These are almost all fed by chipped wood or whole bales of straw/energy grasses, with the latter usually progressively fed into the combustion process rather than using a batch fire approach. These combustion processes are used to create steam to drive a turbine using a rankine cycle, the same as in coal fired power plant. Most large scale biomass plants are at the 10's MW scale; however, using organic fluid based heat transfer systems in the rankine cycles can be more effective in smaller scale plant.

Advanced conversion comprises gasification or pyrolysis. In simple terms, these processes burn the fuel in limited oxygen such that the combustion process is stopped at the point of gas formation. This is similar to the way in which 'town gas' was produced from coal prior to the supply of natural gas to our homes. In pyrolysis systems the product is a liquid. These systems have the potential to operate efficiently at far smaller scales, even down to kW levels. This is because the gas or liquid products can also be used in engines or turbines significantly increasing the efficiency of electrical generation.

When operating as CHP, around 2-3 times as much heat is produced as electricity, making the availability of a large, base heat load essential. This is usually serviced using a heat main, also known as a district heating network. In reality, it is the availability of the heat demand which dictates the economic viability of a CHP system.

A typical biomass system comprises a fuel reception/storage facility, a combustor within a building or container and a flue or chimney. Associated plant such as for water purification where steam is being generated will also be required. Flue gas clean-up is also always included. Unless the heat demand within the CHP application can guarantee that all of the heat will be used as soon as it is generated, then a cooler/condenser unit will be required as a heat sink. These are unlikely to comprise traditional cooling towers but instead will use systems in which fans draw air through a 'radiator' system.

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### Biomass CHP – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Biomass can provide a valuable income from un-merchantable material such as wood harvesting residues, pre-commercial thinning operations, removal of dead trees, etc.</li> <li>▪ Biomass harvesting can contribute to bringing woodlands back into production and the creation of habitat and biodiversity.</li> <li>▪ Money spent on biomass fuel is retained within the local supply chain.</li> <li>▪ Jobs will be created from biomass supply.</li> <li>▪ Biomass is a baseload energy source.</li> <li>▪ Biomass fuel costs are not directly linked to oil (as with most fossil fuels) potentially leading to more stable fuel prices into the future.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Traditionally biomass CHP plant are by their very nature very large, although smaller plant are becoming available.</li> <li>▪ Solid fuel supply will significantly increase transport movements.</li> <li>▪ The fuel supply requirements of a large scheme will likely exceed the capacity of the may limit the capacity to supply smaller heat-only projects.</li> <li>▪ Air quality is an issue with any combustion process.</li> <li>▪ The limited availability of large, constant heat loads restricts the uptake of any CHP system.</li> <li>▪ If coolers are required to dissipate unwanted heat this will add to cost and the parasitic electrical load. Issues with noise may also result.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Monmouthshire is a wooded county creating opportunities for local fuel supply.</li> <li>▪ The rural nature of the county makes it ideally placed to create and support a biomass supply infrastructure.</li> <li>▪ There is an existing forest products industry in South Wales.</li> <li>▪ Constant heat loads can be serviced by a CHP, giving the increased benefit of electricity generation</li> <li>▪ Monmouthshire has good access to other potential sources of biomass fuel giving potential to support a larger biomass CHP plant.</li> </ul>	<ul style="list-style-type: none"> <li>▪ If no credible, dependable fuel supply infrastructure exists then a biomass scheme will not be 'bankable' and cannot be developed.</li> <li>▪ The large physical size of a biomass system may render it inappropriate for some locations.</li> <li>▪ The increasing thermal efficiency of new buildings makes new development an increasingly unviable option as a heat load restricting the uptake of CHP systems in new developments.</li> </ul>

### The Technology – Spatial Elements

- For small scale domestic biomass heating systems, structures will be internal apart from the flue/chimney required (which is where there may be a planning implication). For larger schemes including most biomass CHP, there will be a combination of buildings and space for storage and access for delivery of the biomass used. This means that biomass CHP can be quite industrial looking. There is no standard number or size of buildings and storage space needed. It will depend on the extent of energy output. A particular consideration with biomass CHP is whether preparation of the biomass fuel (to bring fuel to the right moisture content for use, for example) is required and whether this will be done on-site or elsewhere. On-site fuel storage will be required however, with the size of the storage facility dictated by operational considerations.
- Biomass heat systems are suitable for domestic and non-domestic uses. They are well suited to rural locations as an alternative to fossil fuels (which are either absent or costly). They can be used to drive industrial processes. Individual biomass heat systems can be used as the individual property /business level.
- Biomass CHP is larger scale and could be used to support heat and electricity needs in both residential and non-residential developments. An important consideration at all scales is the sourcing of biomass fuel; what will be used, where will it be sourced and will it be regularly and reliably available. This is important as biomass systems are specified to the fuel source that is used and if alternative biomass fuels are used this can cause problems in functioning of the system.

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### Planning Permission and Other Consents

Planning permission is likely to be required for biomass heating and CHP systems. However, small scale domestic biomass heating installations may not require planning permission. The diagram on the following page sets out the need for planning permission and other consents. Permissions and consents should be applied for in parallel to ensure that there are no delays in taking projects forward. It is advisable to contact NRW at the earliest opportunity if you think you need their permission, consent or licence for your project. There are varying statutory deadlines depending on the permit, consent or licence you apply for (see [Appendix 7](#)).

**Section 6.4** gives guidance on how your application will be assessed and the kinds of issues you need to consider in preparing your application. In addition, you will need to consider the issues in the table below, which relate specifically to Biomass combustion and CHP.

Key issues in assessing planning applications are likely to be:

- Visibility issues and impacts on landscape and townscape, particularly in historic areas. Mitigating the impact of buildings and in particular flues (even on domestic scale projects) will be important;
- Traffic and noise associated with delivery of feedstock's;
- Noise from plant operation – noisy elements such as the air cooling condenser should be located away from sensitive areas; and
- Air quality – emissions from plant operation and odour from some biomass fuels.

Examples of Biomass proposals in Monmouthshire can be found on the Eco Open Doors website: <http://www.monecoopendoors.org.uk/> . Many of these schemes are small scale or domestic in nature and the web site includes contact details for property owners.

## Getting Consents: A Summary of the Process

### Planning Permission

Is your installation for a domestic property and are you applying as an individual householder?

Yes

Installation could be permitted development if within the limits set out in **A1 (Appendix 6)**. If these limits are exceeded planning permission will be required.

No

Planning permission will be required

### Trees

#### Tree Preservation Orders (TPO):

If you plan to fell or do any works to trees you should check whether they are covered by a TPO (**Appendix 7** for contacts)

#### Conservation Areas:

If you plan to fell or do any works to trees in a Conservation Area you need to inform the Planning Department in writing 6 weeks beforehand (**Appendix 7** for contacts)

### Listed Building Consent

Is your site within a Listed Building or within the curtilage (garden/boundary) of a Listed Building?

Check with the Heritage Team (**para 5.2.2**)

Yes

Listed Building consent may be required if your proposal includes alterations to existing structures/ Buildings.

No

Listed Building consent will not be required.

### Building Regulations

Building regulations approval may be required.

### NRW Consent

NRW regulate the burning of biomass in appliances with a rated thermal input of 50MW and above or if the biomass is classed as waste a rated thermal input of 3MW and above. Any proposal below the above criteria may still require a permit from the Local Authority.

## Biomass – Site Selection and Planning Issues

This table should be read in conjunction with **Table 6.2**:

Planning issue (See Table 6.2)		Points to Consider
Landscape sensitivity, character and visual impact	<p>Will the Biomass plant be located in a designated landscape (see <a href="#">Appendix 8</a>)</p> <p>Have you considered the visibility of the site in its wider setting?</p>	<ul style="list-style-type: none"> <li>▪ Very careful consideration of siting within the landscape will be required if you are considering a biomass plant at anything larger than domestic scale in the Wye Valley AONB or on the edge of the Brecon Beacons National Park.</li> <li>▪ If you are installing biomass heating in a domestic property where planning permission is required (and even if not required) then consider the impact of the flue that you will require; will it be visible in the landscape?</li> <li>▪ Consider how to reduce visual impact by use of screening or selection of colour and type of materials. Ensure that buildings are not in the direct line of vision of neighbouring properties. The height of the flues will be an important consideration.</li> <li>▪ Consider whether there will be a wider impact on the townscape character of an area from a biomass plant if located in or on the edge of settlements; and if so, how this can be minimised by careful siting and screening.</li> </ul>
Ecology	<p>Could the Biomass plant affect ecological habitats or species?</p> <p>(see <a href="#">Appendix 8</a> for designations)</p>	<ul style="list-style-type: none"> <li>▪ If the Biomass plant is proposed near to a designated or sensitive ecological area, impacts on species from delivery and storage of feedstock's should be avoided.</li> <li>▪ Consideration of habitats and species on site will also be important. Schemes should be designed to avoid habitat loss or disturbance from emissions or noise, either through careful siting or as part of re-creation of habitats within the overall development.</li> </ul>
Historic Environment	<p>Is the site within a designated area / site of historic interest?</p> <p>(see <a href="#">Appendix 8</a> for designations)</p>	<ul style="list-style-type: none"> <li>▪ At sites of Listed Buildings or SAM's, smaller, domestic scale schemes well integrated with the site in terms of building design or screening are more likely to be acceptable.</li> <li>▪ If you are located in or on the edge of a Conservation Area, the visual impact of flues will be important and should preserve or enhance the character of the area. This is true for domestic properties as well as CHP plants.</li> </ul>
Access and servicing	<p>What feedstock's will you be using, where will these be sourced and how often will they be delivered?</p> <p>What kind and size of vehicle will be used?</p>	<ul style="list-style-type: none"> <li>▪ The potential impact from delivery of biomass feedstock's will need to be considered. For larger plant you will be expected to provide information on numbers and regularity of deliveries to the plant and consider what the impact of traffic generation will have on surrounding properties and on the road network. (A Transport Assessment may be required)</li> <li>▪ Ensure that the road network to the potential site is capable of taking the level of traffic likely to be generated in terms of delivery of biomass feedstock.</li> <li>▪ Ensure that the site layout has sufficient space for on-site vehicle movements generated as a result of deliveries</li> </ul>
Human health and quality of life (air quality)	<p>Will any plume of smoke be emitted from the process?</p>	<ul style="list-style-type: none"> <li>▪ Careful siting of flues/chimneys will be important in relation to factors such as prevailing wind conditions, to minimise any adverse impacts from emissions on nearby properties. You should check with the equipment supplier whether any licences or</li> </ul>



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Planning issue (See Table 6.2)		Points to Consider
		permissions are required for your installation. Impacts may vary with weather and seasons.
Cumulative Impact	Are there any other Biomass plants (or similar – e.g. Energy from Waste) in the vicinity of your proposed installation?	<ul style="list-style-type: none"> <li>▪ Check whether there are other Biomass plants existing or proposed in the vicinity. The potential for cumulative impacts (including from Energy from Waste and Gas CHP plants) will be particularly important in relation to the visual impact of flues on landscape or townscape.</li> </ul>
Social considerations / engagement	<p>Where will your fuel supply come from?</p> <p>Have you involved the local community in the development of your project?</p> <p>Have you considered any level of community partnership in association with this Biomass scheme?</p>	<ul style="list-style-type: none"> <li>▪ If possible fuel supplies should be sourced locally as this can help to reduce local waste as this minimises transport impacts and can help to reduce the burden on local landfill sites. It can also help to support local businesses that grow feedstock's. Biomass energy has great potential to return economic benefit to the local community from local fuel supply. Note that woodland thinning requires a licence from the (Natural Resources Wales NRW) (Appendix 7). Consent is also required from NRW for afforestation projects such as short rotation coppice or forestry above certain thresholds.</li> <li>▪ Consider the opportunity to work with a local community through early consultations and discussions in the development of your project (discussions and outcomes can be recorded in the Design and Access Statement/information accompanying the planning application)</li> <li>▪ Consider whether there is any opportunity for a community partnership and community benefit from the AD scheme. If you have not considered this, would you welcome working with the local community to share some of the risks and benefits to this development?</li> </ul>
Decommissioning	Have you planned for removal of the equipment at the end of its lifetime?	<ul style="list-style-type: none"> <li>▪ Typically the time-expired boiler and associated ancillary equipment will be disposed of as scrap metal – in the same way as other CHP or boiler systems.</li> <li>▪ There are unlikely to be any issues with hazardous waste.</li> </ul>

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Retrofitted biomass boiler and fuel store at Roden Dogs Trust, Shrewsbury

Image source: <http://organicenergy.wordpress.com/>



## Energy from Waste



monmouthshire  
sir fynwy

## Energy from Waste

### Technology Description

Energy from Waste describes the process whereby waste is disposed of by combustion or thermal processing and energy is captured from the process, normally in the form of electricity. CHP becomes an option where a suitable heat load exists.

Waste combustion is normally undertaken in plant based on coal combustion equipment. The Waste Incineration Directive (WID) legislation is implemented through Environmental Permitting Regulations in Wales and ensures that the combustion process is efficient and leads to no harmful emissions. However, the cost of compliance of the WID tends to favour larger (district scale) combustion plant.

In the past, most energy from waste plants were so called 'mass burn' incinerators, where the entire amount of waste collected was burnt normally after the removal of metal and glass. These days, the increase in recycling and the increased commodity values associated with recovered materials from recycling means that these materials are removed prior to combustion. This means that most plastic, paper and card is removed from the waste stream for recycling and is not burnt.

As a result, energy from waste plants are now smaller and not based on mass burn approaches. In addition, it is normal to have a recycling facility associated with the energy facility to specifically remove recyclates prior to combustion of the residual material. These smaller plants are ideal for advanced conversion processes, which include gasification and pyrolysis. In simple terms, these processes burn the waste in limited oxygen such that the combustion process is stopped at the point of gas formation. In pyrolysis systems the product is a liquid. Other advanced technologies such as those based on plasma are also now available. One benefit of advanced conversion plant is that they have the potential to operate commercially at town scale.

Energy from waste is an essential element of any zero waste to landfill strategy, as there will always be material which cannot be recycled for reasons of non-hazardous contamination, poor quality or lack of a ready market.

When operating as CHP, around 2-3 times as much heat is produced as electricity making the availability of a large, base heat load essential. This is usually serviced using a heat main, also known as a district heating network. In reality, it is the availability of the heat demand which dictates the economic viability of a CHP system.

As described above, most energy from waste plants are co-located with a Municipal Recycling Facility (MRF) to separate out the recyclable materials leaving only the non-recyclable combustible fraction to be used for energy. In addition to the MRF, a typical waste to energy plant comprises a fuel reception/storage facility, a combustor within a building or container and a flue or chimney. Flue gas clean-up is also always included. Unless the heat demand within the CHP application can guarantee that all of the heat will be used as soon as it is generated, then a cooler/condenser unit will be required as a heat sink. These are unlikely to comprise traditional cooling towers but instead will use systems in which fans draw air through a 'radiator' system.

**Energy from Waste – SWOT Analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Energy from waste is an essential element of a zero waste to landfill policy providing re-use of combustible materials that cannot be recycled.</li> <li>▪ The WID Directive ensures that energy from waste is a clean process.</li> <li>▪ The payment of a gate fee to dispose of waste can make energy from waste a commercially attractive option.</li> <li>▪ Is a baseload technology.</li> <li>▪ Underpins a zero waste to energy strategy.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Until small (kW) scale energy from waste plant become generally available only large scale, stand-alone applications will be possible.</li> <li>▪ Energy from waste requires long term waste supply contract and the involvement of a waste contractor, so it is inappropriate for a community based scheme.</li> <li>▪ Transport of fuel can create local issues.</li> <li>▪ If coolers are required to dissipate unwanted heat this will add to cost and the parasitic electrical load. Issues with noise may also result.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Waste is ubiquitous as is the need to manage it in an acceptable way making waste effectively a 'constant' supply option (subject to legislation).</li> <li>▪ The advent of technology that can support smaller scale applications.</li> <li>▪ Annual increases in landfill tax will make this an increasingly attractive option compared to landfill.</li> <li>▪ Increasing transport costs will make small, localised energy from waste systems based on advanced conversion processes.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Continued poor perception of energy from waste based on 1970's incineration plant performance reduces public acceptance.</li> <li>▪ EU waste legislation has the potential to impact on the future availability of feedstock for energy generation.</li> </ul>

**The Technology – Spatial Elements**

- A combination of components is required in energy from waste system. In addition to the combustion system and fuel store these include fuel pre-processing, flues/chimneys, possible water treatment plant store/pump if heat needs to be moved. And a cooling tower/air blast condenser system if the heat produced is not all used beneficially. While usually these are housed in a single building, multiple building configurations are also possible. These can appear industrial in nature.
- Energy from Waste can be used in relation to waste from domestic and non-domestic uses, it could be appropriate for new residential, including, potentially the strategic sites identified in the LDP given the level of waste that might be generated. However, it is most likely to be used as part of an industrial process or development.
- As noted above Energy from Waste Plants are often associated with municipal recycling facilities

**Planning Permission and Other Consents**

Planning permission is required for energy from waste plants. The diagram on the following page sets out the need for planning permission and other consents. Permissions and consents should be applied for in parallel to ensure that there are no delays in taking projects forward. It is advisable to contact NRW at the earliest opportunity as their consents can take some time to obtain (see [Appendix 7](#)).

**Section 6.4** gives guidance on how your application will be assessed and the kinds of issues you need to consider in preparing your application. In addition, you will need to consider the issues in the table below, which relate specifically to Energy from waste plants.

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Getting Consents: A Summary of the Process

**Planning Permission**

Planning permission is required.

**Listed Building Consent**

Is your site within a Listed Building or within the curtilage (garden/boundary) of a Listed Building?

Check with the Heritage Team (**para 5.2.2**).

Yes

Listed Building consent may be required if your proposal includes alterations to existing structures/buildings.

No

Listed Building consent will not be required.

**Building Regulations**

Building regulations approval may be required. Consult with Building Control (**Appendix 7**).

**NRW Consent**

You will require consent from NRW.

You may also need consent if your site is a SSSI or affects protected species.

**Trees**

**Tree Preservation Orders (TPO):**

If you plan to fell or do any works to trees you should check whether they are covered by a TPO (**Appendix 7** for contacts).

**Conservation Areas:**

If you plan to fell or do any works to trees in a Conservation Area you need to inform the Planning Department in writing 6 weeks beforehand (**Appendix 7** for contacts).

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Key issues in assessing planning applications are likely to be:

- Visibility issues and impacts on landscape and townscape, particularly in sensitive areas. Mitigating the impact of buildings and in particular flues (even on smaller scale projects) will be important. Plants can look quite industrial and so are best suited to areas which are less visually sensitive. (e.g. existing industrial areas, or well screened sites);
- Potential for impacts on human health and environment from pollution due to emissions, noise, odour and pest issues from waste storage, and leakage into groundwater. This may be more about public perception than actual risk, and so this needs to be addressed at an early stage;
- Discussions with community and stakeholders need to be opened early on in the process to address and avoid any misconceptions about the plant and its likely impacts and to help avoid and mitigate any impacts;
- Traffic and transport issues associated with deliveries; and
- The role of the plant in the waste hierarchy needs to be identified – beneficial re-use and recycling of waste should take priority over combustion of waste as an energy solution.

## Energy from Waste – Site Selection and Planning Issues

This table should be read in conjunction with **Table 6.2**:

Planning issue (See table 6.2)		Points to Consider
Landscape sensitivity, character and visual impact	<p>Will the energy from waste plant be located in a designated landscape? (Appendix 8)</p> <p>Have you considered the visibility of the site in its wider setting?</p>	<ul style="list-style-type: none"> <li>▪ If you are considering a plant in the Wye Valley AONB or on the edge of the Brecon Beacons National Park then siting and design of the building will be particularly important. Early consultation with a landscape officer is recommended in order to address the potentially significant impact of large facilities.</li> <li>▪ In any location, visual impact on surrounding properties, landscape setting and townscape character will be a key issue. Design, colour, materials and screening and on-site boundary treatment will all be important.</li> <li>▪ If the Energy from Waste plant is part of a strategic site, its location within the overall scheme from a visual perspective is an essential consideration and it is likely that it may be better located within/adjacent industrial uses, given the industrial nature of this type of development.</li> </ul>
Ecology	<p>Could the energy from waste plant affect ecological habitats or species? (see Appendix 8)</p>	<ul style="list-style-type: none"> <li>▪ Refer to Table 6.2</li> </ul>
Historic Environment	<p>Will the energy from waste plant be located in within a designated</p>	<ul style="list-style-type: none"> <li>▪ Proposals close to or on the site of Listed Buildings or other designated historic sites should avoid any visual or other impacts on those buildings or sites. The relationship between the plant and the setting of</li> </ul>

## Draft Monmouthshire Renewable Energy and Energy Efficiency SPG

Planning issue (See table 6.2)		Points to Consider
	area/site of historic interest? (see <a href="#">Appendix 8</a> )	any Listed Buildings will be important considerations, and mitigation measures through design and screening are likely to be required. Larger plants are likely to be more difficult to accommodate in a way which is acceptable. <ul style="list-style-type: none"> <li>If there is to be trenching associated with the plant, then archaeological investigations may need to take place before any groundwork's are undertaken.</li> </ul>
Access and servicing	What waste products will you be using, where will these be sourced and how often will they be delivered?  What kind and size of vehicle will be used?	<ul style="list-style-type: none"> <li>Identify where waste materials will be sourced from, how often and in what sort of vehicle supplies will be made, in order to identify the potential impact of traffic movements to and from the site. Consider how delivery of waste can be managed in terms of timings if there is likely to be disruption in terms of noise and nuisance, particularly where a site is relatively close to residential properties.</li> <li>Ensure that the road network is capable of taking the level of traffic likely to be generated in terms of delivery of waste.</li> <li>Ensure that the site layout has sufficient space for on-site vehicle movements generated as a result of delivery of waste.</li> </ul>
Water management and Hydrology	Are measures being taken to avoid pollution of groundwater and local water courses?	<ul style="list-style-type: none"> <li>Consider potential for heat and chemical pollution from underground pipe systems. Appropriate measures should be put in place during the construction phase to prevent contamination.</li> </ul>
Human Health and Quality of life (Noise, air quality, odour and pest control)	Do you expect any plume, smoke or odour to be produced from the process?  Will there be issues of pest control that could cause local nuisance?	<ul style="list-style-type: none"> <li>The operation of the Energy from Waste plant should comply with the EU Waste Incineration Directive and consent will be required from NRW. The planning application will need to demonstrate that these would be met.</li> <li>Consider how you will ensure that your buffer store of waste fuel does not harbour pests.</li> </ul>
Cumulative impacts	Are there other Energy from Waste or similar (e.g. Biomass) plants in the vicinity?	<ul style="list-style-type: none"> <li>Check whether there are other Energy from waste or similar plants existing or proposed in the vicinity (e.g. biomass, Gas CHP) The potential for cumulative impacts is greatest in relation to the visual impact of flues on landscape or townscape.</li> </ul>
Social considerations / engagement	Have you considered opportunities to sell heat or power to nearby communities?	<ul style="list-style-type: none"> <li>Consider the potential of strategic sites identified in the LDP for Energy from Waste plants – operations could be located close to new residential communities. It may be possible to work with the developer to provide a district heating network. In addition, bringing communities on board early can be of benefit to all and reduce opposition to the scheme. Heat could be sold at an attractive price to communities, whilst still making a profit for the operator. Early discussions with community and developers are important. (discussions and outcomes can be recorded in the Design and Access Statement/Environmental Statement accompanying the planning application).</li> </ul>
Decommissioning	Have you planned for removal of the equipment at the end of its lifetime?	<ul style="list-style-type: none"> <li>Typically the time-expired boiler and associated ancillary equipment will be disposed of as scrap metal, as with any heating or CHP system.</li> </ul>





Image source: <http://openbuildings.com/buildings/tyseley-energy-from-waste-plant-profile-24123>



## Fuel Cells



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## Fuel Cells

### Technology Description

A fuel cell is a device that converts the chemical energy present in a fuel into electricity by using a chemical reaction involving oxygen or another oxidizing agent, with water or CO<sub>2</sub> created depending on the nature of the fuel. In this regard, the process is similar to combustion which also involves the oxidation of a fuel to release energy along with water or CO<sub>2</sub> but, in the case of combustion, the form of energy produced is mainly heat.

There are many types of fuel cells but they all comprise an anode (negative side), a cathode (positive side) and an electrolyte that allows charges to move between the two sides of the fuel cell. In some designs, the electrolyte itself creates the separation between the anode and cathode, in others a membrane is used.

Hydrogen, hydrocarbons such as natural gas and alcohols like methanol can all be used as fuel sources but the fuel cell is designed to use only a single fuel source. Where the hydrogen alcohol or gas is from a renewable source, then the fuel cell system will itself become a renewable energy technology. In most power generation applications, solid oxide fuel cells are used, not least as these can run on natural gas.

The main advantage of fuel cells is that as the chemical process produces electricity as the main product, the efficiency of fuel use is very high. As the balance of heat and electricity output better favours electricity, the lower levels of heat produced match a wider range of heat load demands thus increasing the market for CHP applications from fuel cells.

Fuel cells can range in output from kW to MW, with typically larger output systems comprising banks of smaller fuel cells.

Fuel cells are typically also much smaller than conventional CHP systems and do not require a flue system, making the typical fuel cell installation no more than a simple container. It can sometimes be more cost effective for fuel cells to take the baseload and to use other energy to 'top-up' as required.

## Fuel Cells – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ High efficiency of fuel conversion.</li> <li>▪ Small size.</li> <li>▪ Baseload generation.</li> <li>▪ Can operate at a wide range of scales.</li> <li>▪ Can operate from readily available fuels such as natural or liquefied gas.</li> <li>▪ No emissions issues and no flues are required.</li> <li>▪ Silent in operation.</li> <li>▪ Flexible locations.</li> <li>▪ Fuels are typically high density and liquids or gases, removing fuel storage issues.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Only a low carbon technology unless the fuel can be created from a renewable resource.</li> <li>▪ Until in volume production, costs will be high.</li> <li>▪ The best fuel for a fuel cell is hydrogen, but this will require a new fuel infrastructure to be created.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Capable of operating at the domestic scale, right up to community scale if required.</li> <li>▪ Can support CHP operation.</li> <li>▪ The low impact nature of the technology and flexibility of location make it applicable to a very wide range of applications.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The technology is just entering full commercialisation leading to perceived risk.</li> <li>▪ Longevity of the cells over decades has yet to be demonstrated.</li> </ul>

## The Technology – Spatial Elements

- Fuel cells are small units and are likely to be internally situated, especially where they are used on an individual basis. If banks of fuel cells are used in a development they may be externally situated and this is where spatial implications might arise.
- Fuel cells could be used in domestic and non-domestic situations. As they are in early stages of development, there is limited experience of their use in different types of development.

## Planning Permission Requirements

Planning permission is required for non-domestic fuel cell plants, and may be required for individual domestic installations. The diagram on the following page sets out the need for planning permission and other consents. Permissions and consents should be applied for in parallel to ensure that there are no delays in taking projects forward. It is advisable to contact NRW at the earliest opportunity as their consents can take some time to obtain (see [Appendix 7](#)).

**Section 6.4** gives guidance on how your application will be assessed and the kinds of issues you need to consider in preparing your application. In addition, you will need to consider the issues in the table below, which relate specifically to Fuel Cells. Key issues in assessing planning applications are likely to be:

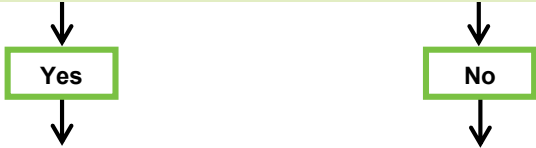
- Visibility issues and impacts on townscape, particularly in historic areas.

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**Planning Permission**

Is your installation for a domestic property and are you applying as an individual householder?



Is your installation completely inside the property?

Planning permission is required.

Yes

No

Planning permission will not be required.

Will the installation be attached to the property?

Yes

No

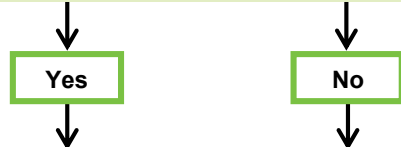
Planning permission is likely to be required.

If you propose to house one or more fuel cells in an outhouse, this may not require planning permission.

Fuel cells are a new technology so requirements for planning permission may change – you should check with the planning department (para 5.2.2).

**Listed Building Consent**

Is your site within a Listed Building or within the curtilage (garden/boundary) of a Listed Building?  
 Check with the Heritage Team (para 5.2.2)



Listed Building consent may be required if your proposal includes alterations to existing structures/buildings.

Listed Building consent will not be required.

**Trees**

**Tree Preservation Orders (TPO):**  
 If you plan to fell or do any works to trees you should check whether they are covered by a TPO (Appendix 7 for contacts).

**Conservation Areas:**  
 If you plan to fell or do any works to trees in a Conservation Area you need to inform the Planning Department in writing 6 weeks beforehand (Appendix 7 for contacts).

**Building Regulations**

Building regulations approval will be required.

**NRW Consent**

You may need consent if your site is a SSSI or affects protected species.

## Fuel Cells – Site selection and Planning Issues

This table should be read in conjunction with **Table 6.2:**

Planning issue (See table 6.2)		Points to Consider
Landscape sensitivity, character and visual impact	<p>Will the fuel cell installation be located in a designated landscape? (Appendix 8)</p> <p>Have you considered the visibility of the site in its wider setting?</p>	<ul style="list-style-type: none"> <li>▪ If you are considering a bank of fuel cells, you will need to consider the impact on the landscape setting. The size of individual fuel cells is such that any landscape issues are likely to be minimal.</li> <li>▪ Installations on buildings should be avoided at the front or sides of properties facing onto a road, to minimise visual impact and any wider impacts on townscape character.</li> <li>▪ If the installations will be visible consider ways in which you can minimise this e.g. by screening, design or colour.</li> </ul>
Historic Environment	<p>Is the site / building within a designated area / site of historic interest? (Appendix 8)</p>	<ul style="list-style-type: none"> <li>▪ Installations on Listed Buildings should be located so as to avoid any impacts on the character of the building.</li> <li>▪ If your installation is in a Listed Building or within its curtilage, Listed Building Consent will be required.</li> </ul>
Access and servicing	<p>Will any routine access be required to any part of the system? Will you need to deliver fuel by road to the system?</p>	<ul style="list-style-type: none"> <li>▪ Where fuel cells are using anything other than mains supplied natural gas, consider how access for delivery of fuel for fuel cells will be achieved with minimum disruption. What type of vehicle and how many vehicle movements will be involved? This consideration may affect where you can locate installations within your site.</li> </ul>
Cumulative impacts	<p>Are there other fuel cells in your area?</p>	<ul style="list-style-type: none"> <li>▪ Check whether there are other externally located fuel cells within the immediate vicinity. Given the scale of fuel cells, cumulative impacts are more likely to be an issue at townscape level, rather than in relation to landscape setting.</li> </ul>
Decommissioning	<p>Have you planned for removal of the equipment at the end of its lifetime?</p>	<ul style="list-style-type: none"> <li>▪ Depending on the nature of the fuel cells, specialist disposal to appropriate recycling facilities may be required.</li> </ul>



## Gas CHP



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Image: Gas CHP system linked to a District Heating network at a leisure centre.  
source: <http://www.tecogen.com/our-customers-recreational-facilities.htm>

## Gas CHP (Including Micro CHP)

### Technology Description

While fossil (natural) gas is not a renewable energy, using it to fuel a CHP system is considered to be low carbon in that it captures and makes beneficial use of the heat produced in the electricity generation process. This heat is typically lost from large power stations.

Micro CHP systems are typically targeted at domestic scale application of a few KWe. They can comprise very small gas engines of the kind described below but, increasingly, the capacity to generate electricity is incorporated into the domestic gas boiler. Typically technology such as the Stirling engine is employed to deliver this outcome. The Stirling engine is based on external combustion, where a heat source external to the engine (in this case the gas combustion process) expands a transfer medium which drives a piston and turns a micro generator. These systems generate electricity opportunistically when the heating boiler is operating rather than being led by the electrical demand. However, they can provide a direct replacement for the domestic heating boiler.

Outside of the micro technology area, there are two main technology options for gas CHP systems. At smaller scale (up to around 5MWe) gas fired internal combustion engines are often used linked to an appropriate alternator systems. Heat is recovered from the engine water jacket and the exhaust system. These gas engines are highly efficient compared with steam cycle based generation systems and can also be scaled to kW sizes.

Larger systems tend to use gas turbines, although micro-gas turbines are available and are in use. The exhaust heat from the turbine can either be captured in a heat recovery boiler system to service a heat market, or used to drive a second turbine, with the remaining thermal energy captured in a heat recovery boiler.

Clearly, access to a good gas supply is essential in all cases.

A typical gas CHP system comprises a gas infeed/control system, the prime mover (an engine or turbine) and alternator or generator. Larger systems where the heat demand within the CHP application cannot provide a guarantee that all of the heat will be used as soon as it is generated, then a cooler/condenser unit will be required as a heat sink. These are unlikely to comprise traditional cooling towers but instead will use systems in which fans draw air through a 'radiator' system.



**Gas CHP (including micro CHP) – SWOT Analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Is a well-developed and low cost technology.</li> <li>▪ Fuel supply is not seen as a risk.</li> <li>▪ Well established technology supply chain.</li> <li>▪ Efficient use of gas fuel, especially compared with large gas fired power stations.</li> <li>▪ The scalability of the technology makes it potentially applicable to a number of situations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Not a renewable technology.</li> <li>▪ The carbon performance of the technology relative to renewables is poor, making it a poor option to meet increasingly tight carbon compliance in new build situations.</li> <li>▪ As with any combustion process, there is potential to impact on air quality.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Constant heat loads can be serviced by a CHP, giving the increased benefit of electricity generation.</li> <li>▪ A retrofit option (especially at the micro scale).</li> <li>▪ Small footprint makes it applicable to town centre and other 'tight' locations.</li> </ul>	<ul style="list-style-type: none"> <li>▪ More gas is being imported and the world price of gas is linked to the price of oil. The benefit of CHP is often down to the cost advantage of electricity compared to gas. Where this is eroded by rising gas prices, schemes can quickly become unviable.</li> <li>▪ Is likely to become less competitive compared with renewables where renewables are subsidised.</li> </ul>

**The Technology – Spatial Elements**

- At the small scale, the main spatial implication of gas CHP will be external flues/chimneys; other equipment is likely to be internal to the property. At the large scale there may be a requirement for buildings to house large scale combustion systems, boilers, turbines and cooler/condensers (if heat has to be stored) depending on the system used, making it quite an industrial looking development . Access to a reliable gas supply is essential meaning that in some rural locations without mains gas access, this technology is not an option.
- Gas CHP is suitable for domestic and non-domestic uses at the building scale. Larger gas CHP plants can be used to supply specific users or developments where there is a known heat demand.
- Gas CHP applies at the small building scale and the large scale and could be appropriate for new developments including strategic sites proposed in the LDP.

**Planning Permission Requirements**

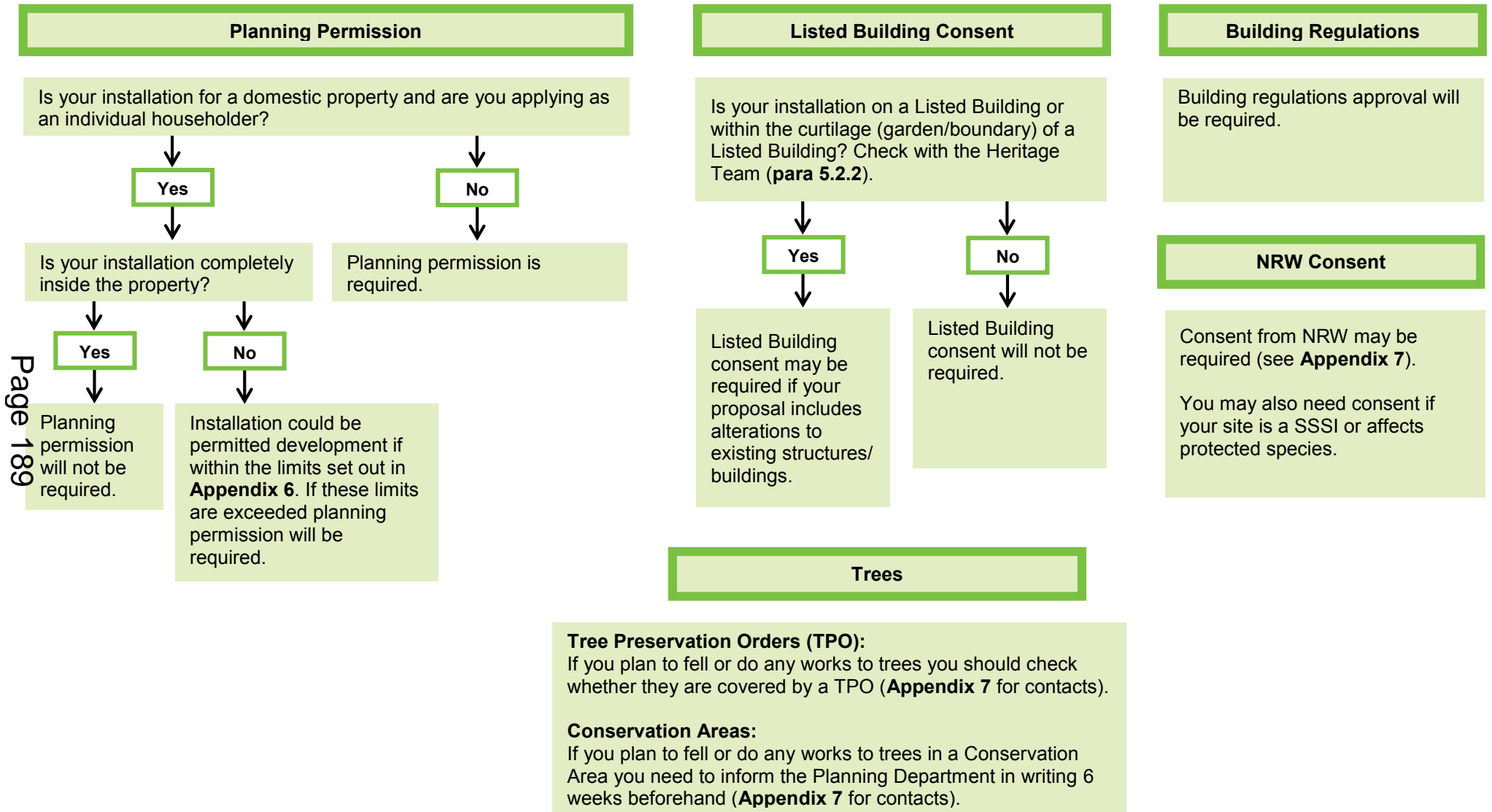
Planning permission is required for non-domestic externally located and stand-alone Gas CHP systems. The diagram on the following page sets out the need for planning permission and other consents. Permissions and consents should be applied for in parallel to ensure that there are no delays in taking projects forward. It is advisable to contact NRW at the earliest opportunity as their consents can take some time to obtain (see [Appendix 7](#)).

**Section 6.4** gives guidance on how your application will be assessed and the kind of issues you need to consider in preparing your application. In addition, you will need to consider the issues in the table below, which relate specifically to Gas CHP.

Key issues in assessing planning applications are likely to be:

- Visibility issues and impacts on landscape and townscape, particularly in historic areas. Mitigating the impact of buildings and in particular flues (even on domestic scale projects) will be important; and
- Noise from plant operation – noisy elements should be located away from sensitive areas.

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## Gas CHP – Site Selection and Planning Issues

This table should be read in conjunction with **Table 6.2:**

Planning issue (See table 6.2)		Points to Consider
Landscape sensitivity, character and visual impact	<p>Will the Gas CHP plant be located in a designated landscape? (Appendix 8)</p> <p>Have you considered the visibility of the site in its wider setting?</p>	<ul style="list-style-type: none"> <li>▪ Very careful consideration of siting within the landscape will be required if you are considering a gas CHP in the Wye Valley AONB or on the edge of the Brecon Beacons National Park.</li> <li>▪ If you are installing CHP heating in a domestic property where planning permission is required (and even if not required) then consider the visual impact of the flue that you will require.</li> <li>▪ Gas CHP needs to be located so as to minimise visual impact on surrounding properties and the wider townscape. Ensuring that buildings and flues are not in the direct line of vision of neighbouring properties or taking mitigation steps such as screening/planting to reduce visibility or using colour of construction materials will be important.</li> </ul>
Ecology	<p>Could the Gas CHP affect ecological habitats or species? (Appendix 8)</p>	<ul style="list-style-type: none"> <li>▪ Consideration will be needed in relation to potential adverse impacts on nearby sites as a result of any emissions from flues/chimneys.</li> </ul>
Historic Environment	<p>Will the in Gas CHP be located within a designated area / site of historic interest? (Appendix 8)</p>	<ul style="list-style-type: none"> <li>▪ At sites of Listed Buildings or SAM's, smaller, domestic scale schemes well integrated with the site in terms of building design or screening are more likely to be acceptable.</li> <li>▪ Visual impact will need to be considered for small scale installations and their flues/chimneys as well as larger installations).</li> <li>▪ If your installation is in a Listed Building or within its curtilage, Listed Building Consent will be required.</li> </ul>
Human health and quality of life (air quality)	<p>Will any smoke be emitted from the process?</p>	<ul style="list-style-type: none"> <li>▪ Careful siting of flues / chimneys will be important in relation to factors such as prevailing wind conditions, to minimise any adverse impacts from emissions on nearby properties. Impacts may vary with weather and seasons.</li> </ul>
Cumulative impacts	<p>Are there other CHP plants (or similar) in the vicinity of your installation?</p>	<ul style="list-style-type: none"> <li>▪ Check whether there are any other CHP plants / installations existing or proposed in the vicinity. (Biomass and Energy from Waste plants should also be considered). The potential for cumulative impacts will be particularly important in relation to landscape, visual and historic environmental impacts.</li> </ul>
Social considerations / engagement	<p>Have you involved the local community in the development of your project?</p>	<ul style="list-style-type: none"> <li>▪ By consultation with the community close to any new development it might be possible to identify a heat demand that will make CHP commercially viable to the benefit of all involved.</li> <li>▪ Consider the opportunity to work with a local community through early consultations and discussions in the development of your project (discussions and outcomes can be recorded in the Design and Access Statement/information accompanying the planning application).</li> </ul>
Decommissioning	<p>Have you planned for removal of the equipment at the end of its lifetime?</p>	<ul style="list-style-type: none"> <li>▪ Typically the time-expired boiler and associated ancillary equipment will be disposed of as scrap metal, as with any boiler or CHP system.</li> </ul>

Schematic of a domestic gas CHP system



Micro gas CHP



5kW Small scale CHP

Image source: [http://www.baxi-senertec.co.uk/documents/Sales\\_brochure\\_July\\_2010.pdf](http://www.baxi-senertec.co.uk/documents/Sales_brochure_July_2010.pdf)



# Hydroelectricity

Cover Image: Archimedes Screw system at Shane's Castle, Randalstow Antrim

Source: <http://ecoevolution.ie/blog/category/small-scale-hydro/>



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## Hydroelectricity

### Technology Description

Water is heavy, dense and cannot be compressed. When moving in rivers or other locations, the force of the water flow can be harnessed for energy. This has been well understood for centuries making hydro power a traditional energy source.

Hydropower schemes all comprise a turbine system that is designed to capture the energy in the water and use it to turn a turbine. Large (MW scale) hydropower schemes comprise a dam to hold back water and to create a head and a turbine through which water moves to drive a generator. It is highly unlikely that new dams will be created solely to generate energy. Instead, low head, or ‘run of river’ schemes are the options of choice.

In the past, most hydropower schemes involved the installation of a separate water collection device (usually called a penstock) which comprised a sluice or gate or intake structure that controls water flow, or an enclosed pipe that delivers water to turbine. These required what could be significant engineering activities and delivered water typically to a Kaplan type turbine in which internal fin arrangements capture water energy within a housing to turn a generator. The issue with these devices is that they can be damaging to fish and other wildlife, requiring extensive by-pass arrangements to be put in place. These can be costly and can reduce the available flow of water to the turbine.

Other options involve the use of Archimedes screws to capture the water energy. These can be mounted singly or in multiple units and typically require less invasive engineering and can also operate in lower head situations. They can also have less damaging impact on fish, although provision for fish and other wildlife is still required. A range of options should be fully considered with an appropriate advisor before selecting an option.

Hydropower schemes therefore comprise a system to direct water into the turbine, the turbine itself and appropriate fish passage or similar.

### Hydroelectricity – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ A renewable technology that can generate electricity to service baseload application.</li> <li>▪ Proven technology.</li> <li>▪ Well established supply chain.</li> <li>▪ Correctly planned, impacts can be minimal.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Electrical connection can be an issue in remote locations, where the cost of connection can make the scheme non-viable.</li> <li>▪ There are varying statutory deadlines that depend on the environmental permit applied for.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ All water outflows, weirs, etc. are potentially suitable for hydro.</li> <li>▪ Low head applications can be serviced with appropriate technology.</li> <li>▪ Monmouthshire has the potential for a number of hydro applications.</li> <li>▪ Man-made water outflows (such as treatment plant) have potential as sites for hydro generation.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Potential impact on environment will remain an issue.</li> <li>▪ NRW has varying statutory deadlines depending on environmental permits applied for which can lengthen the process. Other requirements such as grid connections can also cause delays.</li> </ul>

### The Technology – Spatial Elements

- Hydropower schemes use a turbine system to capture energy from water flow. The spatial implications vary depending on whether a traditional Kaplan turbine type of system is used (in which case there are on land requirements for the turbine and water collection/transport devices, a grid connection, as well as devices in the river itself to hold back and create a head of water) or an Archimedes Screw (where all the equipment requirements are based within the water itself and the only on land implication is a connection to the grid supply). The Archimedes Screw system can work effectively where there is less head of water (in gentler gradients of river and without the need for a dam, penstock or other means of delivering water to the turbine). This means it has greater potential for use in more situations, where rivers or other water sources create some weight of water flow.
- Hydroelectric power is suitable for domestic and non-domestic uses. Schemes generally feed directly into the national grid and are not usually associated directly with developments/users. It is nevertheless possible that an individual dwelling could be served by a small hydropower scheme.
- Generally hydropower schemes are standalone schemes. If the circumstances were appropriate for an individual residential or non-residential user located adjacent a water course where an Archimedes screw installation could be made, it might be possible for a hydropower scheme to apply to an individual property.

### Planning Permission and Other Consents

Planning permission is required for hydropower schemes along with various permissions, consents and licences from NRW. The diagram on the following page sets out the need for planning permission and other consents. Permissions and consents should be applied for in parallel to ensure that there are no delays in taking projects forward. It is advisable to contact NRW at the earliest opportunity as their consents can take some time to obtain (see [Appendix 7](#)).

[Section 6.4](#) gives guidance on how your application will be assessed and the kinds of issues you need to consider in preparing your application. In addition, you will need to consider the issues in the table below, which relate specifically to Hydroelectricity.

Key issues in assessing planning applications are likely to be:

- Ecology – Disturbance of aquatic habitats and species is often an issue, and injury or death of fish will have to be avoided. Impact on habitats and species on the river bank is also likely to be an issue for many schemes in rural areas.
- Visibility issues and impacts on landscape may be an issue, although smaller scale schemes often developed in rural areas can often be successfully designed and screened to sit into the landscape.
- Impacts on historic structures such as Listed Buildings and Scheduled Ancient Monuments can be an issue, particularly in areas where there are historic mills, weirs or dams which are related to the project. Industrial archaeology can also be an issue in such areas.
- Riverbanks are often the location of public footpaths, so diversion may be needed.



An example of a hydropower scheme in Monmouthshire can be found on the Eco Open Doors website: <http://www.monecoopendoors.org.uk/> . Many of these schemes are small scale or domestic in nature and the web site includes contact details for property owners.

## Getting Consents: A Summary of the Process

### Planning Permission

Planning permission is required.

### Listed Building Consent

Is your site within the curtilage (garden/boundary) if a Listed Building?

Check with the Heritage Team (**para 5.2.2**).

Yes

Listed Building consent may be required if your proposal includes alterations to existing structures/buildings.

No

Listed Building consent will not be required.

### Building Regulations

Building regulations approval will be required.

### NRW Consent

You will require various permissions, consents and licences from NRW.

### Trees

#### Tree Preservation Orders (TPO):

If you plan to fell or do any works to trees you should check whether they are covered by a TPO (**Appendix 7** for contacts).

#### Conservation Areas:

If you plan to fell or do any works to trees in a Conservation Area you need to inform the Planning Department in writing 6 weeks beforehand (**Appendix 7** for contacts).

### Scheduled Ancient Monument Consent

If you are proposing works to the site of a Scheduled Ancient Monument, then consent will be required from Cadw (see **Appendix 7**).

### Hydroelectricity – Site Selection and Planning Issues

This table should be read in conjunction with **Table 6.2**:

Planning issue (See table 6.2)		Points to Consider
Landscape sensitivity, character and visual impact	<p>Will the hydropower scheme be located in a designated landscape?</p> <p>Have you considered the visibility of the site in its wider setting?</p>	<ul style="list-style-type: none"> <li>▪ If you are considering a hydropower scheme in the Wye Valley AONB or on the edge of the Brecon Beacons National Park, size and siting of a potential development will be particularly important planning considerations. (The level of visual impact – and hence the potential acceptability of the scheme is associated with both scale and location).</li> <li>▪ Hydropower schemes are often located in rural areas. Associated structures with potential for impact include turbine houses, weirs, dams, leats, fencing and power lines. The appearance of waterfalls can also change as a result of water abstraction. Smaller scale operations are likely to be more easily integrated into the landscape with planting to screen structures.</li> <li>▪ Where buildings cannot be screened, high standards of design and use of materials will help to minimise impacts.</li> </ul>
Ecology	<p>Could the plant affect ecological habitats or protected species?</p> <p>(see <b>Appendix 8</b> for designations)</p>	<ul style="list-style-type: none"> <li>▪ Consideration needs to be given to both river bank and the watercourse itself. Careful consideration will be needed in relation to potential adverse impacts related to buildings and structures on the bank or placing of equipment in the watercourse. There is potential for disturbance to aquatic ecosystems and to fish movements, as well as their injury. It is possible that surveys will be required to establish what species are present. Siting should seek to avoid impacts, and if this is not possible mitigate, or compensate.</li> <li>▪ Specific consideration needs to be given to fish movements up and down the river/watercourse and potential impacts on these. There will be a requirement to incorporate fish passes for any scheme which interrupts fish movement on a watercourse.</li> </ul>
Historic Environment	<p>Is the site within a designated area / site of historic interest?</p> <p>(see <b>Appendix 8</b> for designations)</p>	<ul style="list-style-type: none"> <li>▪ There may be opportunities to re-use historic structures such as mills, weirs and dams within hydropower schemes.</li> <li>▪ Archaeological potential, particularly where there are historic structures such as industrial structures or leat systems in the area, will need to be investigated.</li> </ul>
Rights of Way and Permissive Paths	<p>Will the site of the hydropower scheme cut across any rights of way or permissive paths?</p>	<ul style="list-style-type: none"> <li>▪ Check whether there are any rights of way or permissive paths near the site, and, if so, whether these will require diversion and how this can be achieved. This may be a particular issue along riverbanks. If you need to divert a path contact the green infrastructure and countryside team on 01633 644850 <a href="mailto:countryside@monmouthshire.gov.uk">countryside@monmouthshire.gov.uk</a></li> </ul>
Water management, hydrology and flood risk	<p>Will the hydropower scheme impact on water management and hydrology in the area?</p>	<ul style="list-style-type: none"> <li>▪ Diverting water into a hydropower scheme may impact on water management and quality; and mitigation measures are usually needed. NRW is a statutory consultee, and they encourage pre-application discussions for such schemes.</li> <li>▪ Permissions, consents and licences from NRW will also be required (<b>Appendix 7</b>).</li> </ul>
Cumulative Impact	<p>Are there any other hydropower schemes in the vicinity of your proposed installation?</p>	<ul style="list-style-type: none"> <li>▪ On water courses which are particularly attractive as sources of hydroelectricity there is the possibility of multiple turbines along the length of the water course. This can create multiple impacts on fish, wildlife and visual amenity.</li> </ul>
Social considerations / engagement	<p>Have you involved the local community</p>	<ul style="list-style-type: none"> <li>▪ Consider the opportunity to work with a local community through early consultations and discussions in the development of your project (discussions and outcomes</li> </ul>

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Planning issue (See table 6.2)		Points to Consider
	in the development of your project?  Have you considered any level of community partnership in association with this Hydropower scheme?	can be recorded in the Design and Access Statement/information accompanying the planning application.) ▪ Consider whether there is any opportunity for community partnership. If you have not considered this, would you welcome working with the local community to share some of the risks and benefits to this development?
Decommissioning	Have you planned for removal of the equipment at the end of its lifetime?	▪ It is a feature of hydropower schemes that they have a long operational life. ▪ The main issues with decommissioning will be the physical disruption to the site during component removal and potential detrimental impact on wildlife. ▪ Once removed, all components can be recycled.



Osbaston Hydro project, Monmouthshire – Archimedes screw system  
 Image source: Monmouthshire County Council



# Solar Power

Cover Image source: Stock Xchange



monmouthshire  
sir fynwy

## Solar Power

### Solar Water Heating

#### Technology Description

Solar thermal panels capture thermal energy from the sun. While this water can be used for space heating (usually in conjunction with other heat sources), its major use is to supply hot water.

To achieve this, a liquid (usually water or water plus an antifreeze agent) in a closed loop is passed through either glass plate collector systems, or evacuated tube systems which are usually mounted on a roof or suitable surface. Orientation to optimise energy yield is important, with south facing systems at an angle of tilt 35° to the horizontal being ideal.

The thermal energy produced is then usually stored in a water cylinder. This system is integrated into normal hot water supply systems such that solar derived hot water is used preferentially to water heated by fuel use.

Given that solar water systems are made from glass, systems are designed to avoid or overcome damage from water freezing.

Typical solar water heating systems usually comprise suitably located panels usually linked to a second water cylinder and a separate pumped circuit to service the solar panels/tubes plus appropriate controls.

#### Solar Water Heating – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ A proven renewable technology.</li> <li>▪ Low maintenance costs/high reliability.</li> <li>▪ Better unsubsidised economic performance than PV systems.</li> <li>▪ Hot water can be stored and used as required.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Heat is a lower value product than electricity.</li> <li>▪ As the carbon content of natural gas is lower than that of grid electricity, the carbon performance of solar water heating is lower than for renewable electricity generating technologies.</li> <li>▪ Water content can add to weight.</li> <li>▪ More efficient evacuated tube systems may require replacement if vacuum seals fail.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Can be located on many roof systems.</li> <li>▪ Easily integrated into hot water supply systems.</li> </ul>	<ul style="list-style-type: none"> <li>▪ As a glass based system, solar water heaters can be fragile.</li> <li>▪ Some potential issues with solar water heating systems harbouring Legionella potentially adding to operating costs.</li> </ul>

### Solar Photovoltaics (PV)

#### Technology Description

Solar photovoltaic (PV) systems generate electrical power by converting solar radiation into direct current electricity using semiconductors to create voltage or electric current on exposure to light.

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Photovoltaic power generation employs a number of solar cells containing a photovoltaic material sealed within a glass fronted solar panel. The materials that can be used in PV cells include monocrystalline silicon, polycrystalline silicon, amorphous silicon, cadmium telluride, and copper indium gallium selenide/sulphide. Other approaches use photovoltaic materials printed directly onto flexible film. While these systems are less efficient, they can also be produced at far lower cost.

PV systems generate direct current electricity at low voltage requiring the use of an inverter to convert the voltage to alternating current and boost it to mains voltage. These inverters can either be built into the PV system, or more usually located remotely from it.

To maximise energy yield, PV cells are usually oriented such that they face south and at an angle of tilt 35° to the horizontal. PV cells can be mounted on traditional pitched roofs, on flat roofs, on a frame, or as free-standing modules on a suitable support.



Image source: <http://stage3renewables.com/blog/wood-heat-and-solar-thermal-perfect-match/>

### Solar Photovoltaics (PV) – SWOT Analysis

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ Well established technology with an established supply chain.</li> <li>▪ Can be used widely in a number of applications.</li> <li>▪ One of the few technologies that can deliver ‘free’ energy to households, which might be important if used to help people to escape from fuel poverty.</li> <li>▪ The PV cells require little maintenance.</li> </ul>	<ul style="list-style-type: none"> <li>▪ The energy yield is relatively low, requiring large areas of cells to meet large demands.</li> <li>▪ An intermittent technology with considerable variation in output across the day and year.</li> <li>▪ Inverters can have a relatively short lifetime compared to the project life of the PV cells, adding to on-going operational costs.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Most new developments can accept a PV system.</li> <li>▪ Possible to integrate PV elements into building structure such as cladding, solar shading.</li> </ul>	<ul style="list-style-type: none"> <li>▪ There is evidence of the performance of traditional PV cells falling off with age.</li> <li>▪ Free standing cells may be vulnerable to vandalism.</li> <li>▪ The Committee on Climate Change identified PV as one of the most expensive renewable energy technologies.</li> <li>▪ Where installed in large numbers such as in new housing developments, the maximum generation peak in the middle of the day in summer coincides with low demand and can cause issues with oversupply into the local grid which may cause damage and require costly upgrade to overcome.</li> </ul>

### The Technology – Spatial Elements

- Solar heat and PV panels are suitable for domestic and non-domestic uses. They are well suited to rural locations as an alternative to fossil fuels (which are either absent or costly) although the fact that they are an intermittent technology needs to be borne in mind.
- Installations are either roof based or ground mounted. External implications of building scale solar heating and PV panels are the panels themselves, as the remainder of equipment needed would be internal to the property.
- Solar heat and PV panels apply at the small scale individual building level. Although building scale, they can be used across large residential and non-residential developments. Solar PV panels can also be aggregated into large scale solar arrays, which have additional requirements for invertors and grid connections, which carry spatial implications. Generally solar arrays are ground mounted. However, in industrial settings, roofs may be an option for development of solar arrays.
- In new developments, solar tiles could be considered instead of panels. However, these suffer from high cost and poor performance relative to panels. This is because electrical output falls with increasing temperature, and when tiles become heated by the loft, they generate less electricity. Whilst tiles are a good option from an aesthetic point of view, from an energy and carbon perspective, they are less attractive.

### Planning Permission and Other Consents

The diagram on the following page sets out the need for planning permission and other consents. Permissions and consents should be applied for in parallel to ensure that there are no delays in taking projects forward. It is advisable to contact NRW at the earliest opportunity as their consents can take some time to obtain (see [Appendix 7](#)).



**Section 6.4** gives guidance on how your application will be assessed and the kinds of issues you need to consider in preparing your application. In addition, you will need to consider the issues in the table below, which relate specifically to Solar panels.

Key issues in assessing planning applications are likely to be:

- Landscape sensitivity, visual impact, glint and glare. This will be particularly important for large solar arrays in rural areas, and cumulative impacts of smaller projects installed on buildings. However, domestic installations on buildings may not need planning permission and so control is limited to visibility of installations on non-domestic buildings.
- Historic environment. Townscape impacts of installations on buildings are likely to be a particular consideration in relation to cumulative impacts; however, planning control is largely limited to non-domestic buildings.
- Ecology. Knowledge about negative impacts of panels on species is limited; however, there are potential issues with lighting and fencing in relation to large scale solar arrays. Ecology is an important issue in terms of the potential to enhance or improve biodiversity through new landscape planting.

Examples of Solar projects in Monmouthshire can be found on the Eco Open Doors website: <http://www.monecoopendoors.org.uk/> . Many of these schemes are small scale or domestic in nature and the web site includes contact details for property owners.

### Getting Consents: A Summary of the Process

#### Planning Permission

Is your installation for a domestic property and are you applying as an individual householder?

Yes

Installation could be permitted development if within the limits set out in **Appendix 6**. If these limits are exceeded planning permission will be required.

No

Planning permission is required.

#### Listed Building Consent

Is your installation on a Listed Building or within the curtilage (garden/boundary) of a Listed Building? Check with the Heritage Team (**para 5.2.2**).

Yes

Listed Building consent will be required if your proposal includes alterations to existing structures/buildings.

No

Listed Building consent will not be required.

#### Building Regulations

Building regulations approval will be required.

#### NRW Consent

Consent from NRW will not be required for domestic schemes. For larger arrays it is unlikely to be required unless close to a river (see **Appendix 7**).

You may also need consent if your site is a SSSI or affects protected species.

#### Trees

**Tree Preservation Orders (TPO):**  
If you plan to fell or do any works to trees you should check whether they are covered by a TPO (**Appendix 7** for contacts).

**Conservation Areas:**  
If you plan to fell or do any works to trees in a Conservation Area you need to inform the Planning Department in writing 6 weeks beforehand (**Appendix 7** for contacts).

**Solar Panels – Site Selection and Planning Issues**

This table should be read in conjunction with **Table 6.2**:

Planning issue (See table 6.2)		Points to Consider
Landscape sensitivity, character and visual impact (including glint and glare)	<p>Will the panels be located in a designated landscape?  (see <b>Appendix 8</b>)</p> <p>Have you considered the visibility of the site in its wider setting and the potential for glint and glare?</p>	<ul style="list-style-type: none"> <li>▪ Careful siting will be required to prevent unacceptable impacts on landscape settings. Siting of panels on the front roof elevation of properties should be avoided if possible. If your property has several buildings, those which are less prominent, well screened or more 'industrial' might be appropriate for use. In addition, the colour of panels should be selected to be appropriate in its context. If you are considering solar panels or arrays in the Wye Valley AONB or on the edge of the Brecon Beacons National Park or other designated landscapes, this will be particularly important.</li> <li>▪ Large scale ground mounted solar arrays are less likely to be acceptable in designated landscapes. Landscape sensitivity will be a major planning consideration for all such applications and a LVIA will be essential to accompany a planning application. This needs to include the panels themselves, any buildings required (e.g. for inverters), access and any grid connections. The latter is important - if pylons are required to carry electricity from a solar PV array to the grid, this will have a visual impact even if the solar arrays themselves can be well screened.</li> <li>▪ For all ground mounted arrays you will need to consider screening. Long views may be an issue, particularly on sites located on hillsides or adjacent to higher ground. Existing hedges could be allowed to grow to a greater height to screen the array and new hedges planted or other forms of screening used. However, you will need to consider the existing landscape character and ensure that new planting does not change that character.</li> <li>▪ Adverse impacts from glint and glare from the front facings of the panels also needs to be considered – both in urban and rural contexts; Detailed layouts may be able to mitigate this, whilst still retaining appropriate orientation and slope of panels in relation to the sun. An anti-reflective coating can also be used which reduces glint and glare.</li> <li>▪ In new developments, solar energy tiles which do not project above the roof level could be considered, although their energy performance is inferior to traditional panels.</li> </ul>
Ecology	<p>Could the installation of solar energy panels affect ecological habitats or species? <b>(Appendix 8)</b></p> <p>Does your installation involve security lighting/fencing?</p>	<ul style="list-style-type: none"> <li>▪ For solar array projects, opportunities to retain and improve existing habitats through changes in hedgerow management or strengthening should be explored. In addition, there may be opportunities to improve ground cover species between panels.</li> <li>▪ Consider the potential impacts of security lighting and fencing on any important habitats and species. Lighting associated with large scale projects in rural areas is unlikely to be appropriate; Security fencing should not cut across regular routes used by animals crossing the site.</li> </ul>
Historic Environment	<p>Is the site within a designated area of historic interest?</p>	<ul style="list-style-type: none"> <li>▪ Proposals for building mounted panels or solar arrays close to Listed Buildings or Scheduled Ancient Monuments should be located so as to minimise impact on those buildings. Where this is not possible mitigation should be considered – perhaps through screening.</li> <li>▪ On Listed Buildings, panels are unlikely to be appropriate on the roof or visible elevations of the main building. If there are modern additions, or visually concealed areas, then these may</li> </ul>

Planning issue (See table 6.2)		Points to Consider
		<p>be more appropriate locations for panels. Colours should be chosen to blend with the roofscape. The structural impact as well as visual impacts should be considered.</p> <ul style="list-style-type: none"> <li>▪ If the site is in a Conservation Area, changes to the roof scape and external elevations that are clearly visible from the street may have a detrimental or 'modernising' effect on the Conservation Area. Colours should be chosen to blend with the roof scape.</li> </ul>
Water management, hydrology and flood risk	Would the installation affect the hydrology or flood risk of an area?	<ul style="list-style-type: none"> <li>▪ If you are in an area of flood risk, consider the location of connectors to ensure they are above potential flood levels where installations are on individual properties.</li> <li>▪ For larger scale solar arrays, consider whether there might be an surface water runoff issues from solar panels that might impact on hydrology and potential flood risk and whether any mitigation measures might be needed e.g. water collection and holding area.</li> </ul>
Aviation, telecommunications and railways. Glint and glare	Are there any airfields or railways in the vicinity of the site?	<ul style="list-style-type: none"> <li>▪ Consider whether the site is in the flight path of an airfield and therefore whether there might be any adverse impacts from glint and glare of solar panels. Consultation with the CAA/airfield may be required.</li> <li>▪ Consider whether the site is located in the line of sight of train drivers or where glare/reflection could impact on signalling. It should be demonstrated that panels are not reflective to ensure solar panels do not interfere with railway operations, screening may also be required.</li> </ul>
Design of buildings	In residential or mixed use developments, is the layout design to maximise building orientation within 30degrees of south?	<ul style="list-style-type: none"> <li>▪ Consider spatial orientation and include evidence of this in your Design and Access Statement/Environmental Statement (if required).</li> </ul>
Cumulative impact	Are there any other solar energy installations within the same vicinity as the potential site, or are any proposed?	<ul style="list-style-type: none"> <li>▪ Cumulative impact is most likely to be an issue for roof mounted individual installations. However planning permission will often not be required for domestic installations. If you propose a solar array or panel on non-domestic buildings, then you will need to consider this issue.</li> </ul>
Social considerations / engagement	<p>Have you involved the local community in the development of your project?</p> <p>Have you considered any level of community partnership in association with the solar energy installation?</p>	<ul style="list-style-type: none"> <li>▪ Consider the opportunity to work with a local community through early consultations and discussions in the development of your project (discussions and outcomes can be recorded in the Design and Access Statement/information accompanying the planning application).</li> <li>▪ Consider whether there is any opportunity for community partnership. If you have not considered this, would you welcome working with the local community to share some of the risks and benefits to this development?</li> </ul>
Decommissioning	Have you planned for removal of the equipment at the end of its lifetime?	<ul style="list-style-type: none"> <li>▪ PV systems can contain traces of expensive rare elements and so should be recycled.</li> </ul>



Image source: <http://www.shineenergy.co.uk/solar-solutions/solar-pv/case-studies>



Image from <http://gallery.hd.org/terms.html>



Wind



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## Wind

### **Technology Description – Large Scale (1MW or more)**

Wind energy is collected by blades that are directly coupled to a generator. Older machines employed a gearbox between blades and generator; however, compared to modern machines, these were less efficient and noisy.

Energy yield rises at the cube of wind speed. For this reason, turbines are mounted on tall towers. Turbines automatically align with the wind and ‘feather’ their blades in high wind to avoid damage. Turbulence in built up, wooded or similar areas can be a problem for capturing wind energy, with the issue being wind shear, where the wind pressure loading is not the same across the blades.

In lower wind speed areas, larger diameter blades can increase the efficiency of wind capture. Average wind speeds of 6.0 m/s at 45 metres above ground level are considered to be commercially viable; however, as energy costs rise, the economic threshold for wind speed will fall. Larger wind farm projects often install an anemometry mast (“met mast”) to collect real on-site wind data in support of an investment decision.

Space is required for clearance of the turbine blades; exclusion zones are typically 50 – 100 metres, depending on height of turbine. Noise issues relative to background noise can restrict proximity to housing, especially in quieter rural locations.

Vertical axis machines have blades (usually in the form of a cage like structure) which spin around a vertical shaft. They offer some benefits as they can capture energy in more turbulent air compared with the traditional configuration. As such they are often used at a smaller scale in associated with domestic or commercial use.

A typical large wind energy project comprises a number of turbines each with a foundation and a tower. Larger wind farms may also incorporate a small electricity sub-station connection point.

### **Technology Description – Small Scale (Less than 0.5MW)**

The technology employed is essentially the same as for larger machines. At the intermediate scale (100’s kW) smaller machines can be viable on lower masts to minimise visual impacts.

Building scale wind turbines refer to machines of a size that can be physically attached to a building. These can suffer from lower wind speeds at lower levels. There can also be issues with noise and vibration where the machines are mounted directly onto a building, especially due to turbulence and wind shear over rooftops. There can also be problems with the physical strength of buildings being insufficient to take the stress of turbines in high winds.

As noted above, vertical axis designs are often better suited to small scale application, especially in the built environment.



**Wind Energy – SWOT Analysis**

Strengths	Weaknesses
<ul style="list-style-type: none"> <li>▪ A well-established technology with a mature supply chain.</li> <li>▪ Good economic performance relative to other generation options.</li> <li>▪ Can make a significant contribution to energy supply.</li> <li>▪ Few perceived financing risks.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Intermittent technology.</li> <li>▪ Building mounted machines subject to a range of potential issues.</li> <li>▪ Site access and grid connection can be an issue.</li> <li>▪ Location to dwellings can be an issue due to shadow flicker and noise.</li> </ul>
Opportunities	Threats
<ul style="list-style-type: none"> <li>▪ Industrial sites or those close to roads, etc. can provide lower impact opportunities.</li> <li>▪ Examples of community owned projects delivering local benefits.</li> <li>▪ Siting close to commercial development found to be beneficial.</li> <li>▪ Directly linking wind projects to energy markets creates economic benefit.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Poor public acceptability leading to planning risk.</li> <li>▪ Radar and microwave link interference can prevent development.</li> <li>▪ Building mounted machines can cause physical damage.</li> </ul>

**The Technology – Spatial Elements**

- Wind turbines can be ground mounted, although building mounting of micro turbines is possible. Grid connection sub stations may be required for larger wind developments, where grid connection cabling to the nearest connection point will also be required, which may be under or above ground.
- Domestic wind turbines will be mounted in good wind flows above the roof line, between buildings or mounted on poles in gardens. In some of these applications vertical axis machines may be preferred.
- Wind turbines are suitable for non-domestic situations. They can be used to provide power into the national grid or into industrial processes or commercial applications and can be co-located with industrial or commercial premises. As such they could be appropriate in employment land developments and as part of energy supply into strategic sites proposed in the LDP. Large scale wind farms are generally stand-alone developments and usually only provide power directly into the national grid.
- Wind turbines can vary greatly in size, with larger, higher industrial sized turbines producing much more energy per turbine than the smaller, lower turbines used for standalone schemes. This is explored in the Monmouthshire Renewable Energy and Energy Efficiency Study, 2010. (Appendix 2).

**Planning Permission and Other Consents**

NATS provides air traffic control services in the UK. Wind turbines can impact on NATS infrastructure, as such NATS are a statutory consultee for planning applications received for wind turbines. NATS offer additional advice on their website including tools to ascertain whether your development is likely to have an impact or not:

<http://www.nats.aero/services/information/wind-farms/>

The diagram on the following page sets out the need for planning permission and other consents. Permissions and consents should be applied for in parallel to ensure that there are no delays in taking projects forward. It is advisable to contact NRW at the earliest opportunity as their consents can take some time to obtain (see [Appendix 7](#)).

**Section 6.4** gives guidance on how your application will be assessed and the kinds of issues you need to consider in preparing your application. Reference should be made to the Planning Advice Note on Wind Turbine Development: LVIA Requirements which sets out a methodology to determine whether or not Environmental Impact Assessment is required for wind turbine development and the minimum requirements and standards of information to be submitted with a LVIA. In addition to this Planning Advice Note and the information provided in **Section 6.4** you will need to consider the issues in the table below, which relate specifically to wind turbines:

### Getting Consents: A Summary of the Process

#### Planning Permission

Is your installation for a domestic property and are you applying as an individual householder?

Yes

Installation could be permitted development if within the limits set out in **Appendix 6**. If these limits are exceeded planning permission will be required.

No

Planning permission is required.

#### Listed Building Consent

Is your installation on a Listed Building or within the curtilage (garden/boundary) of a Listed Building? Check with the Heritage Team (**para 5.2.2**).

Yes

Listed Building consent will be required if your proposal includes alterations to existing structures/buildings.

No

Listed Building consent will not be required.

#### Building Regulations

Building regulations approval will be required if you plan to attach your turbine to a building & for electrical installations.

#### NRW Consent

Consent from NRW may be required if close to a river and proposals raise the floodplain (see **Appendix 7**).  
  
You may also need consent if your site is a SSSI or affects protected species.

#### Trees

**Tree Preservation Orders (TPO):**  
If you plan to fell or do any works to trees you should check whether they are covered by a TPO (**Appendix 7** for contacts).

**Conservation Areas:**  
If you plan to fell or do any works to trees in a Conservation Area you need to inform the Planning Department in writing 6 weeks beforehand (**Appendix 7** for contacts).

Key issues in assessing planning applications are likely to be:

- Landscape sensitivity and visual impact. This will be particularly important for standalone schemes in designated landscapes. The specific location of turbines within the site can help to mitigate impacts – e.g. by locating turbines in well screened locations, or on slightly lower ground. Cumulative impacts of large standalone schemes within wider landscape settings will also be particularly important. The Planning Advice Note on Wind Turbine Development: LVIA Requirements should be referred to which provides further detail on these matters.
- Historic environment. Whilst planning permission is no longer required for many domestic schemes, in Conservation Areas, it will still be required when the turbine is visible from a highway which borders the property. Planning Permission will also be required on Listed Buildings. Wind turbines can have a modernising effect on the townscape, and it may be difficult to locate a wind turbine in a way which does not have a detrimental effect on the historic environment, including the setting of listed buildings, in these circumstances.
- Ecology. Schemes should consider the impacts on both bird and bat species in nearby woodland or other habitats in particular, as well as seeking to mitigate for any habitat loss.
- Noise and shadow flicker. Mechanical noise from turbines has been reduced in recent years. Nevertheless, it will be important to consider potential impacts from noise and shadow flicker on neighbouring properties, and how these can be mitigated.
- Access and Servicing. Some Turbines require the transportation of large individual elements to the site. Turbine blades can be up to 40m long and require special transport arrangements. Consideration needs to be given to the capacity of the local road network to accommodate the necessary vehicles, and the likely impact of such vehicles on traffic, as well as to subsequent servicing needs.

An example of a wind turbine project in Monmouthshire can be found on the Eco Open Doors website: <http://www.monecoopendoors.org.uk/> . Many of these schemes are small scale or domestic in nature and the web site includes contact details for property owners.

## Wind Energy – Site Selection and Planning Issues

This table should be read in conjunction with **Table 6.2**:

Planning issue (See table 6.2)		Points to Consider
Landscape sensitivity, character and visual impact	<p>Will the wind turbine be located in a designated landscape?</p> <p>(see <b>Appendix 8</b>)</p> <p>Have you considered the visibility of the site in its wider setting?</p> <p>(see <b>Appendix 8</b>)</p>	<ul style="list-style-type: none"> <li>▪ If you are considering a wind turbine(s) in the Wye Valley AONB or on the edge of the Brecon Beacons National Park, size, height and siting will be particularly important planning considerations.</li> <li>▪ Developments of more than building scale wind turbines could be difficult to accommodate without significant landscape implications in designated landscapes.</li> <li>▪ Visual impacts can include direct impacts from loss of vegetation and more indirect impacts on the landscape character of the whole area. Views from settlements, routes, footpaths, viewpoints and neighbouring properties will be considered.</li> <li>▪ For smaller developments, the height and specific location will be important – there may be locations which are less visible than others within the site. This will need to be considered against the best locations in terms of wind speed and avoiding turbulence.</li> <li>▪ Colour and design of the turbine can also help to mitigate visual impacts.</li> <li>▪ For larger developments, the visual impact of roads, grid connections, new pylons and substations and hardstandings will all be considered as well as the turbines themselves.</li> <li>▪ Consider the potential for wind turbines in industrial and commercial locations where choice of design of wind turbines (e.g. use of vertical blade wind turbines) could make them more visually acceptable.</li> <li>▪ Reference should be made to the Planning Advice Note on Wind Turbine Development: LVIA Requirements which provides further details on these matters.</li> </ul>
Ecology	<p>Could the turbine / wind farm affect ecological habitats or species?</p> <p>(see <b>Appendix 8</b>)</p>	<ul style="list-style-type: none"> <li>▪ Consider whether there are any important sites for birds or bats nearby. Investigations may need to be carried out to establish whether the site is on bird / bat flight paths. The specific location of turbine(s) may need to be changed to avoid these routes. The document ‘Bats and Wind Turbines’ (by CCW, Natural England and SNH) gives further information <a href="http://www.snh.gov.uk/docs/B999258.pdf">http://www.snh.gov.uk/docs/B999258.pdf</a></li> <li>▪ Wind farm developments in upland areas have the potential to impact on the ecology of peatland areas. These areas should be avoided if possible.</li> </ul>
Historic Environment	<p>Is the site within a designated area / site of historic interest?</p> <p>(see <b>Appendix 8</b>)</p>	<ul style="list-style-type: none"> <li>▪ Proposals close to or on the site of Listed Buildings or other designated historic structures will need to be carefully designed so as to minimise the impact on the site / buildings and on their setting. The height, specific location and potential for screening turbines at designated sites will be important.</li> <li>▪ If your wind turbine is to be attached to a Listed Building, Listed Building Consent will be required. There are particular concerns relating to the structural impacts of micro turbines attached to Listed Buildings (see <b>Cadw guidance para 6.2.5</b>).</li> <li>▪ You may also need to undertake archaeological investigations. GGAT (Glamorgan Gwent Archaeological Trust) would welcome early pre-application contact from applicants to discuss the</li> </ul>

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Planning issue (See table 6.2)	Points to Consider	
		potential for archaeology in the vicinity of proposed turbines (contact <b>01792 634223</b> <a href="mailto:planning@ggat.org.uk">planning@ggat.org.uk</a> ).
Access and Servicing	<p>Will local roads be able to accommodate the size of vehicles required to transport the turbines to site?</p> <p>Is there an easily available connection to the national grid?</p>	<ul style="list-style-type: none"> <li>▪ Turbines include large parts (particularly the blades) and these require large vehicles to transport them to the site.</li> <li>▪ A travel plan may be necessary to ensure that abnormally large vehicles use roads at quiet times and minimise disruption to local travel patterns.</li> <li>▪ New overhead power lines may be required to achieve this connection and consideration will need to be given to the impacts of this.</li> </ul>
Human health and quality of life (noise, shadow flicker)	<p>Have you considered the potential noise impacts?</p> <p>Will shadow flicker impact on local residents, commercial or industrial properties?</p>	<ul style="list-style-type: none"> <li>▪ The potential for increase in ambient noise levels due to both mechanical noise and aerodynamic noise should be considered particularly in relation to potential impacts on nearby residents.</li> <li>▪ Predicted operational noise levels should fall within the limits set by ETSU-R-97 (<i>The assessment and rating of noise from wind farms</i>). However work is underway to update this so you will need to check the latest version.</li> <li>▪ Shadow flicker occurs when the sun moves behind moving turbine blades – the resulting shadow ‘flickers’ on and off. This can have an impact on the amenity of residential properties.</li> <li>▪ This can be avoided by siting turbines away from properties, through tree / shrub planting, and shutting down turbines for short periods of time during sunshine.</li> </ul>
Aviation, telecommunications and railways	Are there any airfields, radar stations, telecommunication links or railways in the vicinity of the site?	<ul style="list-style-type: none"> <li>▪ Wind turbines can adversely impact on radar and air traffic control for airfields. If the potential site is in the vicinity of an airfield you may need to check with the CAA/airfield operator to ensure there is no interference to airfield operations.</li> <li>▪ Telecoms can also be an issue as turbines can interfere with TV, radio and phone signals. You can check this with Ofcom. Where there are potential impacts, these can often be mitigated by changing the specific location of turbines within a site.</li> <li>▪ Network Rail should be notified of proposals in close proximity to railways. New turbines should be located with a minimum Wind Turbine Setback to be related to the proposed mast height and blade length. You should check with Network Rail to ensure the distance is appropriate to ensure turbines do not interfere with railway operations.</li> </ul>
Cumulative Impact	Are there any other wind turbines plants in the vicinity of your proposed installation, or are any proposed?	<ul style="list-style-type: none"> <li>▪ Check whether there are other existing or proposed wind farms in the area. There are potential cumulative impacts in relation to landscape, visual, historic environment and ecological issues. This requirement is potentially important for large scale wind farms, where visual impact in the landscape will be a key consideration; and for small building scale installations in Conservation Areas.</li> </ul>
Social considerations / engagement	<p>Have you involved the local community in the development of your project?</p> <p>Have you considered any level of community partnership in association</p>	<ul style="list-style-type: none"> <li>▪ Consider the opportunity to work with a local community through early consultations and discussions in the development of your project (discussions and outcomes can be recorded in the Design and Access Statement/information accompanying the planning application).</li> <li>▪ Consider whether there is any opportunity for community partnership where wind farms or smaller clusters of turbines are proposed e.g. could the</li> </ul>

Draft Monmouthshire Renewable Energy and Energy Efficiency SPG

Planning issue (See table 6.2)		Points to Consider
	with the wind turbine scheme proposed?	community take ownership of one turbine and receive the income from it. If you have not considered this, would you welcome working with the local community to share some of the risks and benefits to this development.
Decommissioning	Have you planned for removal of the equipment at the end of its lifetime?	<ul style="list-style-type: none"> <li>▪ All elements of the turbine are recyclable.</li> <li>▪ There is a potential high cost in relation to foundation removal.</li> </ul>



6kW wind turbine

Image source: Photo taken by Robert Bridges, [www.windenergyplanning.com](http://www.windenergyplanning.com)



Vertical Axis wind turbine at Caroline Haslett School

Source: <http://www.quietrevolution.com>



monmouthshire  
sir fynwy



# **Planning Guidance for Smaller Scale Wind Turbine Development Landscape and Visual Impact Assessment Requirements Supplementary Planning Guidance**

## **Consultation Report**

Gillespies were commissioned by Blaenau Gwent County Borough Council on behalf of the Heads of the Valleys Local Authorities to prepare this study. The assessment approach was developed with the client group and with representatives from the South Wales Landscape Liaison Group.

This report sets out the consultation that was undertaken on the draft document, including a summary of the responses received and how they have been taken into account by the Group.

A 6 week consultation exercise was carried out between 7<sup>th</sup> November 2014 and 19<sup>th</sup> December 2014. The consultation included an email to over 100 organisations which included all Welsh Local Planning Authorities, Statutory Bodies, National Organisations, local interest groups and Planning and Landscape Consultants. The email informed them of the consultation and provided a link to the document and comment form.

A consultation event was held on Tuesday 16<sup>th</sup> of December at the Norwegian Church, Cardiff. This was well attended by environmental groups, local authority planners and landscape architects and landscape consultants.

Ten responses to the consultation were received. These were from a range of Local Planning Authorities, Industry Representatives and Environmental Groups including NRW.

The following table contains the representations made during the consultation period and the response to them. Where appropriate, the document has been amended to take account of the views received.

### **Questionnaire Results**

- All 7 agreed that guidance is required to ensure landscape and visual impacts of wind turbines are addressed in a consistent manner.
- 4 agreed and no one disagreed with the typologies proposed in the guidance
- All agreed with the size of the study areas being proposed for each typology
- 3 agreed and 3 neither agreed or disagreed with the minimum requirements for the submission of an EIA screening
- 4 agreed and 3 disagreed with the methodology proposed for EIA screening
- 6 agreed and 1 disagreed with the proposed approach to cumulative effects and the proposed search distances
- 4 agreed and 2 disagreed with the proposed cumulative threshold for other infrastructure

- All 7 agreed with the general minimum requirements of information to be provided for Landscape and Visual Impact Assessment 6 agreed and 1 disagreed with the specific requirements for Landscape and Visual Impact Assessment
- 5 agreed and 1 disagreed with the use of LANDMAP as part of the Landscape and Visual Impact Assessment

Please note that not everyone answered the questionnaire and not everyone answered every question.

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
<p>Q1: Do you agree that guidance is required to ensure landscape and visual impacts of wind turbines are addressed in a consistent manner? If you agree please indicate below what status should the guidance have, should it be Supplementary Planning Guidance, a Planning Advisory Note or simply for information?</p>				
Phil Ratcliff, Development Planning Officer Rhondda Cynon Taf County Borough Council	Agree	Planning Advisory Note status is more appropriate than SPG, since the material is procedural rather than policy. However, it will be a matter for individual Local Planning Authorities to decide.		
Sarah Chapple Landscape Architect Paltys Brewster Consulting	Agree			
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree	In terms of status, the guidance would most likely be adopted as a planning advisory note for the purposes of Merthyr Tydfil due to the procedural nature of the guidance and the non-direct link to the requirements of renewable energy and landscape related policies within the Local Development Plan.		
Oliver Buxton Project Manager Seren Energy Ltd	Agree	Supplementary Planning Guidance		

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Agree	<p>Guidance is very welcome in principle.</p> <p>Guidance encourages LPAs to go through a systematic process and demand a minimum of maps of proper scale, precise information about locations and details of turbines applied for and of other turbines (in planning, consented and operational), precise details of distances from dwellings, correct ZTVs, photomontages and wireframes, and other key features. We have witnessed the hasty determination of many wind turbine applications without the Developer being required to supply very basic essential information of the proper quality. Consistency in EIA screening is very welcome.</p> <p>EIA, where appropriate, tends to provide better quality environmental information and gives a better time-scale for third parties to respond to bring up important environmental information missed by Developers. We agree that there should be a transparent relation between threshold for EIA and both the scale of development and environmental sensitivity of the location.</p> <p>Guidance would carry most weight as SPG applied throughout Wales.</p>	Noted	
Mary O'Connor Associate Director WYG Group	Agree	For information only.	Noted	
Natural Resource Wales	Agree	Optional to each planning authority, they may use as guidance or adopt as SPG.	Noted	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Q2: Do you agree with the typologies being proposed in the guidance (pages 0.3 and 0.5)? (Introduction)				
Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council  Page 223	Neither Agree nor Disagree	<p>The typologies are simple but seem to be quite restrictive. With most wind energy sensitivity studies, the size of turbine and the number of turbines are separated to allow flexibility in the future with changes in technologies and pattern of development. Single or double turbines over 109m to VBT are now coming forward so it is likely that the Very Large category will be challenged.</p> <p>It is apparent that the strategy is to concentrate any Large or Very Large developments in SSAs and Medium or smaller developments everywhere else. Whilst this might be true of the HOV study area, we are not sure that this will achieve government policy/targets if applied everywhere in Wales.</p> <p>The only difficulty encountered with applying the typologies is where one development comprises turbines in more than one height category e.g. 3 at 100m plus 7 at 120m. Splitting the scheme into two typologies results in one Large typology adjacent to one Very Large typology, which should probably be treated as one Very Large typology. A note to cover this situation is needed.</p>	<p>Not entirely sure what is meant by <i>it is likely that the Very Large category will be challenged</i>. These would fall within the V large category.</p> <p>We are unable to comment on government policy/targets.</p> <p>Generally we think that schemes which incorporate different turbines should be discouraged. The scheme described would fall under the very large typology due to the number of turbines involved (10). I believe such situations, which are likely to be rare, can be left to the good sense of the planning officer. In addition the scheme described would be greater than 5MW and we are proposing to make it clearer that the guidance is aimed at under 5MW schemes.</p>	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Sarah Chapple Landscape Architect SoltysBrewster Consulting	Agree		Noted	
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree	<p>The proposed typologies in Table 1 are generally considered to be appropriate. There are, however, inaccuracies in Figure 1 (Illustrative Example) and it is considered that this illustration could cause confusion.</p> <p>There is a minor concern that the typologies could encourage a high number of wind turbines within certain landscape units. For instance, certain landscape units are identified as having no capacity for large/very large scale wind turbines, but some capacity for medium scale wind turbines. In order to generate 2MW of energy within this landscape, a developer is likely to propose four, 0.5 MW, medium scale turbines rather than one, 2MW, large scale turbine. Would the former have a less detrimental impact on the landscape than the latter?</p>	<p>Noted</p> <p>If an area has been assessed as having no capacity for large /very large turbines that is a landscape judgment. A developer could put forward a scheme with 4 turbines up to 45m although there is not much evidence that this is the current pattern of development proposals. Such a proposal would fall to be judged on its merits and whether it was consistent with the siting criteria.</p>	Inaccuracies have been corrected
Oliver Buxton Project Manager Seren Energy Ltd	Agree		Noted	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Neither Agree nor Disagree	<p>A clear typology is useful in principle but: Incorporating the potentially independent variables of turbine tip-height and turbine number into a single typology of “development size” causes conceptual difficulties.</p> <p>The information could be clearer. Introduction Table 1 says <i>“To decide in which typology a development belongs it must satisfy both the height and the turbine numbers criteria. See the examples on page 0.5.”</i> This is misleading as you cannot necessarily satisfy both. Deciding on development size is a sequential process: you have to decide turbine height and, after this, apply the number to find the minimum development size.</p> <p>If the advantages of a single typology are accepted, is this typology the best possible for purpose?</p> <p>The results are often difficult to reconcile with ordinary experience: examples are: 1 x 80m turbine, 4 x 80m turbines and 4 x 50m turbines are all in same medium type which does not necessarily require EIA; 5 x 50m turbines do not necessarily require EIA; 3 x 50m turbines are three magnitudes of type different from 6 x 50m turbines. A “small” 50m turbine is</p>	<p>You must satisfy both criteria to be included in a typology. So, for example, more than five turbines of any size would constitute a very large scheme. This is not however a common development scenario and we considered that significant numbers of small turbines would be likely to have significant impacts and therefore justify being included in a typology for which the requirements are more onerous</p> <p>We looked at a number of typologies . Most are concerned with 'wind farms' rather than smaller scale development and have not come across a better example that addresses smaller scale development</p> <p>The guidance cannot state categorically that any development which is not Schedule 1 (EIA regs) must have an EIA, that is the role of the LPA. Any typology will have a range across a category where the top of the range is closer to the bottom of the range</p>	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Page 226		<p>already 3 times higher than most neighbouring buildings and towers over trees. In view of the devastating negative impact turbines can have on our landscape, visual receptors, and residential amenity, we think the “numbers” contribution to the final typology is too permissive (number in each typology too high) with respect to EIA being required..</p> <p>Suggest reducing the numbers to reflect impact: Small - 2 or fewer; Medium - 3 or fewer; Large - 4 or fewer</p> <p>The Typologies have not addressed the problem of same Developer adding to existing development.</p>	<p>above. Consequently our requirements have been considered in terms of being sufficient for the top of the range (not the middle) although sometimes this may make them appear quite demanding from the lowest point of the range.</p> <p>This change is minor and we do not feel it is justified</p> <p>This is addressed in the cumulative section</p>	
	Mary O'Connor Associate Director WYG Group		<p>The category “very large” is confusing; surely even six wind turbines especially at over 100m height must constitute a “wind farm” scale development?</p> <p>Categories might be better expressed in a matrix</p>	<p>This is a good point. I think it has become clear that we need to explicitly exclude 'wind farms' (over 5MW) from the guidance. This will need a revision to the introductory sentence and to be made explicit on the matrix proposed in response to comment below.</p> <p>As the topologies have not been well</p>



Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
		<p>where the height of turbines and the number of turbines can be accounted for</p> <p>Other categories seem logical</p>	understood we will add a matrix	matrix to exclude schemes above 5MW
Natural Resource Wales	Neither Agree or Disagree	<p>We would prefer to have typologies that also refer to power output in addition to heights. An example of this multi faceted typology is evident in the recently adopted Conwy LDP, elements copied below*. There are many similarities to the typology of this guidance and combining some of the additional detail from this approach would be more informative and our preferred approach.</p> <ul style="list-style-type: none"> <li>• Align the terminology used in Table 1 to be consistent with the thresholds used for SSAs and NSIPs to provide clarity.</li> <li>• State the range in all typologies rather than 'or less'. For example, small to medium with range 50-79m</li> <li>• Identify the size of turbines and range of cluster sizes separately to give multiple contexts to the scale of development in the note at the bottom of the</li> </ul>	<p>The guidance is intended to help LPAs dealing with small scale development proposals. It is very hard for guidance that tries to cover everything to provide the nuanced guidance that we were asked to prepare for the range of small scale wind turbine applications that the LPAs are having to deal with. We will make the guidance more explicit that it is excluding schemes that would be considered as wind farms within an SSA. this will automatically also rule out NSIPs. The landscape and visual impact of WTD is not dependant on the power output and we therefore do not think it is useful to include it.</p> <p>We have removed the range from all the tables as 'less than' is more accurate.</p>	<p>Add note to intro that this guidance is not intended for either SSAs or NSIPs projects</p> <p>Range removed from all tables</p>

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
		<p>table. There is a considerable difference between 6 or more small scale turbines and 6 or more very large turbines. For example, could a medium class be either 51-80 m OR comprising of 4 turbines?</p> <ul style="list-style-type: none"> <li>• Any modifications in the typologies may need to be reflected in updated study area distances and the document updated accordingly.</li> <li>• It would be important to link any changes to the typology &amp; study areas with any Natural Resources Wales Turbine and Vertical Structures guidance for consistency. Natural Resources Wales would welcome engaging in any discussion relating to any proposed amendments/additional information to be included in the typology.</li> </ul> <p>*We would prefer to have typologies that also refer to power output in addition to heights, example from Conwy.</p> <p>Micro Under 50kW</p> <ul style="list-style-type: none"> <li>• Single or twin turbine applications.</li> <li>• Turbine below 20m to blade tip.</li> </ul> <p>Small Under 5MW</p> <ul style="list-style-type: none"> <li>• Turbines up to 3 in number.</li> <li>• Turbines below 50m to blade tip.</li> <li>• Viewed as a small group.</li> </ul> <p>Medium Over 5MW but below 25MW</p> <ul style="list-style-type: none"> <li>• Turbines up to 9 in number.</li> <li>• Turbines below 80m to blade tip.</li> <li>• Viewed as a large group.</li> </ul> <p>Large Over 25MW</p> <ul style="list-style-type: none"> <li>• Turbines over 10 in number.</li> </ul>	<p>We would welcome discussions with NRW in achieving consistency with any forthcoming guidance on Wales Turbine and Vertical Structures.</p> <p>See comment above</p>	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
		<ul style="list-style-type: none"> <li>• Turbines over 80m to blade tip.</li> <li>• Viewed as a large-scale wind farm.</li> <li>• Located within the SSA.</li> </ul> Very Large Over 25MW <ul style="list-style-type: none"> <li>• Turbines over 10 in number.</li> <li>• Turbines over 110m to blade tip.</li> <li>• Viewed as a very large-scale wind farm.</li> <li>• Located within the SSA.</li> </ul> Strategic Over 50MW <ul style="list-style-type: none"> <li>• Typically over 15 in number</li> <li>• Turbines typically over 100m to blade tip.</li> <li>• Viewed as nationally strategic</li> <li>• Located within the SSA</li> </ul> Applications for which are determined by National Infrastructure Planning delivered through PINS.		
Q3: Do you agree with the size of study areas being proposed for each typology				
Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council	Agree	Need to state in all the tables that the study area is a radius from the turbine site (i.e. not a diameter!).	Agreed	Will add
Sarah Chapple Landscape Architect SoltysBrewster Consulting	Agree		Noted	
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree		Noted	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Oliver Buxton Project Manager Seren Energy Ltd	Agree		Noted	
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Agree (given revision of numbers in Typologies)	A clear definition of “ <b>study area</b> ” would help non-professionals not to confuse this with the variable search areas for specific features in Q4	Will add however this guidance is aimed at professionals, both those submitting applications and those reviewing them and some level of knowledge has to be assumed. It is our experience that non-professional who are interested in wind turbine applications quickly become very knowledgeable.	Will add clearer definition of study area
Mary O’Connor Associate Director WYG Group	Agree	No evidence base is given for the study area extents; however, the range of “minimum” study areas is reasonable & possibility of flexibility in relation to presence of sensitive receptors beyond these	Noted	
Natural Resource Wales	Agree	NRW has provided comments previously on the size of the study areas proposed. The study area distances have been slightly increased following these discussions so we are happy with the current relationship of height to study area. If there are any changes to the height classes in the typology then	Noted	

Q4: Do you agree with the minimum requirements for submission of an EIA screening opinion for each typology

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council	Neither Agree nor Disagree	Page 1.1 states that Large and Very Large developments will require a detailed LVIA, which seems to be the explanation of why there is no Section D or E for Large and Very Large developments. Could this important point be made more clear and prominent? Should it say LVIA <i>and</i> CLVIA?		We will reiterate this point and include CLVIA as well as LVIA
Sarah Chapple Landscape Architect SoltysBrewster Consulting	Agree		Noted	
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree		Noted	
Oliver Buxton Project Manager Seren Energy Ltd	Neither Agree nor Disagree		Noted	

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Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Agree (given revision of numbers in Typologies)	Mention that Public Rights of Way must be clearly visible Each section mentions the on-line database: All parts of Wales need an online wind turbine data base. The database for S.Wales is an exceedingly impressive and powerful tool. The amount of development, reporting and data-input required may make it too costly and technically ambitious as a model for all other areas. However it would be very useful if a reduced version with more limited data and features were required for all areas of Wales. As an absolute minimum LPA's should be required to have an up-to-date map of all OCP turbines with location and height in order to verify application information and to inform developers and third parties. Maps could be backed up by clearly arranged tables of applications awaiting data entry.	It is not within the power of this guidance to require this.	Will add
Mary O'Connor Associate Director WYG Group	Neither Agree nor Disagree	Generally agree except requirements re "other large scale infrastructure" (c10, d10) for which the information may not be readily available; heights of mast and pylons are not likely to be available.	If they are unavailable that will be sufficient 'defence' for not providing them. It would be useful if the demand for such data promoted its more ready availability.	



Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Judith Jones Head of Town Planning Merthyr Tydfil CBC  Page 234	Agree	<p>In general, the methodology for EIA Screening is considered to be acceptable. The recognition in the explanatory notes that professional judgement will still be required in certain circumstances is particularly welcome given that the distance thresholds are likely to indicate that more EIAs may be required.</p> <p>It is recommended that the methodology be tested against previous screening opinions and directions to ascertain whether it is broadly in line with previous decisions.</p> <p>Finally, Figure 2 indicates that both small and medium scale wind turbines include 50 m high turbines. This should be amended to avoid confusion.</p>	<p>This would only confirm that the guidance is in line with current practice. It would not provide any information on whether current practice is based on sound and consistent principles. It is the principles set out in the guidance that we need to be agreeing.</p>	Will amend
Oliver Buxton Project Manager Seren Energy Ltd	Agree		Noted	
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Agree (given revision of numbers in Typologies)		Noted	



Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Mary O'Connor Associate Director WYG Group	Disagree	<p>The methodology provides a simplified approach to screening, and where “EIA may be required”, the focus should be on whether the proposal is <u>likely</u> to give rise to <u>significant effects</u></p> <p><u>In Note 1, p2.2, distinction should be made between landscape &amp; visual impact assessment (LVIA) forming part of an EIA and landscape and visual appraisal which is outside the EIA framework. The guidance in GLVIA3 and Landscape Institute’s Statement of Clarification in this regard should be followed. (<a href="http://landscapeinstitute.org/PDF/Contribute/GLVIA3StatementofClarification1-13.pdf">http://landscapeinstitute.org/PDF/Contribute/GLVIA3StatementofClarification1-13.pdf</a>)</u></p>	<p>The presence of sensitive receptors within certain distances <b>is an indicator</b> of whether the proposal is likely to give rise to significant effects. However professional judgements will still be required as their presence may not give rise to significant effects (due for example to screening) or receptors beyond the distance identified may have very heightened sensitivity. This can only be judged in the context of a particular application</p>	<p>Note added to the bottom of page 0.2. <i>There is a difference between a landscape and visual assessment that forms part of an EIA, a Landscape and Visual Impact Assessment (LVIA), and one that does not form part of an EIA which is described as a Landscape and Visual Appraisal (LVA). Throughout this guidance the term LVIA has been used to cover both kinds of assessment.</i></p>

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
		Query whether the LANDMAP requirements are consistent with Guidance Note 3		<i>Guidelines for Landscape and Visual Impact Assessment Third Edition Statement of Clarification 1/13 published by the landscape Institute provides further clarification.</i>
Natural Resource Wales	Disagree	<ul style="list-style-type: none"> <li>The assessment for whether a project requires an Environmental Statement (ES) should be based on whether a project is a schedule 2 project and then meets the thresholds as set out in Circular 11/99. The criteria in figure 2 in assessing whether an ES is required are misleading and removes the judgement from the decision maker as to whether significant effects are likely.</li> </ul>	The presence of sensitive receptors within certain distances <b>is an indicator</b> of whether the proposal is likely to give rise to significant effects. Professional judgements will still be required as their presence may not give rise to significant effects (due for example to screening) or receptors beyond the distance identified may have very heightened sensitivity. This can only be judged in the context of a particular application	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 237</p>		<ul style="list-style-type: none"> <li>The figure 2 methodology should take on board the comments in question 2 on definitions of turbine class. The Environment Circular 11/99 Indicative Criteria/ Thresholds states 'the likelihood of significant effects will generally depend upon the scale of the development, and its visual impact, as well as potential noise impacts. EIA is more likely to be required for commercial developments of 5 or more turbines, or more than 5 MW of new generating capacity'.</li> <li>Figure 2 requires a reconsideration to take this point on board. As an example, if a scheme consists of 5 turbines or more it does not automatically mean an ES is required. All it means is that an ES is more likely to be required and this is where an assessment of the significance of effects is important.</li> </ul>	<p>Unclear what the point here is. the Environment Circular 11/99 Indicative Criteria/ Thresholds states that developments of more than 5 turbines are likely to require an EIA. However EIAs have been required of many smaller schemes and the brief for this work was to help LPAs decide when they should be asking for an EIA for schemes that are less than 5 turbines / 5MW but above the EIA regs schedule 2 criteria.</p> <p>Figure 2 is clear that it cannot say that an EIA is required this is a decision for the LPA it can only provide guidance on when it is likely.</p>	
<p>Q6: Do you agree with the approach to cumulative effects and the proposed search area distances</p>				

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council  Page 238	Disagree	<p>There is a slight confusion throughout page 2.3 and table 3 where turbines are said to have / belong to a typology. This is confusing because <i>turbines</i> have heights, whereas <i>turbine developments</i> have typologies. For example:</p> <ul style="list-style-type: none"> <li>• Where it says “Small turbines within 8km”, I believe it really means “Small developments within 8km”;</li> <li>• In table 3, instead of “Typology of Application Turbine(s)”, for clarity it needs to say “Typology of Application Development”</li> <li>• In table 3, I believe “the typology will be determined by the height to blade tip criteria only” is meant to say “the typology will be determined only by (a) the height to [vertical] blade tip and (b) the number of turbines” - unless the existing sentence is factually correct, in which case some more explanation would be helpful.</li> </ul> <p>For clarity, a definition is needed within the body of table 3, e.g. the CSA will be land within the stated distance of the application development.</p>	<p>The online database only categories turbines by height. It does not consider turbine numbers. We do not consider that this causes a problem with regard to CLVIA issues as turbine heights are the most determinative feature with regard to the distance at which there is potential for cumulative issues. Page 2.3 and Table 3 have been revised to make this clearer.</p>	<p>Page 2.3 and Table 3 revised to clarify the fact that the Online database only categorises turbines in terms of height</p>
Sarah Chapple Landscape Architect SoltysBrewster Consulting	Agree		Noted	
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree		Noted	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Oliver Buxton Project Manager Seren Energy Ltd	Agree		Noted	
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Agree	Make clear that this refers to EIA screening and LPAs have discretion to increase distances in scoping requirements for LVIA	This is the case for all the distances given in this section of the guidance .	
Mary O'Connor Associate Director VYG Group	Agree		Noted	
Natural Resource Wales	Agree	As with Q3, NRW has provided comments previously on the size of the study areas proposed. The study area distances have been slightly increased following these discussions so we are happy with the current relationship of height to study area. If there are any changes to the height classes in the typology then the study area distances would require appropriate amendment based on the agreed parameters to redefine the study and search areas.	Noted	

Q7: Do you agree with the proposed cumulative thresholds for Other Infrastructure

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
<p>Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council</p>	<p>Agree</p>	<p>Last paragraph above Table 4:</p> <ul style="list-style-type: none"> <li>• "... potential cumulative <i>landscape and visual</i> impacts ..."</li> <li>• There is some confusion here as the first sentence refers to EIA and the second to LVIA /CLVIA. This needs expanding to say what it really means, which isn't clear now. I suspect the first sentence should refer to LVIA/CLIA and not to EIA.</li> </ul> <p>Other Large Scale Infrastructure is defined elsewhere in the document, but the definition needs repeating in table 4. Need to clarify in Table 4 that occurrence of only <i>existing</i> OLSI is being taken into account.</p> <p>Important Note on page 2.4: Need to add another caveat to the effect of: "This guidance only considers landscape and visual effects. Even if the LPA concludes that EIA is not necessary on landscape and visual grounds, EIA may still be necessary on the grounds of likely significant effects other than landscape and visual effects."</p>	<p>Do not agree that there is any confusion here. This part of the guidance relates to EIA screening, the comment is making a separate point that even if an EIA is not required large and very large developments will always require a detailed assessment of landscape and visual effects and cumulative landscape and visual effects .</p> <p>Definition repeated. It would be reasonable to assess large scale infrastructure that was consented or in planning so we do not thing we should stress existing</p> <p>We don't think this is necessary as the Guidance says early on that it is only concerned with L&amp;V effects. The note here is to address an approach we have come across in applications that say because no EIA was required it means there can be no significant effects and no reasons for refusing it.</p>	<p>added</p> <p>Definition repeated.</p>

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Sarah Chapple Landscape Architect Soltys Brewster Consulting	Agree		Noted	
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree	Although examples of other infrastructure can be found within the document, it would be helpful if they were clearly defined within this section.		Definition repeated.
Oliver Buxton Project Manager Peren Energy Ltd	Agree		Noted	
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Disagree	<b>Table 4.</b> Given the vast range of possibilities, it seems too ambitious (and provocative) to establish these cumulative thresholds. Table 4 is confusing because micro, small, and medium seem to apply to application typology but it is not clear to this reader to what turbine heights the numbers of turbines in the (horizontally colour-coded) second column apply and how anyone can establish a threshold when there is a mixture of turbine sizes and infrastructure of different height in any study area	The second column is derived from the cumulative search areas in Table 3. Professional judgement will be required. The thresholds are indicative	add within cumulative search areas to Table 4
Mary O'Connor Associate Director WYG Group	Disagree	“other large scale infrastructure” is not defined; Why only infrastructure and not other forms of development? Comment re distinction between LVIA and appraisals above applies here too.	Large scale infrastructure is the most likely to be an issue but professional judgment may bring in other forms of development	Definition repeated LVIA /LVA distinction referred to in introduction

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Natural Resource Wales	Neither Agree nor Disagree	<ul style="list-style-type: none"> <li>• P.2.3 Table 4 – do the distances in Table 3 apply? E.g. more than 15 medium (80m) turbines within 12km would be a threshold for EIA? 15 seems like quite a lot – significant effects could potentially result from less than this if they were close to a sensitive asset?</li> <li>• Table 4 sets out cumulative thresholds. Whilst this may be useful as a guide, it should always be based on a case by case assessment depending on the topography, landscape, setting and so on.</li> </ul>	Note added about case by case assessment. This stage in the screening process only comes into play if it has been concluded that there are <b>no other reasons</b> (such as the presence of sensitive assets) that might trigger an EIA	
Q8: Do you agree with the general minimum requirements of information to be provided for Landscape Visual Impact Assessments				
Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council	Agree	Non-EIA LVIAs are often called landscape and visual appraisals (LVAs). Need to specifically include this term to clarify that they are covered by the guidance.		Note added to introduction
Sarah Chapple Landscape Architect SoltysBrewster Consulting	Agree		Noted	
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree		Noted	
Oliver Buxton Project Manager Seren Energy Ltd	Agree		Noted	



Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Agree	Suggest amendment to include: The details of any road construction/road improvement schemes required to provide access to the proposal site beyond the site boundary should be included in the minimum requirements. The preferred route or options for any new grid connections should be included even if there is no definitive decision.		Added  Added
Mary O'Connor Associate Director WYG Group	Agree	Make & model of turbine is unlikely to be known at this stage Details of grid connection is unlikely to be known at this stage Comment re distinction between LVIA and appraisals above applies here too.	It says where known  It says where known	Added to introduction
Natural Resource Wales	Agree		Noted	
Q9: Do you agree with the proposed specific requirements for Landscape Visual Impact Assessment				

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
<p>Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council</p>	<p>Agree</p>	<p>3.3</p> <ul style="list-style-type: none"> <li>The Typology column is confusing by including qualification of the listed typologies with overlapping height criteria (e.g. 50m is both Small and Medium), but the typologies are defined by height and number in the repeated Table 2 on page 3.2, so the typologies shouldn't need any qualification in Table 5.</li> <li>Need to state Study Area is radius. Suggest it should be called a Minimum Study Area.</li> </ul> <p>The requirement for a written assessment has been missed out for Large and Very Large – or is written assessment implicit in “Full CLVIA”?</p> <p><b>Application of LANDMAP data:</b> 2<sup>nd</sup> sentence is inaccurate. Should read: “Aspect areas outside the site should be considered in line with LANDMAP Guidance Note 3: using LANDMAP for landscape and visual impact assessment of onshore wind turbines” (see Part 3: Section C of this guidance).</p>	<p>We were asked to add heights as a quick reminder so people didn't need to keep referring back to the original table. Although Table 2 is opposite in the document here people often print out single pages. I think the document as a whole makes it clear that typologies also include number of turbines Table 2 says it is a minimum study area radius to be clarified elsewhere</p> <p>Yes implicit in full CLVIA</p>	<p>Adjusted to avoid overlap Will consider adding numbers as well</p> <p>Will consider adding to this table</p> <p>Revised in line with suggestion <i>All aspect areas affected by the footprint of the development should be considered in detail. Aspect areas outside the site should be considered in line with LANDMAP Guidance Note 3: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines. (See Part 3: Section C of this guidance)</i></p>

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Sarah Chapple Landscape Architect SoltysBrewster Consulting	Agree		Noted	
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree		Noted	
Oliver Buxton Project Manager Seren Energy Ltd	Agree		Noted	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Agree with reservatio ns	<p><b>Objective visualisation of the proposed scheme, easily understood by the public, is important for all schemes.</b></p> <p>A 25m Micro turbine is higher than surrounding residences and a visualisation of its relation to existing buildings is important in assessing impact. Wirelines alone should not be sufficient for Small and Medium Types as they do not give the LPA and the public a clear enough impression of the impact of the proposal on its site and surroundings .</p> <p><b>Residential Study Areas</b></p> <p>We agree that it is better to have Residential Study Area as a function of tip height rather than Development Type but query the smaller Residential Study Areas generated for Micro and Small Types and suggest a minimum RSA of 500m to allow impact on residential amenity to be properly assessed.</p> <p><b>Public Access</b></p> <p>Although National Trails are mentioned in the guidance, there is no mention of other rights of way or the impacts of any scheme when viewed from land designated as Open Access land under the CROW Act. There does not seem to be any discussion of key visual receptors which should be included in a LVIA.</p> <p>Any micro siting allowance should be included in the application information and all distances adjusted accordingly.</p> <p>Without this, the indicative distances in the guidance can be breached.</p>	<p>It is not considered proportionate to ask for wirelines or photomontages for micro turbines.It is not considered proportionate to insist on photomontages for small and medium turbines but LPAs may request them if they believe they are dealing with a particularly sensitive location.</p> <p>10 x blade tip height has been generally shown to include all properties where it is likely that unacceptable effects will occur. The note says that if there is clear visibility then properties just beyond this distance should also be included</p> <p>The Guidance says the assessment should be carried out in accordance with GLVIA3 which sets out how an assessment should be undertaken and, for example it identified that the users of PRowS and open access land have high sensitivity.</p> <p>Agreed that Micro-siting can be a significant issue with regard to the residential assessment so a note has been added to this effect</p>	<p>Residential study area note to be amended to include a reference to micro siting <i>The Residential Study Area is the area within which a residential visual amenity assessment should be</i></p>

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Mary O'Connor Associate Director WYG Group	Disagree	Computer generated ZTVs should not be <u>required</u> ; manually drawn zone of visual influence or visual envelopes may be acceptable – the emphasis should be on the purpose i.e. to identify where visual receptors may be found. The LANDMAP requirements should be consistent with Guidance Note 3	Computer generated ZTVs are a commonly expected requirement for wind turbines  We have worked with NRW to agree requirements	
Natural Resource Wales	Agree		Noted	
<b>Q10: Do you agree with the proposed use of LANDMAP as part of the Landscape Visual Impact Assessment</b>				
Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council	Agree		Noted	
Sarah Chapple Landscape Architect SoltysBrewster Consulting	Agree		Noted	
Judith Jones Head of Town Planning Merthyr Tydfil CBC	Agree		Noted	
Oliver Buxton Project Manager Seren Energy Ltd	Agree		Noted	

Respondent	Agree Disagree Neither Agree or Disagree	Comment	Response	Change
Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)	Agree with reservatio ns	We appreciate the importance of LANDMAP for Wales and the advantages of the “layer/aspect” methodology but nevertheless we recognise that LANDMAP data is more robust in some instances than others and evaluations made in the past are themselves a matter of judgement and may not always reflect contemporary situations or value attributed by the public. We think it is important to allow flexibility to take this into account to avoid excessive wind energy development on aspect areas which are highly valued by the public but not classified as high or outstanding in Visual/Sensory Scenic quality or Character.	Agree that the quality of LANDMAP data can be variable and have added a note to this effect to the note at the bottom of page 3.6	It is essential that the LVIA analyses and interprets the LANDMAP data and does not merely quote from it. <i>The quality of LANDMAP data can be variable.</i>
Mary O’Connor Associate Director WYG Group	Neither Agree nor Disagree	Any LANDMAP requirements should be consistent with Guidance Note 3 It is not always straightforward to “interpret” the LANDMAP information and the interaction of the aspects	Agreed	
Natural Resource Wales	Agree	Under initial consideration <ul style="list-style-type: none"> <li>• The first sentence ‘all aspect layers’ should be changed to ‘all aspect areas’</li> <li>• Second paragraph, add ‘regardless of their overall evaluation’ at the end (so that it is clear that if the turbine is located within an aspect area it is considered fully even if it is not outstanding or high)</li> </ul> Under detailed consideration <ul style="list-style-type: none"> <li>• The first sentence ‘all aspect layers’ should be changed to ‘all aspect areas’</li> </ul>	I think adding this note may be confusing here. It is stressed in Table 6 in the heading to column 4	Changed to all aspect areas  Changed to all aspect areas

Respondent	Comment	Response	Change
Phil Ratcliff Development Planning Officer Rhondda Cynon Taf County Borough Council	Part 3 section C photomontage guidance:  As stated above, the visual representation of windfarms good practice guidance, SNH 2014 should be referred to. Therefore the Highland Council guidance is not needed.	2014 SHN Guidance will be referenced. Highlands Council Standards have not been superseded. As we are in Wales photomontages are not required to be done to either of these standards but it is worth pointing developers to the Highlands Council Standards as we consider they are less onerous than the latest SNH guidance and as informative, especially when dealing with small scale developments.	
Kay Foster Senior Landscape Officer Conwy Council	I would like to say that I find the document very concise	THANK YOU - WE TRIED HARD	
Sarah Chapple Landscape Architect Soltys Brewster Consulting	I attended the consultation seminar at the Norwegian Church which was really helpful. One comment – Is there anyway a ‘How to Use’ guide could be produced for the ICLoud Mapping system It looks like a great resource but it would be helpful if there was some kind of tutorial available to make better use of the system	This may depend on if funding is available. There is some quite good guidance on the GIS cloud site	

Respondent	Comment	Response	Change
<p>Colette Bosley Principal Landscape and Countryside Officer Monmouthshire County Council</p>	<ul style="list-style-type: none"> <li>Introduction 0.7 – A statement on the need for suitably qualified Landscape Architect here would be helpful to ensure landscape consultants are at the table from the beginning. e.g. “Developers and agents considering the submission of a planning application for wind development are advised to engage a Landscape Consultant from an early stage to ensure professional judgement is applied in undertaking the Landscape and Visual Impact Assessment (LVIA). A LVIA will be required of all wind turbine applications. This document however clarifies that the scope of the LVIA study varies and is to be proportionate to the scale of proposed development and sensitivity of its landscape and visual context, and sets out the steps and considerations required in establishing whether or not the proposal requires an Environmental Impact Assessment.”</li> <li>Part one; minimum requirements for the EIA screening It came up in the seminar, but needs clarification in the document after section D the information to be provided for Large and Very large developments, otherwise it appears there are some missing pages.</li> <li>3.4 note 3. “The choice of viewpoints and which ones require photomontage visualisations will need to be agreed with the determining authority”.</li> <li>3.11 – the text loses the message. Suggest inserting at the top – The assessment of cumulative effects often needs to look beyond the Typology Study Area</li> </ul>	<p>We have added a note about a Landscape Consultant but we think the other part reiterates what is said elsewhere</p> <p>Note on page 1,1 given more emphasis and note added to Page 1.2 under turbine typologies</p>	<p>Added <i>Developers considering the submission of a planning application for wind development are advised to engage a Landscape Consultant from an early stage to ensure professional judgement is applied in undertaking the Landscape and Visual Impact Assessment (LVIA)</i></p> <p><i>The location of viewpoints and visualisations will need to be agreed with the planning authority.</i></p> <p>Text revised</p>



Respondent	Comment	Response	Change
Barbara Morgan Network Rail	<p>Network Rail has been consulted by Blaenau Gwent County Borough Council on the Wind Turbine Development. Thank you for providing us with this opportunity to comment on this Planning Policy document.</p> <p>Network Rail is a statutory undertaker responsible for maintaining and operating the country's railway infrastructure and associated estate. Network Rail owns, operates, maintains and develops the main rail network. This includes the railway tracks, stations, signalling systems, bridges, tunnels, level crossings and viaducts. The preparation of development plan policy is important in relation to the protection and enhancement of Network Rail's infrastructure. In this regard, please find our comments below.</p> <p>Developers of turbines must consider shadow flicker and its effect upon railway infrastructure. Network Rail would request that developers must consider when constructing wind turbines or wind farms the likely effect upon the railway, particularly where safety is critical. There may be a minimal risk to driver's vision (how they perceive signalling, the route ahead, stopping in the case of emergency etc.) which may be impacted by a wind turbine(s).</p> <p>Network Rail utilises radio/signalling equipment and we would not want to see this interfered with by wind farms/wind turbines, particularly as it is safety critical and absolutely integral to the operation of the railway.</p> <p>There is some concern that vibration from turbines can affect ground conditions; with the possible issue here being embankments and potential instability, in which case Network Rail would raise an objection to any applications for turbines close enough to the railway to create these issues and would wish consultation on a possible repositioning. The construction of the towers, heavy blades, gearbox and generator as well as guy lines</p>	I do not think that any of these comments are relevant to the landscape and visual aspects of wind turbine development	

Respondent	Comment	Response	Change
	<p>to hold the tower in place put strain on the ground at the base of the structure.</p> <p>Many wind turbines are now a minimum of a 45 metre long tall tower with concomitant long blades, as such it may be necessary for the developer of any proposal for a wind turbine or turbines to gain consent from Network Rail's Structures Engineers and Level Crossing Managers to cross Network Rail infrastructure in particular over a Network Rail bridge prior to construction on site. Consent may be needed as bridges have a maximum load and a wind turbine(s) plus blades and vehicle transporting said equipment may be over the limit for that bridge.</p> <p>Network Rail should be consulted on applications for wind turbine(s) as standard, and this should be added to the council's policy. We would also request the policy to require applicants to engage in pre-application consultation with the Network Rail Asset Protection Team to determine if a proposed wind turbine(s) / wind farm(s) impacts upon Network Rail land and the safety, integrity and operation of the railway and its infrastructure for the reasons as stated above.</p> <p>At this stage the construction and usage of wind turbine(s) is relatively rare, but Network Rail Town Planning has seen an increase in applications and it is highly probable that the numbers of developments with wind turbine(s) will increase as the drive toward sustainable, renewable, carbon neutral energy production increases.</p>		

Respondent	Comment	Response	Change
<p>Oliver Buxton Project Manager Seren Energy Ltd</p>	<p>I welcome this more prescriptive advice for smaller scale wind development. However my only concern is the line “<i>it is likely that all wind turbine development where the turbine height to blade tip is greater than 80m or where there are more than five turbines will require an EIA.</i>” There is already clear guidance from a circular in regards to EIA thresholds and guidance. This additional threshold for 80m tip is unnecessary. A single turbine with a tip height of, for example 86.5m (Enercon E53 800kW) in an appropriate location away from sensitive landscapes should not be subject of an EIA. The screening process is already suitable and this addition is unnecessary.</p>	<p>Many authorities do not find the existing guidance clear enough hence commissioning this guidance. The guidance says 'it is likely an EIA will be required'. In the example given of a turbine towards the bottom end of its typology in a non-sensitive location it would be up to the developer to put forward a case as to why an EIA was not required.</p>	
<p>Peter Seaman Chairman Campaign for the Protection of Rural Wales (CPRW)</p> <p>Page 253</p>	<p>CPRW welcomes a fairer, clearer and more consistent approach to EIA screening and LVIAs for wind energy applications which can be applied throughout Wales.</p> <p><b>Third Parties should be mentioned in the Guidance.</b> The guidance says it is written for Planning Officers and Developers to introduce clarity, consistency and avoid lengthy discussion of irrelevant issues. Third Party stakeholders are not mentioned. All those current and future generations who derive health and pleasure from the countryside, Welsh residents and independent organisations, including conservation charities, are also stakeholders – perhaps the most important ones. They have a right to public consultation processes and an interest in improved information and fair process resulting from good guidance.</p> <p><b>A plan for on-going assessment and timely review and updating of the guidance should be included.</b> The problems of applying out-dated guidance are amply illustrated by the plight of wind farm neighbours resulting from the retention of ETSU-R-97 guidance for noise assessment of wind turbines.</p>	<p>We agree that third parties should be involved. With regard to the process of deciding what should accompany an application for WTD this involvement will be via consultation with the LPA. It is beyond the remit of this guidance to prescribe what those consultation processes should be - that would need a separate piece of work.</p> <p>I don't know what provision there is for review of the document</p>	

Respondent	Comment	Response	Change
	<p>We can predict neither the future of onshore wind energy nor the unintended consequences of this guidance. We have all witnessed how rapidly the wind energy sector changes in response to energy and planning policy, economic incentives, technological development and the decrease in available sites. It is significant that we are calling the 79m single turbines so popular with Developers “medium developments” when these turbines are larger than those making up extensive windfarms a decade ago. 70m to 80m turbines are usually derated to 500kw in order to avoid the step-decrease in feed-in tariff over 500kw, demonstrating how quickly development adapts to economic incentives. The proposed guidance itself could have an analogous impact on patterns of application by making it clear how to bring a development in under the EIA threshold – like the impact of the recently abolished stamp-duty “slab-tax” on house prices. For instance, the guidance might encourage the peppering of the countryside with small groups of 3 turbines just under either 51m or 81m.</p> <p>It should be made even clearer at the outset that this is not guidance for making planning decisions.</p> <p>Perhaps the “Important notes” (2.4.) should be highlighted in the introduction.</p> <p>Ultimately an ES is a Developer’s business case targeted at LPA permission and it is only too easy for a demonstration of superficially correct <u>procedure</u> to be interpreted by Planning Officers and Statutory Consultees as a demonstration of correct information and correct <u>planning conclusions</u>. This very slippery slope should be avoided at all costs. ETSU-R-97 illustrates how</p>	<p>Whilst there is truth in this comment, taken to its logical conclusion it would mean that no guidance was ever produced and no thresholds set for fear of unintended consequences. A review of the effectiveness / consequences of the Guidance would be good practice.</p> <p>It is clear in the name - one of the reasons for sticking with a long winded name instead of something snappy</p> <p>We think that it is better where it is. the heading <b>Important Note</b> should make it hard to overlook.</p> <p>A well produced, clearly written assessment that includes all the correct information is always a help and never a hindrance in</p>	

Respondent	Comment	Response	Change
	<p><i>"guidance for assessment of wind turbine noise"</i> has made it virtually impossible for Planning Officers not to accept any Developer's noise assessment, whatever the scientific shortcomings.</p> <p><b>If the current approach is to be successful:</b></p> <ul style="list-style-type: none"> <li>· All EIA screening assessments and scoping exercises should be undertaken by accredited staff. Staff should be required to complete specific professional training in this approach and should only be accredited when they have demonstrated their competence in applying the methodology.</li> </ul> <p>A public register of all turbine schemes should be maintained and the outcome of any screening / scoping exercise of any such scheme should be included in the register.</p> <ul style="list-style-type: none"> <li>· An Authority should be required to publish their decisions, with reasons, why a scheme submitted to them does not require an EIA screening request or how a EIA screening decision is reached.</li> </ul> <p>We are also aware that the success of this approach relies heavily on the quality of the data and landscape information upon which any judgements are based. We therefore believe that any such assessment must be based upon professionally and independently accredited landscape capacity and sensitivity studies which themselves use the same methodology.</p> <p><b>An on-line Database is essential to this project</b> As an absolute minimum LPA's should be required to have an up-to-date map of all OCP turbines with location and height in order</p>	<p>determining applications.</p> <p>We do not have a remit to impose this</p> <p>We do not have a remit to impose this but the online database is planned to include information of refused and withdrawn applications as well as approved ones</p> <p>It is unclear as to whether this is already required by the EIA regs with regard to Schedule 2 development</p> <p>Independently accredited landscape capacity and sensitivity studies are currently being undertaken for various areas within Wales</p> <p>We do not have a remit to impose this</p>	

Respondent	Comment	Response	Change
	to verify application information and to inform developers and third parties. Maps could be backed up by clearly arranged tables of applications awaiting data entry.		
<p>Mary O'Connor Associate Director WYG Group</p> <p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 256</p>	<p>Photomontages: the guidance referred to is now out of date: revised SNH guidance has been published in July 2014 and supersedes Highland Council guidance; the LI Advice Note is under revision in response to the new SNH guidance; NB: the SNH guidance on visualisations is for commercial scale wind farms in Scotland (see Introduction to the Guidance) not for smaller scale development and not for developments outside of Scotland; it should be reviewed critically before adopting it for less than commercial scale wind developments in Wales and only adopted so far as it is usefully applicable.</p> <p>p3.12: there is confusion here about location and visual receptor – see GLVIA3 which is clear that the visual receptor is the person viewing the landscape and not the location of the person e.g. the national trail as stated here.</p> <p>Consistency should be ensured between this and the Carmarthenshire &amp; Pembrokeshire Guidance.</p> <p>The Online WT Database is very welcome; support should be</p>	<p>To be updated</p> <p>Agreed</p> <p>Agreed</p> <p>This has been achieved as far as possible although one of the key purposes of this guidance was to establish study and search areas which more accurately reflected likely significant effects and this has meant a reduction in the minimum study areas from some existing guidance. If we keep consistency with everything that has gone before we can't bring in change.</p> <p>Agreed</p>	<p>We will revise this section in the light of the updated guidance and add a note on scale.</p> <p>Changed</p>

Respondent	Comment	Response	Change
	sought from Welsh Government to extend it to all Wales.		
<p data-bbox="98 730 136 916" style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 257</p> <p data-bbox="107 328 412 355"><b>Natural Resource Wales</b></p>	<p data-bbox="430 328 1214 427">Natural Resources Wales welcomes this guidance and the collaborative approach that has been instrumental in developing it.</p> <p data-bbox="430 435 1214 679">We have engaged in providing feedback on this document on previous occasions whilst it was still in draft form, notably on 5<sup>th</sup> March, 6<sup>th</sup> March, 4 June, 9 June and 1 July 2014. Our comments have been considered and included at all stages and where they have not been included – satisfactory explanations have been given. Therefore only additional comments are included in this document.</p> <p data-bbox="430 687 1214 932">An officer has recently used this draft guidance in a live case as a test and found it to be a very logical process that will help in deciding on EIA requirements. Previously a ZTV would have been requested for the extent of visibility in order to inform their decision, but as the flow chart in figure 2 follows a logical process based on distances from more sensitive landscape areas, they felt it would make the screening process much simpler.</p> <p data-bbox="430 940 1214 1075">Natural Resources Wales would be very pleased to work with you to arrange an event to launch and communicate the Guidance to Local Planning Authorities, Natural Resources Wales staff, consultants and developers.</p> <p data-bbox="430 1083 1057 1110">Additional comments on the draft document follow:</p> <p data-bbox="430 1118 1214 1401">0.1 Suggest replace ‘Environmental assessment is a procedure that ensures that the environmental implications of proposals are taken into account before decisions are made. An Environmental Impact Assessment (EIA) assesses the possible impact that a proposed project may have on the environment and this information is submitted to the Local Planning Authority (LPA) or the Welsh Government in the form of an Environmental Statement (ES)’.</p> <p data-bbox="430 1409 506 1436">With:</p>	<p data-bbox="1254 1118 1590 1331">This wording followed legal advice and we would like to keep it. It is more strictly factual with regard to EIA regulations than the suggested replacement.</p>	

Respondent	Comment	Response	Change
	<p>'Environmental Impact Assessment (EIA) is a process by which information about the likely environmental effects of certain projects is collected, assessed and taken into account both by the applicant, as part of project design, and by the decision making body (Local Planning Authority or if called in, by Welsh Government) in deciding whether permission should be granted. Thus EIA has two roles – improving decision making and project planning.'</p> <p>Introduction p.2 - CLVIA – should this say that other development as well as wind turbines should be considered (as referenced on p.4 Part 2)?</p> <p>P.1.2 a8 – it would be helpful if the site plan showed features such as mature trees/woodland/hedgerows as well as contour lines/spot heights.</p> <p>P1.3 b4 –Include sensitive seascapes?</p> <p>P.1.5 – the screening distances e.g. 3km from the National Park for medium, there could be significant effects within the 5km study area?</p>	<p>This would not be a usual requirement at a screening stage. If an applicant was relying on such screening as a reason for not requiring an EIA it would be up to them to add it to their plans and make their case.</p> <p>We are not aware of an agreed definition of a sensitive seascape</p> <p>Effects with 5km would be assessed even if an EIA was not required. The purpose of the screening is to identify likely triggers for an EIA not to cover all possible significant effects</p>	<p>Reference added</p>



# Planning Guidance for Smaller Scale Wind Turbine Development Landscape and Visual Impact Assessment Requirements

APRIL 2015

Page 259



Prepared by Gillespies LLP  
for  
The Heads of the Valleys  
Landscape Officers and Planners  
with support from  
The South Wales Landscape Liaison Group

# Introduction

## The Purpose of the Guidance

### Who should use this Guidance?

This guidance is concerned with smaller community based wind farm schemes (generally less than 5 MW) identified in *Planning Policy Wales Technical Advice Note 8 Planning for Renewable Energy* as being suitable for areas outside Strategic Search Areas. Such schemes are described in this guidance as smaller scale wind turbine development.

This guidance is intended for:

- Anyone considering submitting a planning application for smaller scale wind turbine development (Developers); and
- Planning Authority Planning Policy and Development Management Officers (Local Planning Officers) dealing with pre-application enquiries or with planning applications for smaller scale wind turbine development.

This guidance is only concerned with landscape and visual issues and does not address other potential environmental impacts.

### Does the Development require an Environmental Impact Assessment?

Environmental assessment is a procedure that ensures that the environmental implications of proposals are taken into account before decisions are made. An Environmental Impact Assessment (EIA) assesses the possible impact that a proposed project may have on the environment and this information is submitted to the Local Planning Authority (LPA) or the Welsh Government in the form of an Environmental Statement (ES).

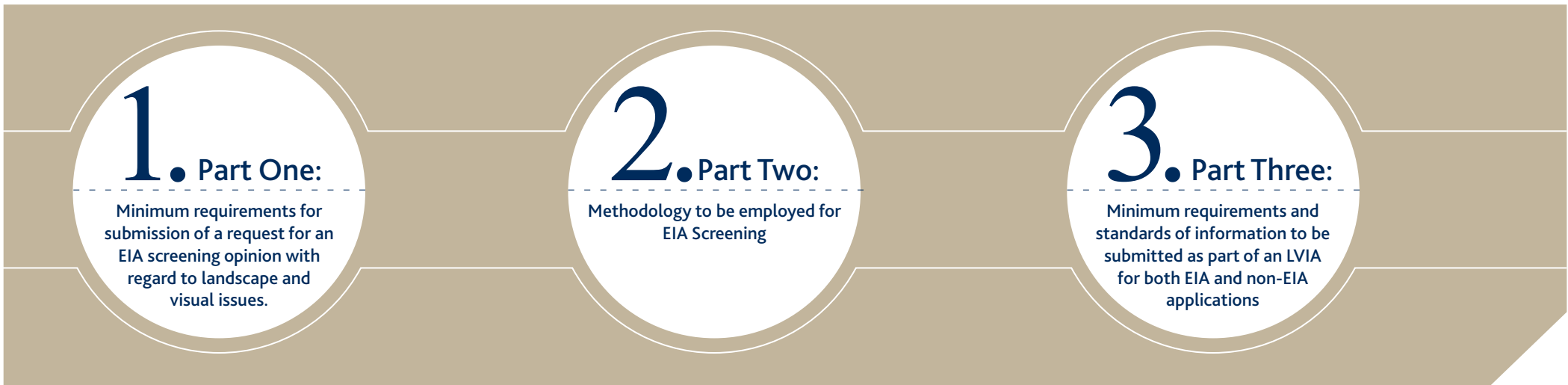
The Town and Country Planning Environmental Impact Assessment (England and Wales) Regulations 1999 (EIA Regulations) set out which developments require an EIA. An EIA is required for proposals likely to have significant effects on the environment by virtue of their nature, size or location. The National Assembly for Wales Planning Series includes a *Quick Guide to Environmental Impact Assessment*.

Wind turbine development which involves the installation of more than 2 turbines, or where the hub height of any turbine or height of any other structure exceeds 15 metres, is classed as a Schedule 2 development under the EIA Regulations.

- A Developer of a Schedule 2 wind turbine development may:
- decide that an EIA is required and submit an ES with the planning application; or
  - before submitting a planning application, request a **screening opinion** from the LPA.

There is a statutory obligation for the LPA to provide a screening opinion stating whether or not an Environmental Impact Assessment is required.

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# Introduction

## The Structure of the Guidance

### Overview

Parts 1 and 2 of this guidance are intended to help LPAs determine whether a Schedule 2 wind turbine development is likely to have significant effects on the landscape or on visual amenity by virtue of its nature, size or location. An EIA will be required if it is considered likely that significant effects may arise.

Part 3 sets out the minimum requirements and standards of information to be submitted with a landscape and visual impact assessment (LVIA). All wind turbine applications will require some consideration of landscape and visual impact.

This guidance reflects the principle that potential landscape and visual impacts from wind turbine development are related to the size and scale of the proposed development and to the sensitivity of the location. Consequently, the information sought and the level of LVIA required from Developers will be determined by:

- the scale of the proposal; and
- the sensitivity of the location.

Table 1 sets out a series of typologies for wind turbine development. The typologies are determined by the height to blade tip of the turbine(s) and the number of turbines. The level of LVIA required will usually be less for smaller proposals than for larger proposals.

LANDMAP is the Welsh approach to landscape assessment. All LVIA's should use LANDMAP data to inform their assessments.

### Online Wind Turbine Database for South Wales

LVIA's for wind turbine development must include a consideration of cumulative landscape and visual impacts (CLVIA) that may arise as a result of other wind turbine development or other large scale infrastructure. To assist in the preparation of CLVIA's an **Online Wind Turbine Database for South Wales** (Online Database) has been developed. The Online Database contains information on the dimensions and location of all operational and consented turbines and turbines for which a planning application has been submitted. The latter are described in this guidance as 'in planning' turbines.

For cumulative assessment purposes the typologies relate only to the height of the operational, consented and in planning turbines. Turbines within the database will be classified according to their height to blade tip only.

In the future the Online Database will also contain information on turbines for which a screening opinion has been requested and applications that have been refused or withdrawn. Details on how to access the Online Database can be found at the end of this Guidance.

### Notes on Landscape and Visual Assessments

There is a difference between a landscape and visual assessment that forms part of an EIA, which is called a Landscape and Visual Impact Assessment (LVIA), and one that does not form part of an EIA which is known as a Landscape and Visual Appraisal (LVA). However, for simplicity the term LVIA has been used throughout this guidance to cover both kinds of assessment.

*Guidelines for Landscape and Visual Impact Assessment Third Edition Statement of Clarification 1/13* published by the landscape Institute provides further clarification on the difference between a LVIA and a LVA.

Developers considering the submission of a planning application for wind development are advised to engage a Landscape Consultant from an early stage to ensure professional judgement is applied in undertaking the LVIA.

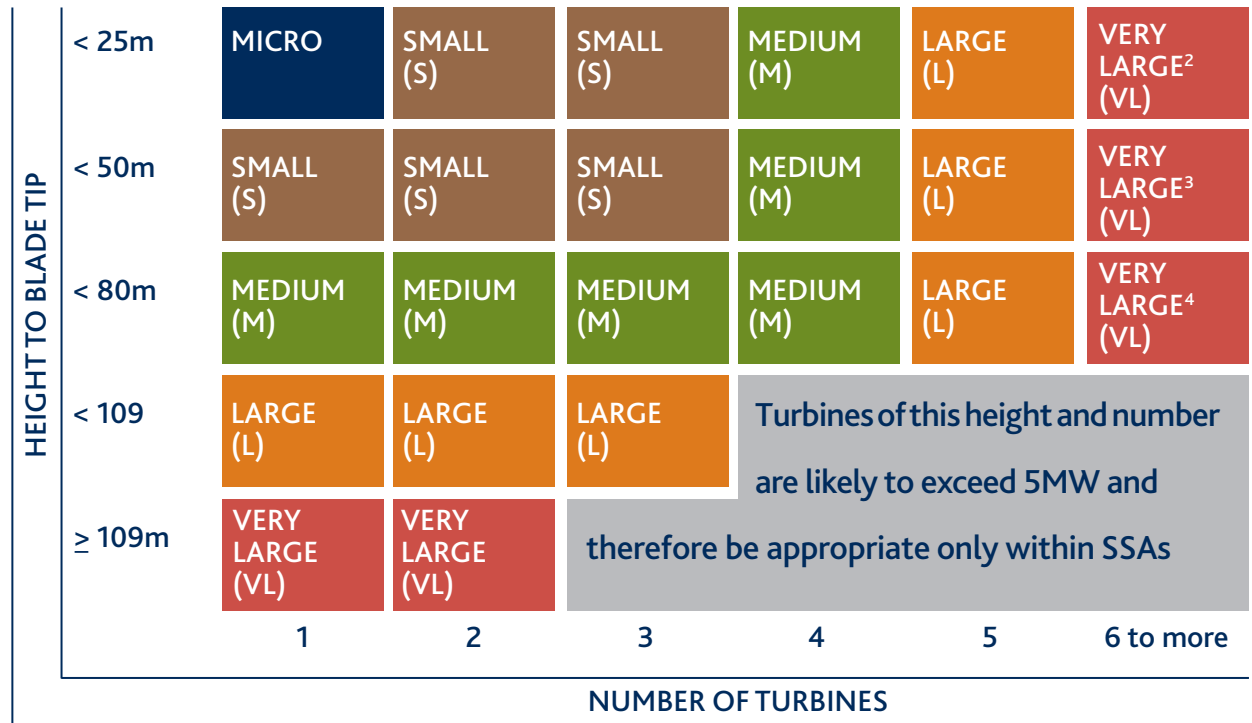
## Typology

Table 1: Typologies

	Turbines development in this typology will have a blade tip height of:	and will consist of:
<b>MICRO (Mi)</b>	Less than 25m or roof mounted	Only one turbine
<b>SMALL (S)</b>	Less than 50m	Three turbines or fewer
<b>MEDIUM (M)</b>	Less than 80m	Four turbines or fewer
<b>LARGE (L)</b>	Less than 109m	Five turbines or fewer
<b>VERY LARGE (VL)</b>	109m or greater	Any number of turbines

Note: Any group of six or more turbines will belong to the very large typology irrespective of the height of the turbines.

To decide in which typology a development belongs it must satisfy both the height and the turbine numbers criteria. See the examples on page 0.5.



Notes:

1. Or roof mounted
2. To exceed 5MW about 250 turbines would be required
3. To exceed 5MW about 22 turbines would be required
4. To exceed 5MW about 10 turbines would be required

## The Structure of the Guidance

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### Part 1: Minimum requirements for submission of a request for a screening opinion

Part 1 of the guidance sets out the minimum information that Developers should provide in order that Local Planning Officers can determine whether a particular development is likely to have a significant effects on the landscape or on visual amenity and therefore require an EIA.

### Part 2: Methodology for EIA Screening

Part 2 of the guidance contains a methodology for Local Planning Officers to use when determining whether an EIA is required. The methodology provides a clear indication of how the information required (as set out in Part 1) will be used to determine:

- the characteristics of the development; and
- the environmental sensitivity of the geographical areas likely to be most affected by the development.

This information, considered in the light of the potential impacts, will determine whether an EIA is required due to likely significant effects on the landscape or on visual amenity.

The screening criteria in Parts 1 & 2 are indicators of the key landscape and visual issues likely to arise in relation to smaller scale wind turbine development and include the likelihood of:

- significant impacts on sensitive landscape receptors;
- significant impacts on residential properties and other sensitive visual receptors; and
- cumulative effects with other wind turbine developments and with existing large scale infrastructure.

The screening criteria use distances, defined by the typology, to indicate the potential for sensitive receptors to be significantly affected by the development. **These distances are indicative and not absolute. Each development will raise its own issues and will be considered by the LPA on a case by case basis.**

Sensitive landscape and visual receptors are not necessarily the same as 'sensitive areas' as defined in the EIA regulations.

### Part 3: Minimum Requirements for EIA and Non-EIA Development

Part 3 of the guidance identifies the minimum requirements for the landscape and visual information to be submitted with a planning application for wind turbine development. It is based on the different typologies and should be used to agree the scope of the LVIA with the LPA. Associated infrastructure (e.g. access tracks, and grid connection where known) should be considered as part of the assessment.

It is likely that all wind turbine development where the turbine height to blade tip is greater than 80m or where there are more than five turbines will require an EIA although if requested an LPA will provide a screening opinion. All wind turbine development of this scale will require a detailed LVIA. It is recommended that Developers proposing wind turbines of this scale should move to Part 3 of the guidance which sets out the minimum requirements and standards of information to be submitted which should be used as the basis for agreeing the scope of the LVIA with the LPA.

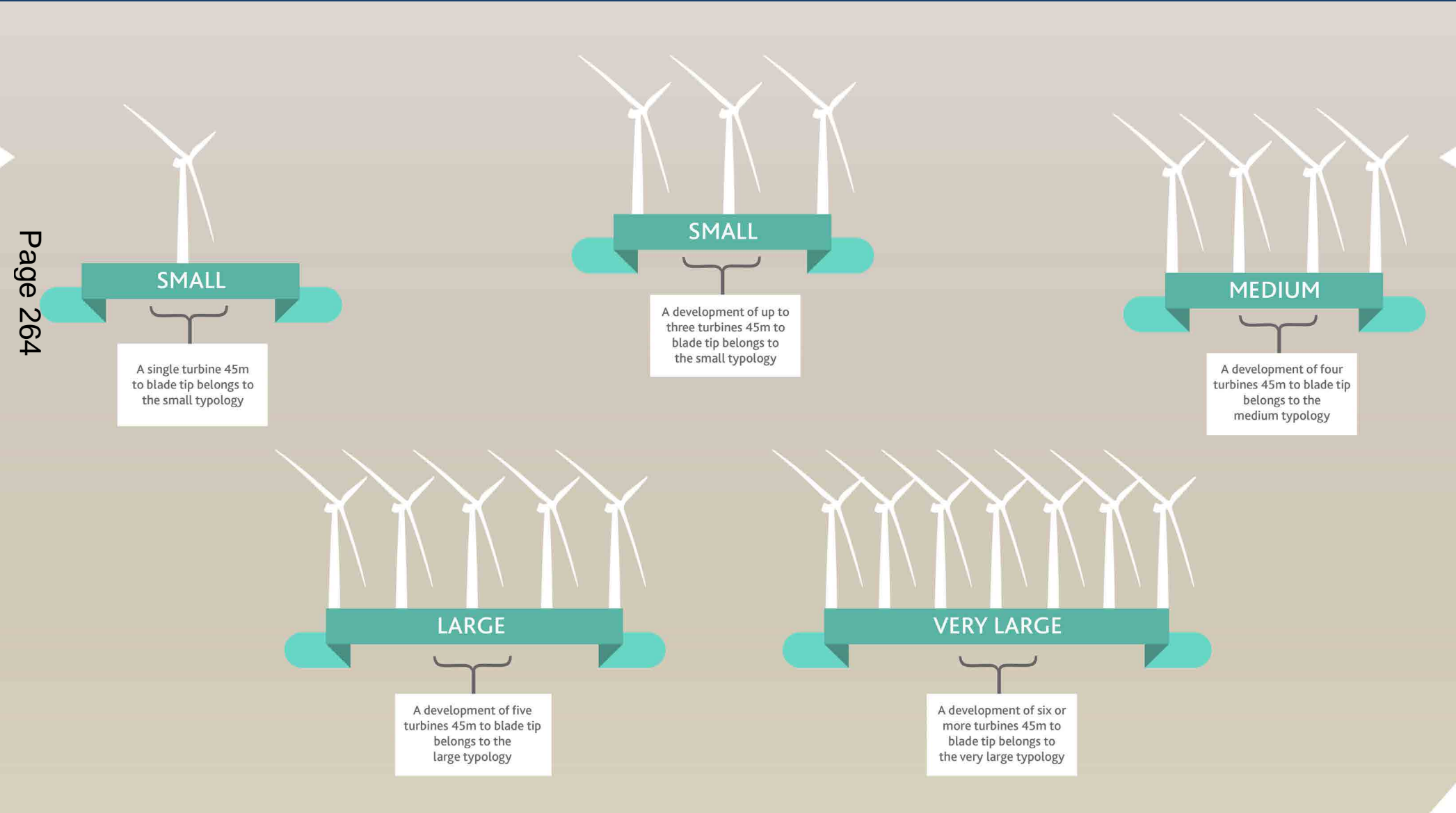
Agreeing the scope of the LVIA is important both for EIA and non-EIA development. Part 1 and Part 3 of the Guidance should be used by Developers to inform Scoping Reports for LVIA, and by Local Planning Officers when agreeing the scope of the LVIA.

Throughout this guidance the information required is determined by the typology into which the development falls.

# Introduction

## Typologies: Illustrative Example

Figure - 1 Illustrative example of the relationship between turbine height, number and typology



# 1



Part one:

Minimum requirements for  
submission of a request for an  
EIA screening opinion with regard to  
landscape and visual issues

# Part One: Minimum requirements for submission of a request for an EIA screening opinion

## Introduction

### Scope of this Part

This part of the guidance sets out the minimum requirements for submission of a request for an EIA screening opinion with regard to landscape and visual effects only. This includes visual effects on residential properties (a residential visual amenity assessment). It does not include the requirements for a screening opinion with regard to other environmental impacts, such as ecology or cultural heritage, or for other residential amenity issues such as noise or shadow flicker.

### Table 2 opposite:

- sets out the criteria for determining the typology of a development; and
- the study area required for each typology.

The study area is measured as a radius from the application turbine(s).

### Part One contains four sections

- Section A:** Information to be provided with all requests for screening opinions
- Section B:** Information to be provided with requests for screening opinions for Micro developments
- Section C:** Information to be provided with requests for screening opinions for Small developments
- Section D:** Information to be provided with requests for screening opinions for Medium developments

Large and very large developments will require detailed LVIA and CLVIA. Developers of large or very large developments should refer to Part 3 of this guidance.

**Table 2: Typology and Study Areas**

TYPOLOGY	HEIGHT	TURBINE NUMBERS	STUDY AREA
	Turbine development in this typology will have a blade tip of:	and will consist of:	
MICRO (Mi)	< 25m or roof mounted	Only one turbine	2km
SMALL (S)	< 50m	Three turbines or fewer	5km
MEDIUM (M)	< 80m	Four turbines or fewer	8km
LARGE (L)	< 109m	Five turbines or fewer	11km
VERY LARGE (VL)	≥ 109m	Any number of turbines	15km

Note: Any group of six or more turbines will belong to the very large development typology irrespective of the height of the turbines.

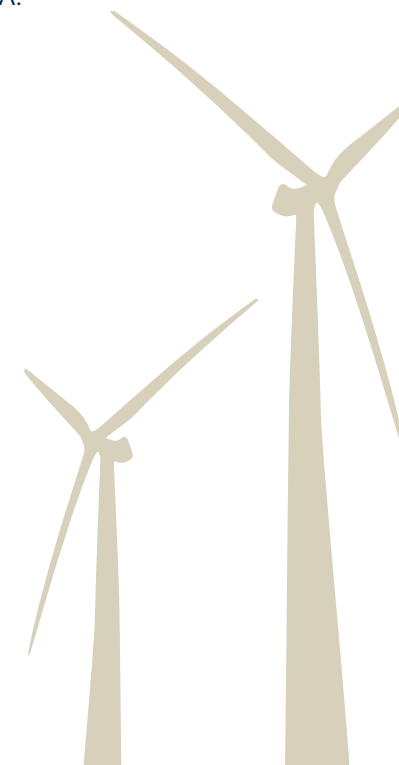
The study area, which is measured as a radius from the application turbine(s), is the minimum that will be required for a typical development. A larger study area may be required if particularly sensitive landscape / visual receptors are located beyond the study area. This may result in an asymmetrical study area and should be agreed on a case by case basis.



# Part One: Minimum requirements for submission of a request for an EIA screening opinion

## Section A: Information to be provided for all screening requests

Information required	Notes
a1. Turbine Typology	From Table 2 Above Large and very large developments will require detailed LVIA & CLVIA. Developers should refer to Part 3 of this guidance.
a2. Maximum height to blade tip	A dimensioned plan will be required at the application stage
a3. Height to hub	
a4. Rotor diameter	
a5. Number of turbines	A development of five turbines or more will require detailed LVIA & CLVIA.
a6. A six figure easting and six figure northing grid reference should be provided for each turbine.	
a7. 1:2,500 location plan	Plan to be based on an Ordnance Survey extract giving sufficient information to indicate the position of the application turbine(s) in the landscape.  Public Rights of Way should be clearly shown.
a8. 1:500 site plan	Plans should provide basic topographic information for the site and its surroundings in the form of contour lines.
a9. Scaled plan showing the study area (See Table 2) on A3 sized paper.	The scale of the plan will be determined by the extent of study area required.



# Part One: Minimum requirements for submission of a request for an EIA screening opinion

## Section B: Information to be provided for a MICRO development

### Sensitive landscape and visual receptors

Sensitive landscape and visual receptors should be identified according to the distance from the turbine as set out below. Each sensitive landscape or visual receptor should be:

- identified by name; and
- shown on one of the plans submitted.

Information regarding the distances between the receptors and the application turbine(s) should be provided in a table.

Distances given are from the application turbine or from the nearest application turbine when the proposal is for more than one turbine.

### Within 10x the height to blade tip:

b1 World Heritage Site

b2 Statutorily designated landscape  
(National Park, Area of Outstanding Natural Beauty)

b3 Locally designated landscape (e.g. Special Landscape Area) or Heritage Coast

b4 LANDMAP aspect areas where the overall evaluation for Visual and Sensory,  
Historic Landscape or Geological landscape is Outstanding

b5 Land on the Register of Landscapes of Historic Interest in Wales or  
Land on the Register of Parks and Gardens of Special Historic Interest in Wales

b6 Residential Property

### Operational, consented or in planning (OCP) turbine development:

- b7 Using the Online Database identify all OCP turbines within 2km.  
Each OCP turbine or group of turbines should be:
- identified by name; and
  - shown on one of the plans submitted.

Information should be provided in a table regarding the distances between the OCP turbines and the turbine that is the subject of the application.

# Part One: Minimum requirements for submission of a request for an EIA screening opinion

## Section C: Information to be provided for a SMALL development

### Sensitive landscape and visual receptors

Sensitive landscape and visual receptors should be identified according to the distance from the turbine as set out below. Each sensitive landscape or visual receptor should be:

- identified by name; and
- shown on one of the plans submitted.

Information regarding the distances between the receptors and the application turbine(s) should be provided in a table.

Distances given are from the application turbine or from the nearest application turbine when the proposal is for more than one turbine.

#### Within 2km:

c1 World Heritage Site

c2 Statutorily designated landscape (National Park, Area of Outstanding Natural Beauty)

#### Within 1km:

c3 Locally designated landscape (e.g. Special Landscape Area) or Heritage Coast

c4 LANDMAP aspect areas where the overall evaluation for Visual and Sensory, Historic Landscape or Geological landscape is Outstanding

c5 Land on the Register of Landscapes of Historic Interest in Wales or Land on the Register of Parks and Gardens of Special Historic Interest in Wales

c6 An ancient monument, listed building or conservation area

c7 National Trail

#### Within 10x the height to blade tip

c8 Residential Property

#### Operational, consented or in planning (OCP) turbine development:

- c9 Using the Online Database identify:
- all OCP turbines within 2km; and
  - **small, medium, large or very large** OCP turbines within 8km.

Each OCP turbine or group of turbines should be:

- identified by name; and
- shown on one of the plans submitted.

Information should be provided in a table regarding the distances between the OCP turbines and the turbine or nearest turbine that is the subject of the application.

- c10 Other large scale infrastructure (e.g. pylons, motorways, major trunk roads and telecommunications masts) within 1km should be:
- identified by name; and
  - shown on one of the plans submitted;
- Information should be provided in a table regarding:
- the distances between the large scale infrastructure and the turbine or nearest turbine that is the subject of the application; and
  - the heights of vertical structures such as masts and pylons where this information is available.

# Part One: Minimum requirements for submission of a request for an EIA screening opinion

## Section D: Information to be provided for a MEDIUM development

### Sensitive landscape and visual receptors

Sensitive landscape and visual receptors should be identified according to the distance from the turbine as set out below. Each sensitive landscape or visual receptor should be:

- identified by name; and
- shown on one of the plans submitted.

Information regarding the distances between the receptors and the application turbine(s) should be provided in a table.

Distances given are from the application turbine or from the nearest application turbine when the proposal is for more than one turbine.

#### Within 3km:

d1 World Heritage Site

d2 Statutorily designated landscape (National Park, Area of Outstanding Natural Beauty)

#### Within 1.5km:

d3 Locally designated landscape (e.g. Special Landscape Area) or Heritage Coast

d4 LANDMAP aspect areas where the overall evaluation for Visual and Sensory, Historic Landscape or Geological landscape is Outstanding

d5 Land on the Register of Landscapes of Historic Interest in Wales or Land on the Register of Parks and Gardens of Special Historic Interest in Wales

d6 An ancient monument, listed building or conservation area

d7 National Trail

#### Within 10x the height to blade tip:

d8 Residential Property

#### Operational, consented or in planning (OCP) turbine development:

- d9 Using the Online Database identify
- **all** OCP turbines within 2km;
  - **small** OCP turbines within 8km; and
  - **medium, large or very large** OCP turbines within 12km.

Each OCP turbine or group of turbines should be:

- identified by name; and
- shown on one of the plans submitted.

Information should be provided, either on a plan or in a table, regarding the distance to the turbine proposed or the nearest turbine when the proposal is for more than one turbine.

- d10 Other large scale infrastructure (e.g. pylons, motorways, major trunk roads and telecommunications masts) within 1.5km should be:
- identified by name; and
  - shown on one of the plans submitted;
- Information should be provided in a table regarding:
- the distances between the large scale infrastructure and the turbine or nearest turbine that is the subject of the application; and
  - the heights of vertical structures such as masts and pylons where this information is available..

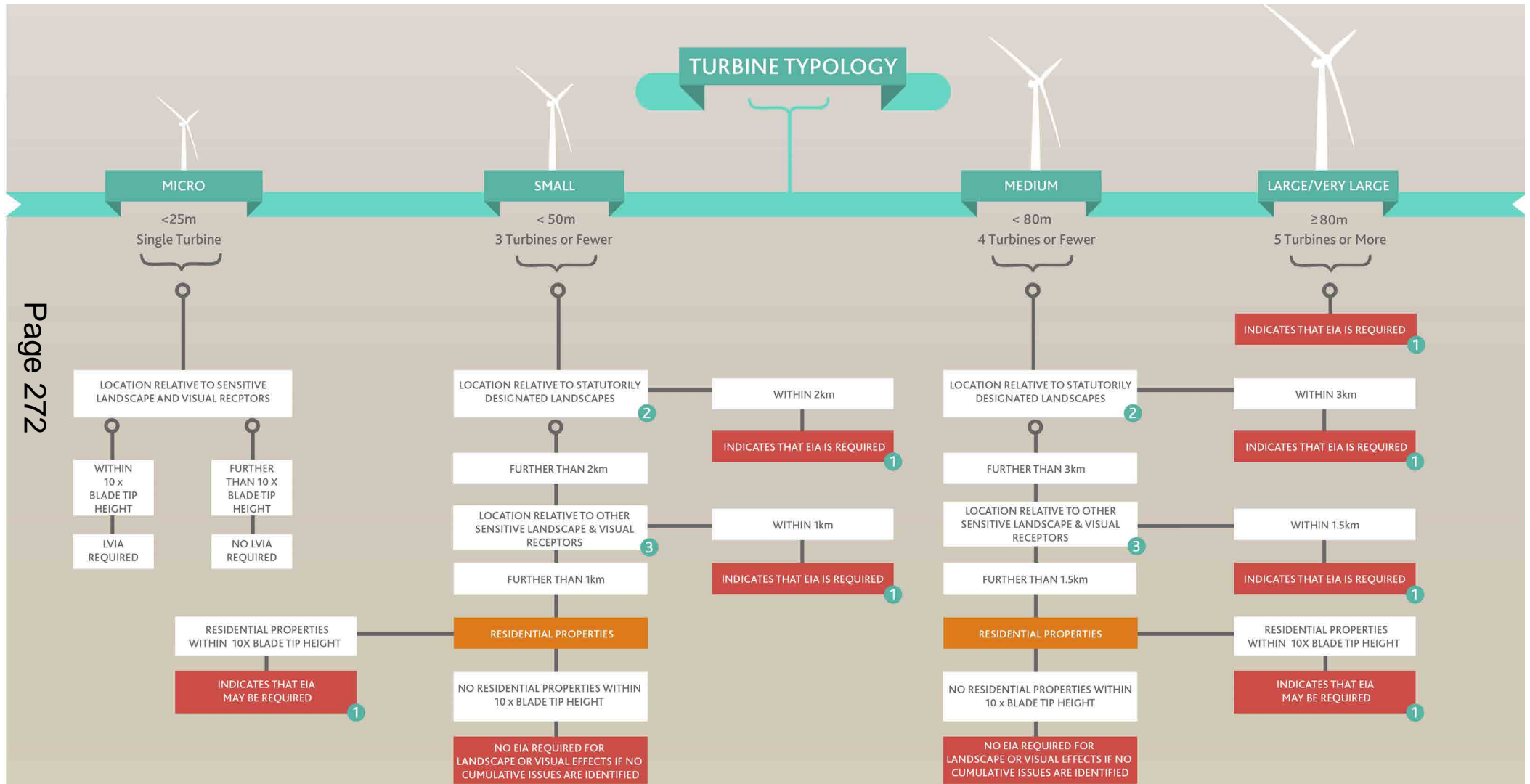
# 2.



Part two:

Methodology to be employed  
for EIA Screening with regard to  
Landscape and Visual Issues

Figure 2: Methodology Flow Chart



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1 2 3

SEE FOLLOWING PAGE FOR EXPLANATORY NOTES

**Note 1**

Indicates that an EIA may be required

It is likely that a development that meets these criteria will require an EIA for landscape and visual reasons. However where the development only just meets the criteria the screening process should continue. For example where a turbine is at the lowest end of its typology (e.g. a 26m blade tip height turbine in the small typology) or is only just within the distance specified (e.g. a small turbine is 1.9km from a statutorily designated landscape) a judgement can be made to move on to the next criteria.

If the landscape and visual impact of a development is the only aspect that appears to require an EIA the scope of the EIA may be narrow. For example it could be restricted to a Residential Visual Amenity Assessment. The screening process will identify the key sensitivities that must be considered in the LVIA whether it is undertaken as part of the EIA or as a standalone assessment.

If a Developer considers that no significant effects are likely to arise within the specified distance a justification with supporting evidence may be submitted with the screening opinion. For example, evidence to support a claim that no residential properties within 10x the blade tip height would be subject to significant visual effects because all properties within that distance were effectively screened by existing vegetation.

**Note 2**

Statutorily designated landscape

National Park,  
Area of Outstanding Natural Beauty

Although not statutorily designated World Heritage Sites should be included at this stage of the screening.

**Note 3**

Other sensitive landscape and visual receptors

Locally designated landscape  
(e.g. Special Landscape Area)

Land on the Register of Landscapes of Historic Interest in Wales

Land on the Register of Parks and Gardens of Special Historic Interest in Wales

Heritage Coasts

LANDMAP Aspect Area that has an overall evaluation of *Outstanding* for the Visual and Sensory layer, the Historic Landscape layer or the Geological layer.

Ancient monument

Listed building

Conservation area

(These will also be considered in the cultural heritage assessment)

National Trail

It is important to note that the distances given in Part 1 and in the Methodology Flow Chart are the distances at which it is considered that the presence of a sensitive landscape or visual receptor might trigger an EIA.

The LVIA must assess all sensitive landscape and visual receptors within the study area required for the typology, with the exception of residential properties.

The study areas for residential visual amenity assessments should be 10x the blade tip height or as agreed in scoping .

# Part Two: Methodology for EIA Screening

## Cumulative Issues

An EIA may be required due to potential significant cumulative effects. The potential for a cumulative effect will depend on the proximity of other turbines and their height. For example an existing micro turbine might raise cumulative issues but only if it is within 2km.

The online wind turbine database categorises turbines according to their height and for CLVIA only the typologies are determined by height alone.

Table 3: Cumulative Search Areas sets out the distances at which different height turbines need to be considered in a CLVIA. For example an application for a medium typology development would need to consider the following operational, consented or in planning turbines:

- Micro turbines within 2km,
- Small turbines within 8km and
- Medium, large or very large turbines within 12km.

**Table 3: Cumulative Search Areas**

		Typology of Application Turbine(s)				
		Mi	S	M	L	VL
Height of Operational, Consented or in Planning Turbine(s)	Mi <25m	2km	2km	2km	2km	2km
	S <50m	2km	8km	8km	8km	8km
	M <80m	2km	8km	12km	12km	12km
	L <109	2km	8km	12km	17km	17km
	VL ≥109	2km	8km	12km	17km	23km

The distances given are the distance from the turbine(s) within the application development.

Turbines that are operational, consented or in planning (OCP) can be scoped out if they are outside the search area relevant to their height. For example no micro turbines beyond 2km need to be considered in CLVIA. For more details on cumulative search areas see Table 7 and Figure 3 in Part 3 of this Guidance.

The distances given in Table 3 are reflected in the information requested in Part 1. OCP turbines that fall within the relevant search areas must be considered in a CLVIA.

An EIA will be required if it is considered that the number of OCP turbines, or the presence of existing large scale infrastructure is likely to give rise to significant impacts.

Table 4 sets out the thresholds at which an EIA may be required on account of potential landscape and visual cumulative impacts with regard to other turbines or large scale infrastructure (e.g. pylons, motorways, major trunk roads and telecommunications masts). These thresholds are indicative only and applications must be judged on a case by case basis.

Large and very large developments will always require detailed LVIA and CLVIA.

**Table 4: Cumulative Thresholds : Other Infrastructure**

Typology	No. of Operational, consented and in planning turbines within cumulative search area	Occurrence of large scale infrastructure within cumulative search area
Micro	More than 5 turbines	2 or more within 10x blade tip height
Small	More than 10 turbines	2 or more within 1km
Medium	More than 15 turbines	2 or more within 1.5km



# Part Two: Methodology for EIA Screening

## Important Note

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This guidance is intended to help Developers and Local Planning Authorities decide on whether an EIA is required on account of likely significant landscape and visual effects.

Where it is determined that no EIA significant effects are likely and an EIA is not required this does not automatically imply that the effects that do occur are acceptable or that an application will be approved.

Landscape and visual effects that are not considered EIA significant may still be relevant to the planning balance to be struck between the benefits of the development and any identifiable harm.

# 3



Part three:

**Minimum requirements and standards of  
information to be submitted as part of  
an LVIA for both EIA and  
non-EIA applications**

# Part Three: Minimum Requirements and Standard of Information for LVIA's

## Section A: Information to be provided for all applications

### Scoping

Agreeing the scope of the LVIA is important both for EIA and non-EIA development. Parts 1 and 3 of this Guidance identify the information that will be required for each typology and should be used by Developers to inform Scoping Reports for LVIA. Parts 1 and 3 of this Guidance should also be used by Local Planning Officers when agreeing the scope of the LVIA. For ease of reference some of the Tables from Parts 1 and 2 have been repeated in Part 3.

Information	General Requirements
Details of turbine(s)	Typology (Table 2)
	Maximum height to blade tip
	Height to hub
	Rotor diameter
	Make and model of turbine where known
	Colour of blades, hub and tower
	Dimensioned elevations of the turbine
	A six figure easting and six figure northing grid reference for each turbine
Details of ancillary infrastructure	Details of any other structure, plant or engineering works that are proposed as part of the development including any new tracks and control buildings
	Details of grid connection where known and options/preferred route when not known.
Details of Construction Access	Details of any road construction/road improvement schemes beyond the site boundary required to provide construction access.
Plans	1:2,500 location plan
	1:500 site plan
	Plans to be based on an Ordnance Survey extract giving sufficient information to indicate the position of the application turbine(s) in the landscape and its relationship with other buildings, nearby dwellings, woodland, hedges, rivers and ponds.
	Plans should provide basic topographic information of the site and its surroundings in the form of contour lines.
	Access routes from the highway, routes to connect to the electricity network/grid and any associated building should be shown.
	Plan showing the study area (Table 2) at A3. The scale of the plan will be determined by the extent of Study Area required.

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# Part Three: Minimum Requirements and Standard of Information for LVIA's

## Section A: Information to be provided for all applications

Table 2: Typologies and Study Areas (Repeated from Part One)

TYPOLOGY	HEIGHT	TURBINE NUMBERS	STUDY AREA
	Turbines development in this typology will have a blade tip height of:	and will consist of:	
MICRO (Mi)	< 25m or roof mounted	Only one turbine	2km
SMALL (S)	< 50m	Three turbines or fewer	5km
MEDIUM (M)	< 80m	Four turbines or fewer	8km
LARGE (L)	< 109m	Five turbines or fewer	11km
VERY LARGE (VL)	≥109m	Any number of turbines	15km

Note: Any group of six or more turbines will belong to the very large development typology irrespective of the height of the turbines.

The study area, which is measured as a radius from the application turbine(s), is the minimum that will be required for a typical development. A larger study area may be required if particularly sensitive landscape / visual receptors are located beyond the study area. This may result in an asymmetrical study area and should be agreed on a case by case basis.

# Part Three: Minimum Requirements and Standard of Information for LVIA's

## Section B: Typology Specific requirements

Table 5: Information required for each Typology

Typology	Study Area	ZTV ①	Visualisations ③	Cumulative Assessment ⑤	Residential Study Area ⑥	Application of LANDMAP Data	Seascape Assessment
Micro (Mi) <25m	2km	No ②	Not required	Location plan Written assessment	10 x blade tip height	Identification of Aspect Areas within study area.	<p>Where the ZTV for the study area extends across coastal areas the Seascape Assessment of Wales (CCW 2009) and any other local seascape assessments should be taken into account</p> <p>① ② ③ ④ ⑤ ⑥ SEE FOLLOWING PAGE FOR EXPLANATORY NOTES</p>
Small (S) <50m 1 Turbine or fewer	5km	Yes	3-5 visualisations. If EIA is required the location and number of visualisations will be agreed in scoping. Wirelines without photomontages may be acceptable. ④	Location plan. Cumulative ZTV may be required. Cumulative wirelines / photomontages may be required. Written assessment.	10 x blade tip height	All aspect areas affected by the footprint of the development should be considered in detail. Aspect areas outside the site should be considered in line with LANDMAP Guidance Note 3: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines. (See Part 3: Section C of this guidance).	
Medium (M) 27m 4 Turbines or fewer	8km	Yes	5-7 visualisations. If EIA is required the location and number of visualisations will be agreed in scoping. Wirelines without photomontages may be acceptable.	Location plan. Cumulative ZTV likely to be required. Cumulative wirelines / photomontages likely to be required. Written assessment.	10 x blade tip height	LANDMAP Guidance Note 3: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines provides more detailed guidance (See Part 3: Section C of this guidance).	
Large (L) <109m 5 Turbines or fewer	11km	Yes	The location and number of visualisations will be agreed in scoping. Photomontages and wirelines required.	Location plan. Cumulative ZTV Cumulative wirelines / photomontages required. Full CLVIA.	10 x blade tip height or as agreed in scoping		
Very Large (VL) ≥109m more than 6 Turbines	15km	Yes	The location and number of visualisations will be agreed in scoping. Photomontages and wirelines.	Location plan. Cumulative ZTV. Cumulative wirelines / photomontages. Full CLVIA.	10 x blade tip height or as agreed in scoping		

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# Part Three: Minimum Requirements and Standard of Information for LVIA's

## Section B: Typology Specific requirements

### Notes

1

The **Zone of Theoretical Visibility** (ZTV) is a computer generated plan that shows the visibility of the turbine(s) in the surrounding landscape.

ZTVs are based on topography and because they do not take into account screening elements within the landscape such as trees, woodland or buildings they indicate theoretical visibility only.

Sometimes significant screening elements in the landscape, such as settlements and woodlands are mapped to give a more accurate but still theoretical zone of visibility.

2

Micro schemes within 10x blade tip height of a statutorily designated landscape or a World Heritage Site may require a ZTV and visualisations.

3

All locations chosen for visualisations must be within the area where the ZTV indicates that the turbine(s) may be visible.

Visualisations should be representative of the study area and should illustrate a range of distances from the turbine(s). However it is essential that the area closest to the turbine(s) is well represented.

Visualisations should be prepared with reference to either the current Scottish Natural Heritage Guidance or the current Highlands Council Guidance.

Single turbines and small groups of turbines will not usually require panoramic photomontages.

The location of viewpoints and visualisations will need to be agreed with the planning authority.

4

Both wirelines and photomontages must be accompanied by a photograph of the existing landscape.

Where wirelines are presented without an accompanying photomontage they should be superimposed on a photograph.

5

For cumulative search areas see Table 3.

For detailed Guidance on CLVIA see *Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity guidance* prepared for Carmarthenshire County Council, Pembrokeshire Coast National Park Authority, and Pembrokeshire County Council 2013. (See Part 3: Section D of this guidance)

6

The Residential Study Area is the area within which a residential visual amenity assessment should be undertaken. Properties just beyond 10x the height to blade tip should be included if clear visibility is indicated. If micro-siting allowances are being proposed the study area should be increased proportionately.

# Part Three: Minimum Requirements and Standard of Information for LVIA

## Section C: LVIA Guidance

### Key Guidance

Where a wind turbine landscape sensitivity study has been undertaken for the area in which the turbine is proposed it must be considered in the LVIA. Consideration must be given to the methodology used in the preparation of the relevant sensitivity study.

A range of guidance for the preparation of LVIA and CLVIA is available most of which is available online. There are two key documents with regard to wind turbine development in Wales:

- *Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3)*, Landscape Institute and IEMA, 2013 (not available online) provides general guidance on best practice with regard to both LVIA and CLVIA.
- *LANDMAP Guidance Note 3: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines (Guidance Note 3)* is specific to Wales and to wind turbine development.

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### *Guidelines for Landscape and Visual Impact Assessment Third Edition (GLVIA3)*

*Guidelines for Landscape and Visual Impact Assessment:*

- sets out the key principles behind LVIA;
- stresses the importance of proportionality; the length and detail of the assessments should reflect the scale of the development and the sensitivity of the receptors;
- encourages the use of narrative text and analysis; and
- recommends that tables and matrices should be used to support and summarise the descriptive text not to replace it.

Scoping Reports should indicate that they have understood the principles of GLVIA3 and that these principles will be reflected in the assessment.

Establishing the baseline landscape and visual conditions is the first task of an LVIA. In Wales establishing the baseline condition will be informed by an analysis of LANDMAP data alongside any published landscape character assessments. Site survey work is essential to confirm the baseline landscape and visual conditions against which the changes will be assessed.

Landscape effects are effects on the landscape as a resource and on the character of the landscape. Landscape effects should be considered separately to visual effects, which are effects on visual amenity as experienced by people. However, the key effect of wind turbine development on the character of the landscape is as a result of visual changes and the analysis of visual change will inform both the landscape and visual assessment.

Assessing the significance of landscape and visual effects is a matter of judgement. It is essential that the basis of such judgements is clearly expressed so that the underlying assumptions and reasoning can be understood.

A step-by-step approach should be taken to making judgements of significance combining judgements about the sensitivity of the receptor and the magnitude of change.

The LVIA, the CLVIA and the residential visual amenity assessment should be prepared in a manner that will help decision makers understand the significance of proposed changes to the landscape and to visual amenity.

# Part Three: Minimum Requirements and Standard of Information for LVIAs

## Section C: LVIA Guidance

### *LANDMAP Guidance Note 3: Using LANDMAP for Landscape and Visual Impact Assessment of Onshore Wind Turbines (Guidance Note 3)*

#### General principles

LANDMAP consists of five spatial layers that are divided up into discrete geographical units (polygons in GIS) known as aspect areas. The five spatial layers are Cultural Landscape, Geological Landscape, Historic Landscape, Landscape Habitats and Visual & Sensory. Together they form a complete all-Wales GIS based landscape resource where landscape characteristics and qualities, and influences on the landscape are recorded and evaluated within a nationally consistent dataset.

LANDMAP Guidance Note 3: sets out the essential role of LANDMAP in the LVIA/ EIA process, including at the scoping stage; provides advice on the geographical area to assess; and advises that larger study areas may be required for particularly sensitive receptors such as National Parks and Areas of Outstanding Natural Beauty

Key principles that underpin the use of LANDMAP when undertaking a wind turbine development LVIA are:

- all five aspect layers should be considered in the assessment;
- the study areas for the different aspect layers will vary; and
- the ZTV and the LANDMAP database should be used to identify where turbines would be visible from aspect areas with high or outstanding evaluations. Other aspect areas may not require consideration in the detailed assessment.

Landscape effects on access routes should be assessed as road widening or straightening may have direct impacts on the landscape as well as effects on the existing character of the landscape.

#### Initial consideration

All aspect areas in which the turbine(s) is located must be considered in the initial assessment

For the Cultural Landscape, Geological Landscape and Landscape Habitat aspect layers only the aspect area in which the turbine(s) is located, or the immediately adjacent aspect areas, will require consideration.

For the Historic Landscape and Visual & Sensory aspect layers all aspect areas within the study area, as defined in this guidance, should be considered.

#### Detailed consideration

All aspect areas in which the turbine(s) is located must be considered in the assessment.

A ZTV should be used to scope out aspect areas within the study area, as defined in this guidance, where there is either no visibility or very limited visibility

Aspect areas can be scoped out of the detailed assessment if they:

- do not have an overall evaluation of high or outstanding;
- do not have an evaluation of high or outstanding for scenic quality or character in the Visual and Sensory layer; and
- no turbines are located within them.

Guidance Note 3 includes a summary of the approach. Table 6 has been adapted from Guidance Note 3 but reflects the fact that this Guidance is primarily intended for smaller scale wind turbine development.

The LANDMAP website should be checked for the current version of Guidance Note 3.

It is essential that the LVIA analyses and interprets the LANDMAP data and does not merely quote from it. The quality of LANDMAP data can be variable.



# Part Three: Minimum Requirements and Standard of Information for LVIAs

## Section C: LVIA Guidance

Table 6: LANDMAP Aspect Areas to be consider in LVIA

Aspect	Aspect areas to be considered	Typical study area radius	Identification of adjacent aspect areas for detailed assessment. All aspects areas in which the turbine(s) is located must be considered regardless of the evaluation.	Useful thematic maps to inform study (can be overlaid with ZTV)
Cultural Landscape	Aspect area in which the turbine(s) is located. Immediately adjacent aspect areas where a special relationship is identified.	>2.5km	Outstanding or high for: <ul style="list-style-type: none"> <li>Overall evaluation</li> </ul>	Overall evaluation
Geological Landscape	Aspect area in which the turbine(s) is located. Immediately adjacent aspect areas where a special relationship is identified.	>2.5km	Outstanding or high for: <ul style="list-style-type: none"> <li>Overall evaluation</li> </ul>	Overall evaluation Rarity/uniqueness
Landscape Habitats	Aspect area in which the turbine(s) is located. Immediately adjacent aspect area if connectivity / cohesion is identified.	>2.5km	Outstanding or high for: <ul style="list-style-type: none"> <li>Overall evaluation</li> </ul>	Overall evaluation Connectivity/cohesion
Visual and Sensory	Aspects areas from which the development would be visible.	Study area according to typology as defined in Table 2	Outstanding or high in any of the following: <ul style="list-style-type: none"> <li>Scenic quality</li> <li>Character</li> <li>Overall evaluation</li> </ul>	Overall evaluation Scenic quality Character
Historic Landscape	Aspects areas from which the development would be visible.	Study area according to typology as defined in Table 2	Outstanding or high for: <ul style="list-style-type: none"> <li>Overall evaluation</li> </ul>	Overall evaluation

# Part Three: Minimum Requirements and Standard of Information for LVIAs

## Section C: LVIA Guidance

### Other useful guidance

*Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity guidance*  
Carmarthenshire County Council, Pembrokeshire Coast National Park Authority, Pembrokeshire County Council 2013

This guidance is considered in more detail in the following section on cumulative assessments.

*Designing Wind Farms in Wales*  
Design Commission for Wales 2012

The purpose of this document is to set out the design objectives and considerations for the sensitive development of large scale wind farms and ancillary development in Wales. Although the current guidance is concerned with smaller scale developments some of the principles in *Designing Wind Farms in Wales*, in particular those within the section on cumulative impacts, are relevant to smaller developments.

### Scottish Guidance

A number of guidance documents have been produced by Scottish Natural Heritage. These are specific to Scotland and the Scottish landscape and cover issues other than landscape and visual impact assessment. Some of them have been prepared with larger scale wind farm developments in mind. However, many of the principles are relevant to wind turbine development in Wales. In particular the following documents are useful:

*Siting and designing windfarms in the landscape, Version 2*  
Scottish Natural Heritage 2014

*Siting and design for small scale wind turbines between 15 and 50 metres in height*  
Scottish Natural Heritage 2012

*Assessing the Cumulative Impact of Onshore Wind Energy Developments*  
Scottish Natural Heritage 2012

### Photomontage Guidance

There are currently two sets of guidance with regard to the preparation of wind turbine photomontages and an advice note from the Landscape Institute on the general use of Photography and Photomontages in Landscape and Visual Assessment. Both sets of guidance are for wind turbine development in Scotland and the Scottish Natural Heritage guidance is intended for commercial scale wind farms. However both provide useful advice for the preparation of photomontages for smaller scale wind turbines and photomontages prepared according to either guidance would be acceptable.

Both sets of guidance recommend that photomontages should be around 24-26cm in height.

*Visual Representation of Wind Farms Version 2.1*  
Scottish Natural Heritage (December 2014)

*Visualisation Standards for Wind Energy Developments*  
The Highland Council (2013)

*Photography and Photomontages in Landscape and Visual Assessment* Landscape Institute (2011) Landscape Institute Advice Note 01/11

# Part Three: Minimum Requirements and Standard of Information for LVIA

## Section D: Cumulative Assessment

### Cumulative Landscape and Visual Impact Assessment

All wind turbine development applications need to consider whether a CLVIA is required. A CLVIA will be required if there are operational, consented or in planning turbines (OCP) within the defined search areas set out in **Table 7: Cumulative Study and Search Areas**.

There are two principles underlying Table 7:

- The potential for cumulative impacts is a function of both distance and the height of the turbines. Therefore smaller turbines only need to be considered when they are close to the application turbine(s). Larger turbines potentially have a landscape and visual effect over a much greater distances and therefore it is necessary to consider larger turbines at greater distances from the application turbine(s). The Online Database should enable a quick identification of OCP turbines of different heights.
- Turbines located beyond the study area may have cumulative impacts within the study area. Therefore the area of search is larger than the study area.

Table 7 sets out the search areas for cumulative assessments. Figure 3 provides a diagrammatic representation of how developments outside the study area may give rise to cumulative impacts within it.

The methodology for undertaking a cumulative assessment should be based on the approach set out in *Pembrokeshire and Carmarthenshire: Cumulative Impact of Wind Turbines on Landscape and Visual Amenity guidance* (Pembrokeshire and Carmarthenshire CLVIA guidance) prepared for Carmarthenshire County Council, Pembrokeshire Coast National Park Authority, and Pembrokeshire County Council 2013. CLVIAs should also reflect best practice as set out in GLVIA3.

Figure 3 is derived from Figure 6 of the Pembrokeshire and Carmarthenshire CLVIA guidance.

Developers should refer to the approach adopted in that guidance when undertaking a cumulative assessment although the search and study areas considered should be as set out in this guidance.

### Landscape Objectives

The Pembrokeshire and Carmarthenshire CLVIA guidance sets out a number of key objectives for the landscape which have been largely adopted for this guidance.

The key objectives are:

- To maintain the integrity and quality of landscape character within nationally designated landscapes:
  - no significant adverse change to the special qualities and sensitive characteristics from cumulative wind turbine development. The threshold for acceptable change in these areas is likely to be low.*
- In other landscapes outside the strategic search areas, to maintain the landscape character:
  - no significant adverse change in landscape character from cumulative wind turbine development. Significant change here is taken to mean where wind turbines become either the dominant or a key characteristic of a landscape, depending on its sensitivity which shall be defined by the assessment.*
- Within the strategic search area, to accept landscape change:
  - significant change in the landscape character from wind turbine development although not all areas may be suitable and there is still a role for best positioning in the landscape.*
- To avoid development which, in combination, creates the experience of a settlement being in a wind turbine landscape, such as wind turbines on two or more sides.
- To avoid development cumulatively creating significant adverse effects on sensitive landscape or visual receptors as defined in Part 2 of this guidance.
- To avoid turbines of markedly different designs or scales being located or viewed in juxtaposition with each other.
- To avoid significant adverse effects when viewed in conjunction with other types of development.

# Part Three: Minimum Requirements and Standard of Information for LVIA's

## Section D: Cumulative Assessment

Table 7: Study Areas and Cumulative Search Areas

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The distances given are the distance from the turbine(s) within the application development.

		Typology of Application Turbine(s)				
		Mi	S	M	L	VL
		2km	5km	8km	11km	15km
Height of Operational, Consented or in Planning Turbine(s)	Mi <25m	2km	2km	2km	2km	2km
	S <50m	2km	8km	8km	8km	8km
	M <80m	2km	8km	12km	12km	12km
	L <109	2km	8km	12km	17km	17km
	VL ≥109	2km	8km	12km	17km	23km

STUDY AREA FOR APPLICATION DEVELOPMENT

SEARCH AREA FOR OPERATIONAL, CONSENTED OR IN PLANNING TURBINES

Turbines that are operational, consented or in planning can be scoped out if they are outside the search area relevant to their typology.

For example:

- no micro turbines beyond 2km need to be considered in CLVIA;
- no small turbines beyond 8km needs to be considered in CLVIA;
- no medium turbines beyond 12km need to be considered in CLVIA.

An application for a large development would need to consider the following operational consented or in planning turbines

- micro turbines within 2km;
- small turbines within 8km;
- medium turbines within 12km; and
- large or very large turbines within 17km

The study area is the minimum that will be required for a typical development.

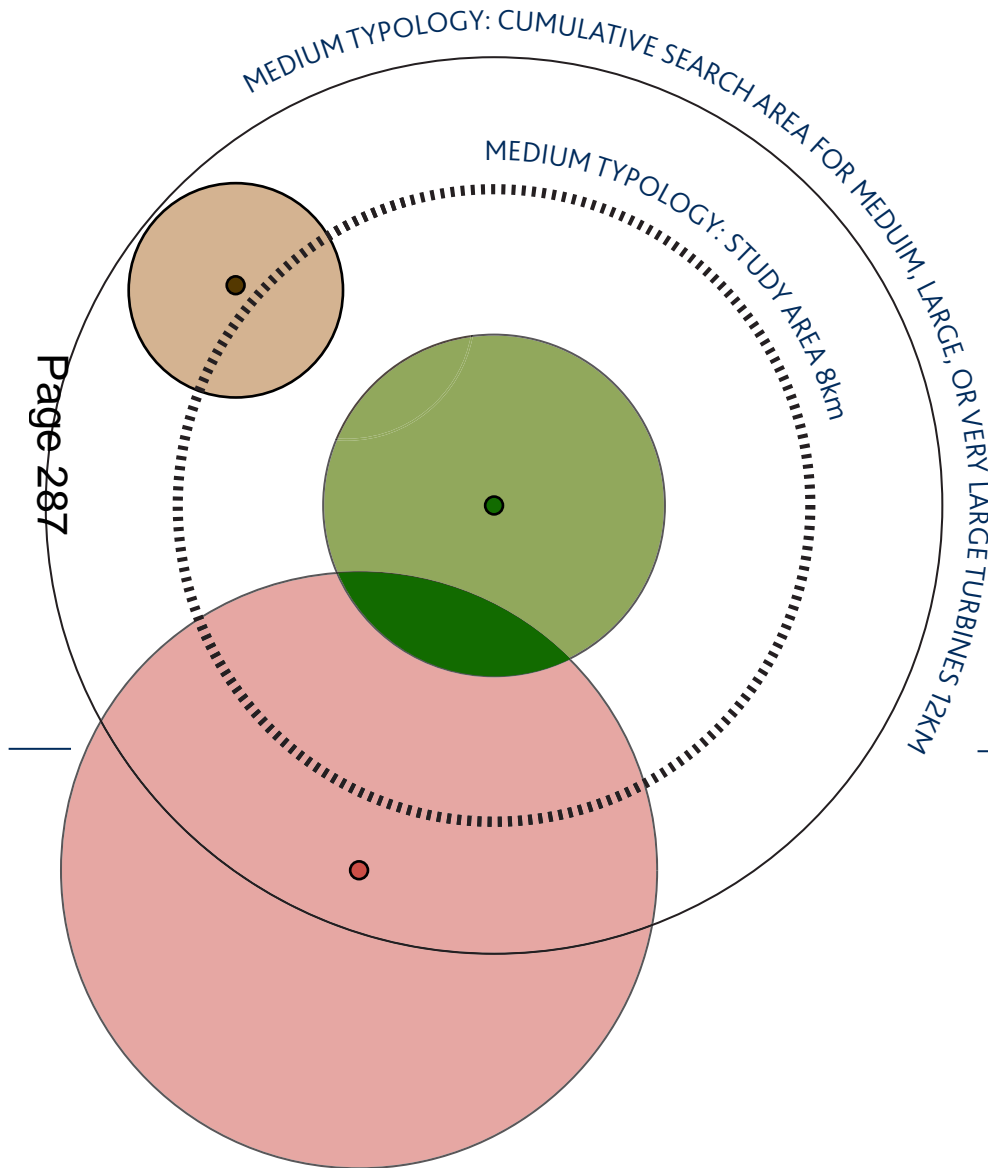
A larger study area may be required if particularly sensitive landscape / visual receptors are located just beyond the study area.

This may result in an asymmetrical study area and should be agreed on a case by case basis.

# Part Three: Minimum Requirements and Standard of Information for LVIA

## Section D: Cumulative Assessment

Figure 3 - Diagrammatic representation of Search and Study Areas for a medium typology



### Search and Study Areas

The assessment of cumulative landscape and visual effects needs to look beyond the Study Area identified for the LVIA.

Figure 3 illustrates the LVIA study area for a medium typology development and the CLVIA search area. Only effects that occur within the study area are assessed but these may be as a consequence of development that is located outside the study area. The search area represents the area where it is considered possible that the presence of other developments may result in a cumulative impact.

In the example represented diagrammatically on Figure 3 the coloured circle for each turbine represents the area within which the assessment concludes that significant effects occur. The overlap between the coloured areas represents where the assessment concludes that significant cumulative effects occur. The very large turbine is outside the study area but results in cumulative effects within in. A small turbine at the same distance has no overlap and does not result in cumulative effects.

A search area for operational, consented and in planning turbines will always be larger than the study area in which the effects occur. The greater the height of the turbine the more extensive the required search area will be.

- Medium turbine subject of planning application
- Small turbine
- Very large turbine

# Part Three: Minimum Requirements and Standard of Information for LVIA's

## Section D: Cumulative Assessment

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The cumulative landscape assessment should provide an assessment of combined and additional cumulative landscape effects focussing mainly on interaction with closest turbines. The assessment should identify:

- whether the turbines combined change the landscape character of an area and if so identify the contribution made by the application turbine(s) to that change; and
- whether the combined turbines meet the objective for the area.

Section 3 of the Pembrokeshire and Carmarthenshire CLVIA guidance provides additional guidance.

The cumulative visual assessment should provide an assessment of cumulative visual effects focussing mainly on interaction with the closest turbines. The assessment should identify:

- whether the application turbine(s) is intervisible with other turbines from key viewpoints;
- the visual effect where there is intervisibility; and
- whether the application turbine(s) with others meet the objectives for the area.

Section 4 of the Pembrokeshire and Carmarthenshire CLVIA guidance provides additional guidance.

The cumulative visual assessment should provide an assessment of sequential effects on potentially sensitive receptors, such as users of National Trails. The assessment should consider the effects on a sensitive receptor making a journey along a National Trail, for example, where more than one wind turbine development can be seen, one after the other over a period of time. Sequential effects will concern users of linear routes and these may extend beyond both the study area and the search area.

The CLVIA should include an assessment of cumulative effects that might arise from other large scale infrastructure. The following issues should be considered:

- whether there is any visual conflict or confusion with other large scale infrastructure such as pylons; and
- whether the addition of the application turbine(s) changes the character of the landscape such that large scale infrastructure, including wind turbine development, becomes the defining characteristic.

Section 6 of the Pembrokeshire and Carmarthenshire CLVIA guidance provides additional guidance.

# References

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## How to access Online Wind Turbine Database for South East Wales

To view the Online Database map please click on the link below:

[Online Wind Turbine Database for South East Wales](#)

Please note that you require Chrome (or a browser that supports HTML 5) to view the map to ensure you have the full functionality.

If the link above does not work the Online Database map can be found on the GIScloud website, <http://www.giscloud.com/>. You will need to register to use the site but it is free.

On the home page choose *Create, upload, author, publish & share my spatial data* and click on **Start**. Search for wind turbines and you will find the Wind turbines in South East Wales map.

The database will be updated every 3 months. In future further information on screening opinions, refusals, withdrawn and expired planning applications will be added.

Minor correction to Table 1 June 2015

## Commissioning of this Guidance

This guidance was funded by the Welsh Government's Planning Improvements Fund.

The development of the project came about in the following way; The project was raised as an issue by the South Wales Landscape Liaison Group and discussions were then developed through a Renewable Task and Finish group focusing on particular concerns raised by Heads of Valleys Landscape Officers and Planners. It was agreed that Blaenau Gwent County Borough Council would submit the application on behalf of the South Wales Landscape Liaison Group working jointly with Monmouthshire County Council to deliver the proposal.

The South Wales Landscape Liaison Group (comprising representatives of 13 local authorities, 2 National Parks and representatives of National Resources Wales (NRW) and the Welsh Government) assisted in developing the project.

This guidance was prepared by Gillespies LLP in consultation with a project team identified for the commission.

## Members of the South Wales Landscape Liaison Group

Blaenau Gwent	Bridgend
Brecon Beacons NP	Caerphilly
Cardiff	Carmarthenshire
Merthyr Tydfil	Monmouthshire
NRW	Neath Port Talbot
Newport	Pembrokeshire
Pembrokeshire NP	Rhondda Cynon Taf
Torfaen	Vale of Glamorgan

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## Future Generations Evaluation (includes Equalities and Sustainability Impact Assessments)

<p><b>Name of the Officer</b> completing the evaluation</p> <p>Martin Davies  <b>Phone no:</b>01633 644826  <b>E-mail:</b></p>	<p><b>Please give a brief description of the aims of the proposal</b></p> <p>The Local Development Plan (LDP), which was adopted on 27 February 2014, sets out the Council’s vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out guidance on the way in which the policies of the LDP will be applied. The Renewable Energy and Energy Efficiency (REEE) SPG specifically sets out guidance to support LDP Policies S3, S12, SD1, SD2 and DES1(j) in order to help manage the process of promoting energy efficiency and moving to more renewable and low carbon energy generation as a means of mitigating the detrimental effects of climate change.</p>
<p><b>Name of Service</b></p> <p>Planning Policy</p>	<p><b>Date Future Generations Evaluation</b> form completed</p> <p>11/02/2016</p>

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***NB. Key strategies and documents that may help you identify your contribution to the wellbeing goals and sustainable development principles include: Single Integrated Plan, Continuance Agreement, Improvement Plan, Local Development Plan, People Strategy, Asset Management Plan, Green Infrastructure SPG, Welsh Language Standards, etc***



- 1. 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.

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><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p><b>Positive contribution.</b> The SPG seeks to promote use of low and zero carbon energy and energy efficiency measures, thereby securing efficient use of resources. REEE also offers potential economic benefits in relation to, for example, supporting the local green economy and providing low cost energy.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis.</p>
<p><b>A resilient Wales</b> Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p><b>Positive contribution.</b> The SPG seeks to promote use of low and zero carbon energy and energy efficiency measures, thereby offering considerable benefits in relation to mitigating against the adverse impacts of climate change.</p> <p><b>Negative contribution.</b> Renewable energy technologies can sometimes have adverse impacts on biodiversity and ecosystems.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis.</p> <p><b>Mitigate any negative impacts:</b> The SPG sets out criteria that need to be considered in assessing a development proposal and it will be ensured that biodiversity, landscape interests etc. are taken into account in determining planning applications.</p>
<p><b>A healthier Wales</b> People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p><b>Positive impact.</b> The SPG seeks to promote energy efficiency measures in home, thereby assisting in good health through providing warm, secure living conditions.</p> <p><b>Negative contribution.</b> Renewable energy technologies can sometimes have adverse effects on amenity, health, noise etc.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis.</p> <p><b>Mitigate any negative impacts:</b> The SPG sets out criteria that need to be considered in assessing a development proposal and it will be ensured that health and quality of life issues are properly considered in determining planning applications</p>
<p><b>A Wales of cohesive communities</b> Communities are attractive, viable, safe</p>	<p><b>Positive contribution.</b> The SPG seeks to promote opportunities for local communities to participate in</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully</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?
and well connected	REEE provision.	and that their effectiveness is monitored on an annual basis.
<p><b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p><b>Positive contribution</b> .The SPG seeks to promote use of low and zero carbon energy and energy efficiency measures, thereby contributing to overall global sustainability targets. The SPG supports the implementation of the Monmouthshire LDP, which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis.</p>
<p><b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p>The SPG has a neutral impact on culture, heritage and language.</p>	<p>N/A</p>
<p><b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances</p>	<p><b>Positive contribution</b> .The SPG seeks to promote energy efficiency measures, thereby reducing energy costs and avoiding fuel poverty.</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis.</p>

## 2. 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>The LDP covers the period 2011-21. The SPG supports the implementation of the LDP. 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.</p> <p>The SPG seeks to promote use of low and zero carbon energy and energy efficiency measures, thereby contributing to future aspirations to mitigate climate change and avoid the use of fossil fuels.</p>	<p>Ensure that the LDP and its policies have been subject to SA/SEA.</p>
 <p>Collaboration</p> <p>Working together with other partners to deliver objectives</p>	<p>The Draft SPG has been subject to a public consultation, targeted to those who are considered to have a specific interest in the topic but also including all town and community councils, notices in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified of the SPG should they wish.</p>	<p>The SPG is intended to provide guidance for emerging renewable and low carbon energy schemes at every scale from small householder to large standalone proposals. As such it is intended to be of use to a wide range of interested parties, including householders, developers, local communities, planning officers and councillors. It will be necessary therefore to ensure that its contents are widely disseminated and that interested parties have a stake in its implementation.</p>
 <p>Involvement</p> <p>Involving those with an interest and seeking their views</p>	<p>The Draft SPG has been subject to a public consultation, targeted to those who are considered to have a specific interest in the topic but also including all town and community councils, notices in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified of the SPG should they wish.</p>	<p>The SPG is intended to provide guidance for emerging renewable and low carbon energy schemes at every scale from small householder to large standalone proposals. As such it is intended to be of use to a wide range of interested parties, including householders, developers, local communities, planning officers and councillors. It will be necessary therefore to ensure that its contents are widely disseminated and that interested parties have a stake in its implementation.</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 data-bbox="136 453 277 483">Prevention</p> <p data-bbox="331 213 510 480">Putting resources into preventing problems occurring or getting worse</p>	<p data-bbox="533 213 1330 357">The SPG seeks to promote use of low and zero carbon energy and energy efficiency measures, thereby contributing to future aspirations to mitigate climate change and avoid the use of fossil fuels.</p>	<p data-bbox="1352 213 2123 309">Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis.</p>
 <p data-bbox="136 756 277 786">Integration</p> <p data-bbox="331 517 510 778">Considering impact on all wellbeing goals together and on other bodies</p>	<p data-bbox="533 517 1330 624">The SPG supports the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.</p>	<p data-bbox="1352 517 2123 644">The SPG supports the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.</p>

**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. For more detailed information on the protected characteristics, the Equality Act 2010 and the Welsh Language Standards that apply to Monmouthshire Council please follow this link: <http://hub/corporatedocs/Equalities/Forms/AllItems.aspx> or contact Alan Burkitt on 01633 644010 or [alanburkitt@monmouthshire.gov.uk](mailto:alanburkitt@monmouthshire.gov.uk)

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 below	None	See below
Disability	See below	None	See below

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?
Gender reassignment	See below	None	See below
Marriage or civil partnership	See below	None	See below
Pregnancy or maternity	See below	None	See below
Race	See below	None	See below
Religion or Belief	See below	None	See below
Sex	See below	None	See below
Sexual Orientation	See below	None	See below
Welsh Language	See below	None	See below

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?
<p><b>Positive:</b> The LDP should bring positive benefits to all members of Monmouthshire’s population through policies that seek to achieve the five main aims of the Welsh Spatial Plan, namely Building Sustainable Communities, Promoting a Sustainable Economy, Valuing our Environment, Achieving Sustainable Accessibility and Respecting Our Environment. All the policies of the plan have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives, including such matters as providing equitable access to jobs, services and facilities, allowing all people to meet their housing needs, protecting people from health risk and providing opportunities for healthy lifestyles, supporting all members of the community and promoting community cohesion. The adoption of SPG is a means of supporting and delivering the LDP. The SPG seeks to promote use of low and zero carbon energy and energy efficiency measures, thereby benefiting Monmouthshire residents through, e.g. reducing pollution, reducing energy costs, promoting economic development and contributing to broader environmental goals such as mitigating the effects of climate change.</p> <p><b>What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis</p>			

4. **Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities?** For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire’s Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

Safeguarding	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	N/A	N/A	
Corporate Parenting	N/A	N/A	

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

An extensive evidence base was established to support the LDP.  
 The evidence included a number of studies that have informed the LDP energy policies. The LDP has been subject to a Sustainability Appraisal/Strategic Environmental Assessment at every main stage.

**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?**

The main positive impacts of the SPG relate to the environmental benefits that arise from the promotion of low and zero carbon energy technologies and energy efficiency measures.

is recognized that individual energy projects can sometimes have adverse impacts on the local environment and residential amenity. The SPG sets out criteria that need to be considered in assessing a development proposal and it will assist in ensuring that environmental and quality of life issues are properly considered in determining planning applications

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

What are you going to do	When are you going to do it?	Who is responsible	Progress



**8. MONITORING:** The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.

The impacts of this proposal will be evaluated on:	A regular basis in the LDP Annual Monitoring Report, which will be presented to Council and Welsh Government and be publicly available.
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**9. VERSION CONTROL:** The Future Generations Evaluation should be used at the earliest stages of decision making, and then honed and refined throughout the decision making process. It is important to keep a record of this process so that we can demonstrate how we have considered and built in sustainable development wherever possible. N/A. The SPG supports the implementation of the Monmouthshire LDP, which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development. At each stage of the LDP preparation process amendments were made in accordance with the findings of the SA and SEA.

Version No.	Decision making stage	Date considered	Brief description of any amendments made following consideration

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**SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE**  
**MEETING: PLANNING COMMITTEE**  
**DATE: 1 MARCH 2016**  
**DIVISION/WARDS AFFECTED: ALL**

**1. PURPOSE:**

The purpose of this report is:

- 1.1 To advise Planning Committee of the results of the recent consultation on Draft Supplementary Planning Guidance (SPG) on Affordable Housing to support the policies of the Monmouthshire Local Development Plan (LDP).
- 1.2 To seek Planning Committee's endorsement of the SPG, with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP and to recommend to Cabinet and Council accordingly.

**2. RECOMMENDATIONS:**

- 2.1 To endorse the SPG with a view to it being formally adopted as SPG in connection with the Monmouthshire LDP to take effect from 1 April 2016 and to recommend to Cabinet and Council accordingly.

**3. KEY ISSUES:**

**3.1 Background**

This report was presented to Planning Committee on 2 February 2016 but was deferred to provide additional time for Members to consider the proposals. Subsequently, a Members' seminar on the Affordable Housing SPG took place on 9 February 2016.

- 3.2 Council endorsed Draft Affordable Housing SPG to be issued for consultation purposes on 22 January 2015. The report to Council (which was rearranged from 18 December 2014) is attached as **Appendix A**. The consultation took place for a period of 6 weeks from Thursday 19th February 2015 to Thursday 2nd April 2015. A notice was placed in the Monmouthshire Free Press on 18 February 2015 and 388 individual notifications were sent out to:

- Specific (including Town and Community Councils), General and Other consultees, as identified in the LDP Community Involvement Scheme;
- Residents who were on the LDP consultation data base and had specifically requested to be notified of the SPGs;
- Agents/developers who work in the Council area.

- 3.3 11 replies were received. These have been split into 41 representations that are summarised, together with the suggested Council response, in the Report of Consultation provided as **Appendix B**.

- 3.4 The main themes arising from the consultation are considered to be:

- 3.4.1 Objections to affordable housing requirement being based on the theoretical capacity of the site when a density of 30 dwellings per hectare is not achieved.

Response: It is recognised that it would be unreasonable to require a higher percentage of affordable housing than that set out in LDP Policy S4 if there were good reasons to justify a development not achieving 30 dwellings per hectare. Policy S4, however, does require that the capacity of a development site will be based on an achievable density of 30 dwellings per hectare. This figure will still be used to establish whether or not a development achieves the threshold that requires affordable housing to be provided on site. It is accepted, however, that the percentage of affordable housing required should be based on the 'agreed' capacity of the site rather than the 'theoretical' capacity and the text of the SPG has been amended accordingly.

3.4.2 Objections to the Council identifying a preferred Registered Social Landlord (RSL) for developers to work with.

Response: It is accepted that the Council cannot insist that a developer works with a specific RSL. There are sound reasons, however, for the Council's preference for working with the RSLs that are zoned for Monmouthshire. The paragraph stating that the Council will identify a preferred RSL (paragraph 5.3.3, formerly 6.3.4), therefore, has been amended to provide a more neutral wording that explains the position. Paragraph 5.12 (formerly 6.9) has also been amended for clarity.

3.4.3 Clarification is requested on when an affordable housing financial contribution on small sites will be payable because of concerns over cash flow issues.

Response: Concerns regarding potential cash flow issues for small businesses are recognised. The Council is content to adopt a flexible approach in such circumstances. An additional paragraph has been added to clarify this, stating that commuted sums are normally required when 70% of the units on site are completed and occupied but that this is open to negotiation should viability considerations make that necessary.

3.4.4 Queries on how the Affordable Housing financial contribution is calculated.

Response: A number of detailed queries on this issue are addressed in the Report of Consultation. Some additional text has been added to the SPG to try and better explain the process.

3.4.5 Queries over neutral tenure requirements and the relationship with Policy SAH11 sites (rural housing allocations).

Response: It is recognised that the way in which the draft SPG was written had potential for causing confusion. Section 6 of the SPG on the options for the delivery of affordable housing has been amended to deal with SAH11 sites under a separate heading. All general affordable housing will be required to be built to Welsh Government (WG) Development Quality Requirements (DQR) and be neutral tenure. More flexibility will be offered in relation to SAH11 sites because of the more difficult viability issues. If intermediate housing products are provided on SAH11 sites the standard of construction would not necessarily be DQR but would be negotiated to a standard agreed by the Council and its RSL partners.

3.4.6 Objection to the lack of flexibility in the definitions of affordable housing.

Response: It is considered that the Council needs to follow the definitions in TAN2, which sets out affordable housing policies for Wales, notwithstanding that other approaches may be acceptable under English planning policy. In any event, the greatest need for affordable housing in Monmouthshire if people on the housing waiting list are to be accommodated is for housing for social rent. Provision of tenure neutral housing as set out in the SPG provides the flexibility to also achieve Low Cost Home Ownership. Other approaches are not considered to be appropriate for Monmouthshire as they will not be meeting the Council's housing need.

3.4.6 Objections to the viability implications of building affordable homes to DQR, commenting also that this requirement conflicts with the aim of ensuring that affordable units are indistinguishable from owner occupied homes.

Response: It is considered essential that DQR is achieved on neutral tenure properties (which is what the Council requires to meet its housing need) to achieve appropriate design, space standards and quality of new homes. Just because an affordable home is larger than a market home does not mean that it cannot be indistinguishable in terms of its external appearance, such as materials and elevational treatment. Should developers be able to demonstrate that the requirement for DQR would have an adverse impact on viability then the percentage affordable housing requirement can be renegotiated (as allowed for in LDP Policy S4, which states that the 35% and 25% requirements are 'subject to appropriate viability assessment').

3.4.7 Objections to the viability implications of the proposed percentage payments to developers for the transfer of affordable housing to RSLs (42% of WG Acceptable Cost Guidance (ACG)).

Response: The greatest need for affordable housing in Monmouthshire if people on the housing waiting list are to be accommodated is for housing for social rent. The maximum that an RSL can afford to pay based on the rental income they would receive from the properties is 42% of Welsh Government Acceptable Cost Guidance (ACG). Whilst the developer would receive a higher percentage of ACG for Intermediate Rent, for instance, this would not be meeting housing need in Monmouthshire. It is considered essential that the 42% of ACG transfer rate remains in order to meet housing need in Monmouthshire. Should developers be able to demonstrate that this would have an adverse impact on viability then the percentage affordable housing requirement can be renegotiated (as allowed for in LDP Policy S4, which states that the 35% and 25% requirements are 'subject to appropriate viability assessment'). Further text has been added to paragraph 6.3.5 (new paragraph 5.3.4) to provide justification for the 42% transfer rate.

3.4.8 Concerns about the implications of 'pepper-potting'.

Response: It is considered that the principle of 'pepper-potting' is an important one. Nevertheless, there would be scope for flexibility in negotiating over design and layout if a developer argued a special justification. It is also recognised that the limit of 10 dwellings on a cluster of affordable homes may be overly restrictive and inflexible, particularly on a large scale development. It is recommended, therefore, that this figure be increased to 15.

3.4.9 The changes made in response to the objections referred to in paragraph 3.4.1 also have implications for the proposed approach to infill sites within Main Villages that are not allocations under Policy SAH11. Some revisions have been made to Section 4.4(D), therefore, to ensure consistency. There is also a need to provide clarity on how the suggested policy will be applied on larger sites in Main Villages where it is feasible to provide affordable housing on site.

3.4.10 A number of additional amendments have been made to the original consultation draft to update and provide greater clarity, including:

- Section 4, Monmouthshire Planning Policies on Affordable Housing, has been re-arranged and given additional paragraph numbering in an attempt to make the process for assessing affordable housing requirements clearer. This has been accompanied by the addition of Appendix 7, which provides a diagrammatic representation of the process.
- Section 5, Rural Exceptions Policy, has been merged with Section 4 and the remainder of the document renumbered.
- Examples of how affordable housing contributions are calculated have been moved from Section 4 to Appendix 6.
- Appendix 4, which provided an excerpt from the Community Infrastructure Levy Regulations to illustrate how the exemption for self-builders' paying affordable housing contributions would have been revised to include a standard

Section 106 agreement for the provision of Affordable Housing Financial Contributions

- An extra paragraph 5.11 has been added to clarify the position regarding service charges and ground rents.

3.4.11 This report on the adoption of the Affordable Housing SPG has been delayed in order that the viability implications of the policies that it introduces could be tested. The SPG sets out enhanced space standards to meet Welsh Government Design Quality Requirements, a revised housing mix and changes to percentage payments to developers for the transfer of affordable housing to Registered Social Landlords compared with what was tested in the initial viability report prepared to establish a charging schedule for a Community Infrastructure Levy (CIL). Potentially, these changed policies could have affected the amount of CIL that can be charged (and the percentage of affordable housing that can be achieved under LDP policy). In this respect, the revised viability testing has not indicated any adverse impacts on viability arising from the policies set out in the SPG.

3.5 An amended SPG, incorporating the changes arising from the issues identified above is attached as **Appendix C**.

### 3.6 Next steps

3.6.1 It is intended to report the revised Affordable Housing SPG, together with the results of the consultation, to Cabinet and Council with a view to seeking the formal adoption of the document as SPG to support the Monmouthshire LDP.

## 4. **REASONS:**

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The Affordable Housing SPG provides further explanation and guidance on the way in which the affordable housing policies of the LDP will be implemented.

## 5. **RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the publication of the SPG document. These will be within the existing Planning Policy budget.

5.2 A new funding stream will arise from processes introduced in association with the Affordable Housing SPG. LDP Policy S4, Affordable Housing, makes provision for financial contributions to be required to assist in funding affordable housing in the County where residential developments do not meet the thresholds for providing such housing on site. In addition, a process is set out in the SPG for requiring financial contributions in the exceptional circumstances where it is not appropriate or feasible to provide affordable housing on site.

## 6. **SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

6.1 These were considered in the report that was presented to Council on 22 January 2015 Council (rearranged from 18 December 2014) and which is attached as **Appendix A**.

6.2 A Future Generations Evaluation is attached.

## 7. **CONSULTEES**

- Head of Planning

- Senior Strategy & Policy Officer, Housing & Communities
- Strong Communities Select (16 July 2015)
- Cabinet
- SLT

**8. BACKGROUND PAPERS:**

- Monmouthshire Adopted LDP (February 2014)

**9. AUTHOR & 9. CONTACT DETAILS:**

Martin Davies (Planning Policy Manager).

**Tel:** 01633 644826.

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**APPENDIX A**

<b>SUBJECT: MONMOUTHSHIRE LOCAL DEVELOPMENT PLAN AFFORDABLE HOUSING SUPPLEMENTARY PLANNING GUIDANCE</b>
<b>MEETING: FULL COUNCIL</b>
<b>DATE: 18 DECEMBER 2014</b>
<b>DIVISION/WARDS AFFECTED: ALL</b>

**1. PURPOSE:**

- 1.1 The purpose of this report is to seek Council's endorsement of Draft Supplementary Planning Guidance (SPG) on Affordable Housing to support the policies of the Monmouthshire Local Development Plan (LDP), with a view to issuing for consultation purposes.

**2. RECOMMENDATIONS:**

- 2.1 Council endorse the Draft Affordable Housing SPG with a view to issuing for consultation purposes.

**3. KEY ISSUES:****3.1 Background**

The Monmouthshire County Council LDP 2011-2021 was adopted on 27 February 2014, superseding the Monmouthshire Unitary Development Plan (UDP), to become the adopted development plan for the County (excluding that part within the Brecon Beacons National Park). The LDP contains sufficient policies and proposals to provide the basis for deciding planning applications, and for determining conditions to be attached to planning permissions, but it was necessary to ensure that it avoided excessive detail. Selective use of SPG is a means of setting out more detailed thematic or site specific guidance on the way in which the policies of an LDP will be applied in particular circumstances or areas.

- 3.2 LDP Wales (2005) at paragraph 5.2 states that:

*'SPG does not form a part of the development plan but must be consistent with it. It may take the form of site specific guidance such as master plans, design guides or area development briefs, or thematic such as shopfront guidance or detailed car parking standards. It should be clearly cross-referenced to the relevant adopted plan policy or proposal, which it supplements, and may be issued separately from the plan. It should be made publicly available and its status made clear.'*

- 3.3 Paragraph 5.3 of LDP Wales further emphasises that SPG can be a material consideration in the determination of planning applications, provided that appropriate consultation has been undertaken and that it has been approved in accordance with the Council's decision making process:

*'While only the policies in the development plan have special status under section 38(6) of the 2004 Act in deciding planning applications, SPG may be taken into account as a material consideration. SPG should be prepared in accordance with an authority's CIS [Community Involvement Scheme]; consultation should involve the general public, businesses, and other interested parties and their views should be taken into account before the SPG is finalised. It should then be approved by a Council resolution. A statement of the consultation undertaken, the representations received and the authority's response to those representations should be made*

*available with the approved SPG, either in an annex or in a separate document. In making decisions on matters that come before it, the Assembly Government and the Planning Inspectorate will give substantial weight to approved SPG which derives out of and is consistent with the development plan, and has been prepared consistent with the above advice.'*

3.4 A programme for the preparation of SPG was endorsed by Planning Committee on 7 October 2014 and by Individual Cabinet Member decision on 22 October 2014

3.5 There is a need for Affordable Housing SPG as it has significant policy and/or financial implications for the implementation of the LDP. A number of allocated LDP sites are coming forward in the planning application process. The absence of adopted SPG does not prevent the Council achieving the required percentages of affordable housing as set out in LDP Policy S4 but it is obviously beneficial if appropriate guidance is provided to assist in the process. This is particularly advantageous in the case of rural housing allocations, which are covered by a new policy requiring them to provide 60% affordable housing, although, again, there has been a substantial amount of interest in a number of these sites, which to date are being progressed through pre-application discussions. A further new policy initiative in relation to affordable housing is that developments that fall below the threshold at which affordable housing is required on site are now required to make a financial contribution towards affordable housing provision in the locality. This is a matter that does require adopted SPG as it would be unreasonable to introduce this provision without appropriate consultation and a formal decision of the Council.

3.6 The Draft Affordable Housing SPG is attached to this report as an Appendix. The SPG provides background information on affordable housing issues, including national planning policy, the need for affordable housing in Monmouthshire, the planning application and negotiation process and LDP monitoring and targets. The main body of the SPG (Section 4) addresses seven types of situation where it is considered that further clarification is required:

- A) Where the affordable housing threshold of 5 or more is applicable, i.e. in Main Towns, Rural Secondary Settlements and Severnside Settlements.
- B) Where the affordable housing threshold is not met and financial contributions are required.
- C) Sites allocated in Main Villages under LDP Policy SAH11 with the specific purpose of providing 60% affordable housing.
- D) Other sites in Main Villages.
- E) Minor Villages.
- F) Conversions and sub-divisions in the open countryside.
- G) Departure applications in the open countryside.

A further policy area that requires explanation is the Affordable Housing Rural Exceptions policy (LDP Policy H7). A substantial part of the SPG (Section 6) also sets out the mechanisms that will be used to deliver affordable housing.

3.7 The SPG has been written with Housing & Communities, Senior Strategy and Policy Officer, with the assistance of the Rural Housing Enabler for Monmouthshire.

### 3.7 Next steps

3.7.1 As referred to in paragraph 3.3 above, for SPG to be given weight in the consideration of planning applications, appropriate consultation needs to be undertaken and any comments received should be taken into account in the Council's decision making process. Following a resolution to consult, targeted notifications will be sent to those considered to have an interest in the SPG topic, although all town and community councils will be consulted and notices will be placed in the press. Individuals and

organisations currently on the LDP consultation data base have been given the opportunity to request to be notified on some or all SPGs that they are interested in. All consultation replies will be analysed and responses/amendments reported for Members' consideration when seeking a resolution for the adoption of any SPG document.

#### **4. REASONS:**

4.1 Under the Planning Act (2004) and associated Regulations, all local planning authorities are required to produce a LDP. The Monmouthshire LDP was adopted on 27 February 2014 and decisions on planning applications are now being taken in accordance with policies and proposals in the LDP. The Affordable Housing SPG provides further explanation and guidance on the way in which the affordable housing policies of the LDP will be implemented.

#### **5. RESOURCE IMPLICATIONS:**

5.1 Officer time and costs associated with the preparation of the SPG document and carrying out the required consultation exercises. These will be within the existing Development Plans budget and carried out by existing staff.

5.2 A new funding stream will arise from processes introduced in association with the Affordable Housing SPG. LDP Policy S4, Affordable Housing, makes provision for financial contributions to be required to assist in funding affordable housing in the County where residential developments do not meet the thresholds for providing such housing on site. In addition, a process is set out in the SPG for requiring financial contributions in the exceptional circumstances where it is not appropriate or feasible to provide affordable housing on site.

#### **6. SUSTAINABLE DEVELOPMENT AND EQUALITY IMPLICATIONS:**

##### **6.1 Sustainable Development**

An integrated equality and sustainability impact assessment was carried out in connection with the Deposit LDP. Under the Planning Act (2004), the LDP was required, in any event, to be subject to a Sustainability Appraisal (SA). The role of the SA was to assess the extent to which the emerging planning policies would help to achieve the wider environmental, economic and social objectives of the LDP. The LPA also produced a Strategic Environmental Assessment (SEA) in accordance with the European Strategic Environment Assessment Directive 2001/42/EC; requiring the '*environmental assessment*' of certain plans and programmes prepared by local authorities, including LDP's. All stages of the LDP were subject to a SA/SEA, therefore, and the findings of the SA/SEA were used to inform the development of the LDP policies and site allocations in order to ensure that the LDP would be promoting sustainable development. This SPG is expanding and providing guidance on existing LDP affordable housing policies, which were prepared within a framework promoting sustainable development. In addition, affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.

##### **6.2 Equality**

6.2.1 The LDP was also subjected to an Equality Challenge process and due consideration given to the issues raised. As with the sustainable development implications considered above, the SPG is expanding and providing guidance on these existing LDP affordable housing policies, which were prepared within this framework. New SPG will be subject to Equality Impact Assessments to ensure that informed decisions

can be made. Where practicable and appropriate, consultation will include targeted involvement of those with the relevant protected characteristics.

6.2.2 Assessments of Equality Impact will be required throughout the Plan's implementation wherever there is likely to be significant impact. In this respect, the LDP will be subject to an Annual Monitoring Report that will include consideration of Equality Impacts.

**7. CONSULTEES**

- Strong Communities Select
- Planning Committee
- SLT
- Cabinet

**7. BACKGROUND PAPERS:**

- Monmouthshire Adopted LDP (February 2014)

**8. AUTHOR & 9. CONTACT DETAILS:**

Martin Davies (Development Plans Manager).

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**Draft Supplementary Planning Guidance  
Monmouthshire County Council Local Development Plan  
Affordable Housing  
Report of Consultation - January 2016**

Respondent Number	79	Representation Number	1
Respondent Name	Mr & Mrs Roach		
Respondent Organisation	Trustees of the late Mrs H M Langham		
Summary of Representation	<p>Question section C of paragraph 4.4 noting that villages are different in many respects and that generalisations should not be made in terms of their sustainability and capacity to absorb development. Affordable housing is needed in rural areas but not necessarily at higher rates than elsewhere. Market housing may also be needed in villages, e.g. for downsizing. Maximum of 15 dwellings does not offer flexibility. Those settlements that can sustain larger developments should not be restricted to 15 dwellings.</p>		
Requested Change	No specific change requested, as above.		
LPA Response	<p>Noted, the comments made relate to the policies set out within the LDP and not the SPG itself. The LDP Policies were adopted in February 2014 and as a consequence cannot be changed. The points raised are not issues that are relevant to consideration of the SPG but question the policies themselves which would be matters for any LDP review. The 60% affordable housing requirement on allocated sites in rural villages is not negotiable and this is set out in Policy S4 which requires 'at least' 60% to be affordable. The sole purpose for allocating these sites is to provide affordable housing for local people in rural areas. Without the provision of 60% affordable housing there is no justification for releasing these sites and anticipated land values should reflect this accordingly.</p>		
Recommendation	No change necessary.		

Respondent Number	79	Representation Number	2
Respondent Name	Mr & Mrs Roach		
Respondent Organisation	Trustees of the late Mrs H M Langham		
Summary of Representation	<p>Note that whilst the claim in sub-paragraph 6 of paragraph 4.4 (c) that the 60% affordable requirement will still provide land values sufficient to bring sites forward may be theoretically true it has not been in practice in relation to the allocated Mathern site. Developers are discouraged as the site is too small and is not a commercially viable proposition as they consider the 60% ratio of affordable housing prohibitive. Suggest a larger allocation would cause no disruption to Mathern or change the character of the settlement. The 60% affordable home requirement is too prohibitive.</p>		
Requested Change	No specific change requested, as above.		
LPA Response	<p>Noted, the comments made relate to a specific site allocation within the LDP. The LDP Policies and Proposals Map were adopted in February 2014 and as a consequence cannot be changed. The points raised are not issues that are relevant to consideration of the SPG but question the policies themselves which would be matters for any LDP review. The 60% affordable housing requirement on allocated sites in rural villages is not negotiable and this is set out in Policy S4 which requires 'at least' 60% to be affordable. The sole purpose for allocating these sites is to provide affordable housing for local people in rural areas. Without the provision of 60% affordable housing there is no justification for releasing these sites and anticipated land values should reflect this accordingly.</p>		
Recommendation	No change necessary.		

Respondent Number	80	Representation Number	1
Respondent Name	Rachael Bust		
Respondent Organisation	The Coal Authority		
Summary of Representation	No specific comments to make.		
Requested Change	No change requested.		
LPA Response	Comment noted.		
Recommendation	No change necessary.		

Respondent Number	165	Representation Number	1
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	<p>Definitions are used in the SPG that come from a number of sources, need to move away from conventional and narrow views of what qualifies as affordable housing. Recommend the SPG retains a flexible and open mind to what can or might qualify as affordable housing in the County. Suggest the list is extended to refer to other forms of housing which may over time qualify as affordable housing including affordable rent models and simple discounted sale properties which may be particularly appropriate for Monmouthshire.</p>		
Requested Change	As noted above.		
LPA Response	<p>It is considered that the Council needs to follow the definitions in TAN2, which sets out affordable housing policies for Wales, notwithstanding that other approaches may be acceptable under English planning policy. In any event, the greatest need for affordable housing in Monmouthshire if people on the housing waiting list are to be accommodated is for housing for social rent. Provision of tenure neutral housing as set out in the SPG provides the flexibility to also achieve Low Cost Home Ownership. The approaches suggested by the representor are not considered to be appropriate for Monmouthshire as they will not be meeting the Council's housing need.</p>		
Recommendation	No change.		

Respondent Number	165	Representation Number	2
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	The use of general site densities to calculate default housing quotas for sites needs to be treated with caution, there may be reasons why some sites deliver lower or higher numbers, a fixed flat rate/general rule is not appropriate.		
Requested Change	No specific change requested.		
LPA Response	The point made by the representor is accepted. It is recognised that it would be unreasonable to require a higher percentage of affordable housing than that set out in LDP Policy S4 if there were good reasons to justify a development not achieving 30 dwellings per hectare. Policy S4, however, does require that the capacity of a development site will be based on an achievable density of 30 dwellings per hectare. This figure will still be used to establish whether or not a development achieves the threshold that requires affordable housing to be provided on site. It is accepted, however, that the percentage of affordable housing required should be based on the 'agreed' capacity of the site rather than the 'theoretical' capacity of 30 dph.		
Recommendation	<p>Amend the relevant paragraphs of the SPG as follows:</p> <p>If the capacity of the site is 5 or more dwellings then the affordable housing required to be provided on site is calculated at 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside settlements.</p> <p>Should the development not be achieving 30 dwellings per hectare and it is considered that there is not a material non-compliance with Policy DES1 i) then the affordable housing requirement should be calculated on the agreed capacity of the site.</p> <p>In determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up.)</p>		



Respondent Number	165	Representation Number	3
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	Welcome the bullet points relating to viability at the top of page 10. They reflect the need for sites to be treated as individual projects which will be charged with meeting multiple planning objectives. The paragraph focuses on the percentage of affordable housing that will need to be considered in this assessment of viability. The type of homes proposed and price at which they are transferred could be just as important in some cases.		
Requested Change	No specific change requested.		
LPA Response	Comment noted.		
Recommendation	No change.		

Respondent Number	165	Representation Number	4
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	The preference for pepper potting is understandable but should be tempered. Provision should be made for different approaches to distribution.		
Requested Change	No specific change requested.		
LPA Response	It is considered that the principle of 'pepper-potting' is an important one. Nevertheless, there would be scope for flexibility in negotiating over design and layout if a developer argued a special justification. It is also recognised that the limit of 10 dwellings on a cluster of affordable homes may be overly restrictive and inflexible, particularly on a large scale development. It is recommended, therefore, that this figure be increased to 15.		
Recommendation	Amend the second sentence in the paragraph on Layout and Design in Section 4.4A to read  Properties for affordable housing will normally be in clusters of 6-15 units, depending on the overall size of the development.		

Respondent Number	165	Representation Number	5
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	The definitions of affordable housing listed in Section 6 should be left a little open ended to allow other forms of housing to qualify in order to help provide people in need into new homes.		
Requested Change	As noted above.		
LPA Response	It is considered that the Council needs to follow the definitions in TAN2, which sets out affordable housing policies for Wales, notwithstanding that other approaches may be acceptable under English planning policy. In any event, the greatest need for affordable housing in Monmouthshire if people on the housing waiting list are to be accommodated is for housing for social rent. Provision of tenure neutral housing as set out in the SPG provides the flexibility to also achieve Low Cost Home Ownership. The approaches suggested by the representor are not considered to be appropriate for Monmouthshire as they will not be meeting the Council's housing need.		
Recommendation	No change.		

Respondent Number	165	Representation Number	6
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	<p>Concern with the requirement to build all affordable homes to DQR standard as this significantly increases the cost of provision and can reduce the amount of affordable housing a site can provide. Affordable homes could cover a larger area of the site and leaving less land for value generating development. Differentiation sits uneasily with a requirement for equality and similarity between affordable and market housing made elsewhere in the SPG. The DQR standard could remain as the objective/starting point but should not be enforced at all costs for all affordable housing.</p>		
Requested Change	No specific change requested.		
LPA Response	<p>It is considered essential that DQR is achieved on neutral tenure properties (which is what the Council requires to meet its housing need) to achieve appropriate design, space standards and quality of new homes. Just because an affordable home is larger than a market home does not mean that it cannot be indistinguishable in terms of its external appearance, such as materials and elevational treatment. Should developers be able to demonstrate that the requirement for DQR would have an adverse impact on viability then the percentage affordable housing requirement can be renegotiated (as allowed for in LDP Policy S4, which states that the 35% and 25% requirements are 'subject to appropriate viability assessment').</p>		
Recommendation	No change.		

Respondent Number	165	Representation Number	7
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	<p>The 42% level of ACG proposed has the potential to cancel out substantial value with the price secured for the property failing to cover basic costs resulting in a double deduction - with one coming from less income generated from the whole development to pay for opening up and the second being an actual loss on the build of affordable accommodation. Recent examples from within the County indicate that a more flexible approach to %ACG is necessary and acceptable, starting at a relatively low level for social rented but then increasing for Low Cost Home Ownership and increase again for intermediate properties. Cannot see the justification for a figure of 42% and suggest the SPG should not identify a single figure. Flexibility is vital if sites are to deliver affordable housing. Sites such as Fairfield Mabey require a flexible approach. Suggest the maximum/minimum ACG % figures are removed or a more explicit reference is provided to these rates in the two bullet points at the top of page 10.</p>		
Requested Change	As noted above.		
LPA Response	<p>The greatest need for affordable housing in Monmouthshire if people on the housing waiting list are to be accommodated is for housing for social rent. The maximum that an RSL can afford to pay based on the rental income they would receive from the properties is 42% of Welsh Government Acceptable Cost Guidance (ACG). Whilst the developer would receive a higher percentage of ACG for Intermediate Rent, this would not be meeting housing need in Monmouthshire. It is considered essential that the 42% of ACG transfer rate remains in order to meet housing need in Monmouthshire. Should developers be able to demonstrate that this would have an adverse impact on viability then the percentage affordable housing requirement can be renegotiated (as allowed for in LDP Policy S4, which states that the 35% and 25% requirements are 'subject to appropriate viability assessment'). Further text will be added to paragraph 6.3.5 (new paragraph 5.3.4) to provide justification for the 42% transfer rate.</p>		
Recommendation	<p>Amend paragraph 6.3.5 (new number 5.3.4) to read:</p> <p>5.3.4 The financial arrangements for the transfer of completed affordable housing units from the developer to the RSL are to be calculated using the current Acceptable Cost Guidance rates published by the Welsh Government's Housing Directorate. The percentage that the RSL can afford to pay, based on the rental income they would receive for the properties, is 42% of ACG. This leaves the landowner/developer to fund the 58% which in the past would have been covered by Social Housing Grant. The developer will then be expected to sell the properties to the RSL at this percentage rate. (This percentage rate does not apply to units delivered under Policy SAH11).</p>		

Respondent Number	165	Representation Number	8
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	Recommend the list of RSLs is removed or extended and is not imposed by the Council as suggested. This is at odds with national planning policy guidance.		
Requested Change	As noted above.		
LPA Response	It is accepted that the Council cannot insist that a developer works with a specific RSL. There are sound reasons, however, for the Council's preference for working with the RSLs that are zoned for Monmouthshire. It is recommended therefore that paragraph 6.3.4 is deleted but that it is replaced by a more neutral wording. Paragraph 6.9 should also be amended for clarity.		
Recommendation	<p>Replace paragraph 6.3.4 (new number 5.6.3) with the following:</p> <p>The Council has a long term commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social Housing Grant, specialisms of the Housing Associations and the long-term allocation of housing sites. The Council's preference is for developers to work with RSLs zoned by the Welsh Government for developing in Monmouthshire and it will normally allocate each site to its preferred RSL on the basis of the RSL's development capacity, other properties in the area, rental levels and other relevant issues. Should there be a need for specialist/purpose built disabled housing, for example, and an element of social housing grant was required the Council would only be able to allocate grant to a zoned RSL.</p> <p>Amend paragraph 6.9 (new paragraph 5.12) to read:</p> <p>There are currently three Registered Social Landlords zoned by the Welsh Government to operate within Monmouthshire. These are:</p> <p style="padding-left: 40px;">Melin Homes Monmouthshire Housing Association The Seren Group</p> <p>It should be noted that whilst these are the current zoned RSL partners in Monmouthshire, changing circumstances might result in the Council fostering different partnership links in the future and seeking approval from Welsh Government.</p>		

Respondent Number	165	Representation Number	9
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	Recommend implications of neutral tenure are explained, it is difficult to predict or see what financial impact this could have.		
Requested Change	As noted above.		
LPA Response	Amendments are suggested to add some additional explanation to the requirements for neutral tenure. Any viability implications arising from this will be dealt with on a site by site basis. A definition of neutral tenure is provided in paragraph 6.2 Types of Affordable Housing.		
Recommendation	<p>Amend paragraph 6.3.5 (new number 5.3.4) to read:</p> <p>5.3.4 The financial arrangements for the transfer of completed affordable housing units from the developer to the RSL are to be calculated using the current Acceptable Cost Guidance rates published by the Welsh Government's Housing Directorate. The percentage that the RSL can afford to pay, based on the rental income they would receive for the properties, is 42% of ACG. This leaves the landowner/developer to fund the 58% which in the past would have been covered by Social Housing Grant. The developer will then be expected to sell the properties to the RSL at this percentage rate. (This percentage rate does not apply to units delivered under Policy SAH11).</p>		

Respondent Number	165	Representation Number	10
Respondent Name	Tim Gent (Savills)		
Respondent Organisation	Mabey Bridge		
Summary of Representation	Recommend provision is made for decisions on affordable housing in full context of what each site is expected to deliver and the other dividends that development will deliver.		
Requested Change	As noted above.		
LPA Response	Comment noted. Each development will be assessed on its merits on a site by site basis. LDP Policy S7 does state that affordable housing will be given priority over other planning obligation requirements, once the infrastructure necessary to bring the site forward has been taken into account.		
Recommendation	No change.		

Respondent Number	184	Representation Number	1
Respondent Name	Christopher Knock (Agent)		
Respondent Organisation	Llangibby Estate		
Summary of Representation	In main villages set out in Policy S1 for 3 or more dwellings, 60% affordable housing is too high and will restrict development.		
Requested Change	No specific change requested.		
LPA Response	Noted, the LDP Policies were adopted in February 2014 and as a consequence cannot be changed. The draft SPG does however contain a specific section (4.4 D) relating to other sites in Main Villages, particularly small infill plots. The 60% affordable housing requirement on allocated sites in rural villages is not negotiable and this is set out in Policy S4 which requires 'at least' 60% to be affordable. The sole purpose for allocating these sites is to provide affordable housing for local people in rural areas. Without the provision of 60% affordable housing there is no justification for releasing these sites and anticipated land values should reflect this accordingly.		
Recommendation	No change necessary.		

Respondent Number	1380	Representation Number	1
Respondent Name	Mrs Lynne Morgan		
Respondent Organisation			
Summary of Representation	Concerned by emphasis given to affordable housing by the Council. Suggests priority should be placed on infrastructure, schools, hospitals and roads to which problems will be exacerbated with increased housing. Notes funds should be directed to these areas in preference to social housing. Refers to traffic problems in Chepstow.		
Requested Change	No specific change requested.		
LPA Response	Comment noted. The provision of affordable housing is a major priority of the Council and as such it is important for documents such as the SPG to provide clear guidance on how LDP policies and the planning system can improve the supply of affordable housing for local people.		
Recommendation	No change necessary.		

Respondent Number	2030	Representation Number	1
Respondent Name	Mr G Howells		
Respondent Organisation			
Summary of Representation	Desperate Need for Social Housing, particularly 1 bed flats. Should be high priority particularly for under 35s.		
Requested Change	No change requested		
LPA Response	Comment noted.		
Recommendation	No change necessary.		

Respondent Number	2862	Representation Number	1
Respondent Name	Simon Tofts		
Respondent Organisation	Blue Cedar Homes		
Summary of Representation	Support the need to seek affordable housing from new developments but suggest off site contributions could be used as an alternative to on site provision in relation to developments that address needs such as retirement housing. State C3 Sheltered/Retirement Housing should be exempt from providing on site affordable housing as higher building costs and a longer selling period make retirement housing less viable than new homes in general. Purchasers are often 'downsizing' from large family homes. This frees up family housing needed by younger families.		
Requested Change	C3 sheltered/retirement housing should be explicitly exempt from providing on-site affordable housing.		
LPA Response	Paragraph 6.6 recognises that on-site provision of affordable homes can be difficult in sheltered retirement housing schemes because of management issues and puts forward the option of making off-site financial contributions for affordable housing. It is recognised that there are viability issues with sheltered housing schemes and it is suggested that an additional paragraph be added to acknowledge this.		
Recommendation	<p>Add new paragraph 5.7:</p> <p>It is recognised that some specialist housing schemes such as Sheltered Housing may be challenging to deliver and any affordable housing contribution would be subject to viability. Should it be necessary the Council will commission an independent viability assessment.</p>		



Respondent Number	2883	Representation Number	1
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	<p>In relation to small sites financial contribution further clarification is required on:</p> <p>(1.1) Residual Value calculation, has any account been taken on the different values achieved across the borough?</p> <p>(1.2) Details of when the financial contribution is to be paid is required. Suggest that if it is required upfront/prior to sale/occupation the contribution would have to be borrowed. Question whether a small scale builder could borrow at this stage of the development.</p> <p>(1.3) Details of how and on what the money will be spent is required to provide confidence and justification of its requirement.</p>		
Requested Change	Details required on when the contribution will be required and how it will be spent.		
LPA Response	<p>(1.1)The commuted sum calculator can be used for different value areas in Monmouthshire. It also allows the user to input scheme specific values if these are available.</p> <p>(1.2)Concerns regarding potential cash flow issues for small businesses are recognised. The Council is content to adopt a flexible approach in such circumstances. It is recommended that an additional paragraph be added to clarify this.</p> <p>(1.3) The money raised through affordable housing contributions will be spent in the housing market area in which the development is located. It is recommended that an additional paragraph be added to clarify this.</p>		
Recommendation	<p>Add the following paragraphs:</p> <p>Commuted sums will be liable to be paid on completion and occupation of a percentage of units on site. This is normally 70% but will be open to negotiation should viability considerations make that necessary.</p> <p>Commuted sums gathered by the Council will be used to deliver affordable housing in the Housing Market Area (HMA) from which they are collected. The map below shows the three HMAs in Monmouthshire.</p>		

Respondent Number	2883	Representation Number	2
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	<p>With reference to paragraph 6.3.4, flexibility should be allowed for provision on site for a developer to choose their preferred RSL partner particularly where no grant is involved. The LPA should not impose a RSL as this would be contrary to national guidance set out in TAN2. There should be flexibility to agree use of a non-zoned RSL with regard to specialist provision.</p>		
Requested Change	No specific change required.		
LPA Response	<p>It is accepted that the Council cannot insist that a developer works with a specific RSL. There are sound reasons, however, for the Council's preference for working with the RSLs that are zoned for Monmouthshire. It is recommended therefore that paragraph 6.3.4 is deleted but that it is replaced by a more neutral wording. Paragraph 6.9 should also be amended for clarity.</p>		
Recommendation	<p>Replace paragraph 6.3.4 (new number 5.3.3) with the following:</p> <p>The Council has a long term commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social Housing Grant, specialisms of the Housing Associations and the long-term allocation of housing sites. The Council's preference is for developers to work with RSLs zoned by the Welsh Government for developing in Monmouthshire and it will normally allocate each site to its preferred RSL on the basis of the RSLs development capacity, other properties in the area, rental levels and other relevant issues. Should there be a need for specialist/purpose built disabled housing, for example, and an element of social housing grant was required the Council would only be able to allocate grant to a zoned RSL.</p> <p>Amend paragraph 6.9 (new number 5.12) to read:</p> <p>There are currently three Registered Social Landlords zoned by the Welsh Government to operate within Monmouthshire. These are:</p> <p style="text-align: center;">Melin Homes Monmouthshire Housing Association The Seren Group</p> <p>It should be noted that whilst these are the current zoned RSL partners in Monmouthshire, changing circumstances might result in the Council fostering different partnership links in the future and seeking approval from Welsh Government.</p>		

Respondent Number	2883	Representation Number	3
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	<p>Paragraph 4.4 (A) sub paragraph 2 stating 'check the site area and estimate the capacity of the site based on an assumed achievable density of 30 dwellings per hectare' should be changed. The site area should be based on net hectares and not gross hectares. Some flexibility should be considered around the 30dpha figure for example on heavily constrained or higher density brown field sites. Object to statement that 30dpha will be used for calculating affordable housing requirement where a development does not achieve this density, needs more flexibility.</p>		
Requested Change	<p>Suggest the wording be changed to 'Establish the net site area and calculate the capacity of the site based on an assumed achievable density of 30 dwellings per hectare'</p>		
LPA Response	<p>Subsequent paragraphs explain that the calculation will be based on net density, but it is agreed that that the amendment suggested by the representor would be helpful in providing further clarity.</p> <p>With regard to point regarding flexibility in determining affordable housing requirements rather than relying on the flat rate of 30 dph, it is recognised that it would be unreasonable to require a higher percentage of affordable housing than that set out in LDP Policy S4 if there were good reasons to justify a development not achieving 30 dwellings per hectare. Policy S4, however, does require that the capacity of a development site will be based on an achievable density of 30 dwellings per hectare. This figure will still be used to establish whether or not a development achieves the threshold that requires affordable housing to be provided on site. It is accepted, however, that the percentage of affordable housing required should be based on the 'agreed' capacity of the site rather than the 'theoretical' capacity.</p>		
Recommendation	<p>Amend the second paragraph of 4.4(A) to read:</p> <p>Establish the net site area and calculate the capacity of the site based on an assumed achievable density of 30 dwellings per hectare.</p> <p>Amend further paragraphs of Section 4.4(A) as follows:</p> <p>If the capacity of the site is 5 or more dwellings then the affordable housing required to be provided on site is calculated at 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside settlements.</p> <p>Should the development not be achieving 30 dwellings per hectare and it is considered that there is not a material non-compliance with Policy DES1 i) then the affordable housing requirement should be calculated on the agreed capacity of the site.</p> <p>In determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion</p>		

required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up.)

Respondent Number	2883	Representation Number	4
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	The section on viability testing needs to include advice on how an independent dispute resolution process would work where agreement cannot be reached, suggest wording that allows for a third party agreed by both sides.		
Requested Change	As noted above.		
LPA Response	If the Council has concerns regarding viability evidence submitted by developers it will appoint its own consultants to verify. It would be hoped that any disagreements could be resolved through negotiation and discussion. If the Council cannot accept the developer's figures then this could result in a refusal of a planning application and the matter could then be determined by a Planning Inspector on appeal. It is not considered appropriate to introduce a third party dispute resolution process.		
Recommendation	No change.		

Respondent Number	2883	Representation Number	5
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	<p>(1)Need clarity on what the financial contributions relate to in the model examples of calculations in 4.4 section B. It is not clear if the final calculation is per dwelling or per scheme. Taking the first example on page 11 the scheme without the affordable contribution would now make a profit of £82,000 of which £53,625 would now be the affordable contribution leaving a profit of £29,175 or £14,587 per property.</p> <p>(2)Seek clarification that the figures used are taken from information gathered from small house builders rather than national developers as it is the small house builders of below 5 units that will be affected by the calculation.</p>		
Requested Change	Further clarification sought as noted above.		
LPA Response	<p>(1)The contribution set out in the example is per scheme not per dwelling. The figures used by the representor are incorrect and based on a misunderstanding. The commuted sum calculator includes a developer return of 20% in its calculations. In the example this is 20% of the market value or £36,000 per market dwelling. It is accepted, however, that the wording of the examples is not clear and they will be re-written to try and avoid such misunderstanding. (The examples also reduce the amounts paid to the developer by 'on costs of 9%' This is an error and would not be applied in practice. In addition the Welsh Government Acceptable Cost Guidance figures have been updated.The examples, therefore, will be amended accordingly).</p> <p>(2)The developer return and marketing costs used are those agreed for the viability testing used to inform the affordable housing policy in the LDP. However, the calculator allows for variation in developer return and marketing costs if this can be justified by evidence.</p>		
Recommendation	The model examples to be amended to provide greater clarity, remove the reference to 'on-costs of 9%' and update the ACG figures.		

Respondent Number	2883	Representation Number	6
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	In relation to layout and design on page 10, question how the reference to 'pepper potting' would work in a flatted scheme, where preference would be to provide all in one block, or an area of a block served by its own core, to ease future management and transfer to a RSL.		
Requested Change	No specific change requested.		
LPA Response	This point is not considered to be applicable to Monmouthshire as the provision of large blocks of flats would not be appropriate as not in keeping with the rural nature of the County's rural towns. It is considered that the principle of 'pepper-potting' is an important one. Nevertheless, there would be scope for flexibility in negotiating over design and layout if a developer argued a special justification. It is also recognised that the limit of 10 dwellings on a cluster of affordable homes may be overly restrictive and inflexible, particularly on a large scale development. It is recommended, therefore, that this figure be increased to 15.		
Recommendation	<p>Amend the second sentence in the paragraph on Layout and Design in Section 4.4A to read</p> <p>Properties for affordable housing will normally be in clusters of 6-15 units, depending on the overall size of the development.</p>		

Respondent Number	2883	Representation Number	7
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	<p>(1)Suggest paragraph 6.3.1 contradicts 6.3 in relation to being built to DQR standard yet indistinguishable from private properties. Due to size differences and external layout requirements these will always look different to other private properties. It is understood that DQR compliance is only required if WG social housing grant is used in the scheme, suggest wording is amended to take account of this.</p> <p>(2)Para 6.3.2 says the same as 6.3.1 but states DQR only applies to social rented, need to clarify which paragraph is correct .</p>		
Requested Change	As noted above.		
LPA Response	<p>(1)It accepted that it is not a WG requirement to achieve its Design Quality Standard (DQR) if social housing grant is not being used. It is considered essential, however, that DQR is achieved on neutral tenure properties to achieve appropriate design, space standards and quality of new homes. Just because an affordable home is larger than a market home this does not mean that it cannot be indistinguishable in terms of its external appearance, such as materials and elevational treatment.</p> <p>(2) It is recognised that the way in which the draft SPG is written has potential for causing confusion, which appears to be the case in relation to this part of the representation. Paragraph 6.3.2 only deals with rural housing sites allocated under Policy SAH11. It is proposed, therefore, to re-write this section of the SPG to deal with SAH11 affordable housing under a separate heading. All general affordable housing will be required to be built to DQR standards and be neutral tenure. More flexibility will be offered in relation to SAH11 sites because of the more difficult viability issues. If intermediate housing products are provided on SAH11 sites the standard of construction would not necessarily be DQR but would be negotiated to a standard agreed by the Council and its RSL partners.</p>		
Recommendation	<p>Rearrange section 6 (new section 5) and add a new paragraph 5.10:</p> <p>5.10 Affordable housing delivered under Policy SAH11</p> <p>5.10.1 Affordable housing delivered under Policy SAH11 will be a mix of social rented units and intermediate housing depending on the local need identified by the Council. All units for social rent will be constructed to Welsh Government Design Quality Requirements, which includes Lifetime Homes. Intermediate housing will be constructed to a standard agreed by the Council and their RSL partners.</p> <p>5.10.2 Affordable housing delivered under Policy SAH11 will be transferred to the Council's preferred RSL at 38% of Welsh Government ACG for social rented units, 50% of ACG for low cost home ownership units and 60% of ACG for intermediate rent units.</p>		

Respondent Number	2883	Representation Number	8
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	<p>Paragraphs 6.3.5 and 6.3.6 specify different values at which different types of properties will be transferred to RSL, 42% is commonly used but other % figures are also used. There is no cost assigned to tenure neutral properties although paragraph 6.5 states this is the preferred choice. Question how this enables developers to take account of the cost of delivering affordable. Is it possible for the document to provide a cost for the tenure neutral option?</p>		
Requested Change	As noted above.		
LPA Response	<p>General affordable housing and Policy SAH11 affordable housing (rural village sites where the viability issues are more pressing because of the 60% requirement) are treated differently in terms of the quality standards required and the amounts paid to the developer. It is recognised that the way in which the draft SPG is written has potential for causing confusion, which appears to be the case in relation to this representation. It is proposed, therefore, to re-write this section of the SPG to deal with SAH11 affordable housing under a separate heading. All general affordable housing will be required to be built to DQR standards and be neutral tenure. Developers will then transfer the affordable housing to RSLs at 42% of Acceptable Cost Guidance. More flexibility will be offered in relation to SAH11 sites because of the more difficult viability issues.</p>		
Recommendation	<p>Rearrange section 6 (new section 5) and add a new paragraph 5.10:</p> <p>5.10 Affordable housing delivered under Policy SAH11</p> <p>5.10.1 Affordable housing delivered under Policy SAH11 will be a mix of social rented units and intermediate housing depending on the local need identified by the Council. All units for social rent will be constructed to Welsh Government Design Quality Requirements, which includes Lifetime Homes. Intermediate housing will be constructed to a standard agreed by the Council and their RSL partners.</p> <p>5.10.2 Affordable housing delivered under Policy SAH11 will be transferred to the Council's preferred RSL at 38% of Welsh Government ACG for social rented units, 50% of ACG for low cost home ownership units and 60% of ACG for intermediate rent units.</p>		



Respondent Number	2883	Representation Number	9
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	Paragraph 7.3 should refer to the fact that a unilateral undertaking may also be an option if only a monetary contribution is required.		
Requested Change	As noted above.		
LPA Response	Agreed		
Recommendation	<p>Add an additional sentence to the last paragraph of paragraph 7.3 (new paragraph 6.3)</p> <p>An unilateral undertaking may also be an option if only a monetary contribution is required. This is a simplified version of a planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site.</p>		

Respondent Number	2883	Representation Number	10
Respondent Name	Mark Harris		
Respondent Organisation	Home Builders Federation		
Summary of Representation	<p>Agree with paragraph 7.2.2 and actually encourage the Council to declare this mix earlier in the process in order for the purchaser to agree a land value which accounts for the exact Councils affordable requirement prior to sale. This would reduce negotiations that often occur during s.106 stage. Some flexibility is still needed to take account of changes in the layout and mix of houses which may occur through the detailed planning stage.</p>		
Requested Change	No specific change requested.		
LPA Response	Comment noted. The viability implications of the required mix are recognised.		
Recommendation	No change.		

Respondent Number	2884	Representation Number	1
Respondent Name	Emyr Davies		
Respondent Organisation	Redrow Homes (South Wales) Ltd		
Summary of Representation	<p>Section 4.4A, fourth paragraph on page 9 states 'Should the development not be achieving 30 dwellings per hectare.... The affordable housing requirement should be based on the theoretical capacity of the site rather than the actual number of dwellings applied for'. Suggest this is not appropriate and is unnecessary as while 30dpha may be an average for new build in Monmouthshire every application has to be assessed on its merits and taking into account of the character and existing built form of an area for example. There appears to be no justification for deviating from agreeing a fixed percentage for affordable housing products on site. Applications cannot be assessed on what could theoretically be delivered on a site but only on what is actually proposed and on its merits.</p>		
Requested Change	No specific change requested.		
LPA Response	<p>The point made by the representor is accepted. It is recognised that it would be unreasonable to require a higher percentage of affordable housing than that set out in LDP Policy S4 if there were good reasons to justify a development not achieving 30 dwellings per hectare. Policy S4, however, does require that the capacity of a development site will be based on an achievable density of 30 dwellings per hectare. This figure will still be used to establish whether or not a development achieves the threshold that requires affordable housing to be provided on site. It is accepted, however, that the percentage of affordable housing required should be based on the 'agreed' capacity of the site rather than the 'theoretical' capacity.</p>		
Recommendation	<p>Amend the relevant paragraphs of the SPG as follows:</p> <p>If the capacity of the site is 5 or more dwellings then the affordable housing required to be provided on site is calculated at 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside settlements.</p> <p>Should the development not be achieving 30 dwellings per hectare and it is considered that there is not a material non-compliance with Policy DES1 i) then the affordable housing requirement should be calculated on the agreed capacity of the site.</p> <p>In determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up.)</p>		

Respondent Number	2884	Representation Number	2
Respondent Name	Emyr Davies		
Respondent Organisation	Redrow Homes (South Wales) Ltd		
Summary of Representation	Refer to paragraph 6.3.4 'The Council will identify a preferred RSL to work in partnership with the developer' noting this is not considered reasonable and that if an RSL and a developer choose to work together to deliver what is required by a planning permission then this has to be acceptable.		
Requested Change	Suggest this paragraph is removed as it is clear elsewhere in the SPG in paragraph 6.9 of the Councils preferences to RSLs.		
LPA Response	It is accepted that the Council cannot insist that a developer works with a specific RSL. There are sound reasons, however, for the Council's preference for working with the RSLs that are zoned for Monmouthshire. It is recommended therefore that paragraph 6.3.4 is deleted but that it is replaced by a more neutral wording. Paragraph 6.9 should also be amended for clarity.		
Recommendation	<p>Replace paragraph 6.3.4 (new number 5.3.3) with the following:</p> <p>The Council has a long term commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social Housing Grant, specialisms of the Housing Associations and the long-term allocation of housing sites. The Council's preference is for developers to work with RSLs zoned by the Welsh Government for developing in Monmouthshire and it will normally allocate each site to its preferred RSL on the basis of the RSL's development capacity, other properties in the area, rental levels and other relevant issues. Should there be a need for specialist/purpose built disabled housing, for example, and an element of social housing grant was required the Council would only be able to allocate grant to a zoned RSL.</p> <p>Amend paragraph 6.9 (new number 5.12) to read:</p> <p>There are currently three Registered Social Landlords zoned by the Welsh Government to operate within Monmouthshire. These are:</p> <p style="text-align: center;">Melin Homes Monmouthshire Housing Association The Seren Group</p> <p>It should be noted that whilst these are the current zoned RSL partners in Monmouthshire, changing circumstances might result in the Council fostering different partnership links in the future and seeking approval from Welsh Government.</p>		

Respondent Number	2884	Representation Number	3
Respondent Name	Emyr Davies		
Respondent Organisation	Redrow Homes (South Wales) Ltd		
Summary of Representation	<p>In the flow chart (page 21) it would be useful to clarify under pre application discussions with the LPA that these will be of a multi-disciplinary nature. Representatives from other relevant departments would also be present and developers will not be expected just to set up pre application meetings solely to discuss affordable housing requirements and then other meetings to meet with other departments.</p>		
Requested Change	<p>Amend wording to provide clarity that pre application discussions will not necessarily be solely related to affordable housing.</p>		
LPA Response	<p>Agreed. The pre-application process can include other Council officers, e.g. highways, biodiversity, depending on the level of service requested.</p>		
Recommendation	<p>Amend first box in the flow chart on page 21 to clarify the pre-application process.</p>		

Respondent Number	2885	Representation Number	1
Respondent Name	Simon Coop (Nathanial Lichfield & Partners)		
Respondent Organisation	Bovis Homes		
Summary of Representation	<p>Section (A) of paragraph 4.4 relates to the minimum assumed density of 30dpha on the basis of the theoretical capacity of the site has implications in that the actual affordable housing requirement might be substantially above the 25% or 35% figures contained in Poicy S4. Understand the reasoning behind the assumed density of 30dpha though it might not be possible to achieve this level of development on all sites. If the Council is content it does not conflict with the requirements of DES1 the theoretical density should not be 30dpha for its assessment of affordable housing provision. The SPG does not provide any indication that the assumed development density of 30dpha will be applied in the event that a higher density can be achieved on site, rather it would be expected that the yield would be based upon the 'total number of dwellings on the site'. Suggest the approach is inconsistent that could have significant bearing on viability.</p>		
Requested Change	<p>Recommend the 4th paragraph of page 9 of the SPG be deleted and that the affordable housing requirement be based on the actual number of dwellings to be provided on site in every case where this is known. Underline the importance of ensuring that the requirements set out in Policy S4 are subject to an assessment of viability.</p>		
LPA Response	<p>The point made by the representor is accepted. It is recognised that it would be unreasonable to require a higher percentage of affordable housing than that set out in LDP Policy S4 if there were good reasons to justify a development not achieving 30 dwellings per hectare. Policy S4, however, does require that the capacity of a development site will be based on an achievable density of 30 dwellings per hectare. This figure will still be used to establish whether or not a development achieves the threshold that requires affordable housing to be provided on site. It is accepted, however, that the percentage of affordable housing required should be based on the 'agreed' capacity of the site rather than the 'theoretical' capacity.</p> <p>It is considered, however, that no change is required in relation to the necessity to be aware of viability issues as this is sufficiently covered in the SPG (e.g. the two bullet points at the top of page 10)</p>		
Recommendation	<p>Amend the relevant paragraphs of the SPG as follows:</p> <p>If the capacity of the site is 5 or more dwellings then the affordable housing required to be provided on site is calculated at 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside settlements.</p> <p>Should the development not be achieving 30 dwellings per hectare and it is considered that there is not a material non-compliance with Policy DES1 i) then the affordable housing requirement should be calculated on the agreed capacity of the site.</p> <p>In determining how many affordable houses should be provided on a</p>		

development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up.)

Respondent Number	2885	Representation Number	2
Respondent Name	Simon Coop (Nathaniel Lichfield & Partners)		
Respondent Organisation	Bovis Homes		
Summary of Representation	<p>Section (B) of paragraph 4.4 provides guidance on financial contributions for affordable housing on small sites. This raises a number of viability issues that do not appear to have been fully addressed in the SPG. No indication is provided of when the financial contribution would be required, it is assumed this would be prior to the completion and sale of the open market properties which would create cashflow issues. Evidence of the Council's viability assessment should be provided so the impact can be fully understood. Concerned the implications of this may reduce the potential for small sites to come forward and for small scale developers to work in Monmouthshire, increasing the burden on larger developments to meet the identified need for affordable housing in the County. There is no evidence that the viability position would be any better for small scale builders.</p>		
Requested Change	No change requested, evidence should however be provided of the Council's viability assessment.		
LPA Response	Concerns regarding potential cash flow issues for small businesses are recognised. The Council is content to adopt a flexible approach in such circumstances. It is recommended that an additional paragraph be added to clarify this.		
Recommendation	<p>Add new paragraph:</p> <p>Commuted sums will be liable to be paid on completion and occupation of a percentage of units on site. This is normally 70% but will be open to negotiation should viability considerations make that necessary.</p>		

Respondent Number	2885	Representation Number	3
Respondent Name	Simon Coop (Nathanial Lichfield & Partners)		
Respondent Organisation	Bovis Homes		
Summary of Representation	<p>Bovis Homes consider the minimum of 60% affordable housing in Main Villages an appropriate mechanism for rural parts of the County, this should however be subject to viability and a reduced level should be permitted where the delivery of a scheme would otherwise be compromised. Abnormal costs are recognised in the SPG although it states there is no intention to use financial subsidy to support such sites, albeit stating that this is to be reviewed. There is concern that the Council has failed to appreciate that the key challenge can often relate to an inability of the Gross Development Value (GDV) to sustain the high land values that are being sought, particularly when viewed in context of other development costs. Additional costs should not be taken off land value as the owner may no longer be prepared to sell.</p>		
Requested Change	<p>The Council's minimum land value must be set at an appropriate level and that the use of subsidy or relaxation of targets should be considered to ensure delivery where costs are not supported by GDV.</p>		
LPA Response	<p>The 60% affordable housing requirement on allocated sites in rural villages is not negotiable and this is set out in Policy S4 which requires 'at least' 60% to be affordable. The sole purpose for allocating these sites is to provide affordable housing for local people in rural areas. Without the provision of 60% affordable housing there is no justification for releasing these sites and anticipated land values should reflect this accordingly. The question of potential 'abnormal' costs will be taken into account on a case by case basis in considering specific viability issues that may be preventing a site coming forward. Initially, however, there is no intention to use financial subsidy to support 60% affordable housing sites as the amount of Social Housing Grant available is extremely limited. The situation will be reviewed after the first sites have been developed and an indication provided of the values at which land is changing hands. The Council may then introduce an expected minimum land value, which, if not achieved, may result in financial subsidy being made available to assist in bringing sites forward.</p>		
Recommendation	No change.		

Respondent Number	2885	Representation Number	4
Respondent Name	Simon Coop (Nathaniel Lichfield & Partners)		
Respondent Organisation	Bovis Homes		
Summary of Representation	The issue of land prices is only raised in the SPG in relation to allocated sites in main villages. Reasonable assumptions in relation to all costs including land should be taken into account throughout in assessing the level of affordable housing that can be sustained as part of a particular development.		
Requested Change	No specific change is requested.		
LPA Response	It is considered that no change is required in relation to the necessity to be aware of viability issues as this is sufficiently covered in the SPG (e.g. the two bullet points at the top of page 10)		
Recommendation	No change.		

Respondent Number	2885	Representation Number	5
Respondent Name	Simon Coop (Nathaniel Lichfield & Partners)		
Respondent Organisation	Bovis Homes		
Summary of Representation	An open book approach on testing of viability is welcomed although this must be appraised in a reasonable manner. Concern regarding the 4th para on Page 11 relating to how the calculator works, noting it does not reflect that affordable houses are subject to more stringent policy requirements impacting on the relative build costs for both market and affordable houses.		
Requested Change	No specific change requested.		
LPA Response	The assumption that the calculator works on the basis that the cost of building a market home is similar to the cost of an affordable home actually works in the developer's favour as it is the higher cost that is taken into account in the model. In the light of the consultation responses, however, the Council is reviewing the space standards and use of DQR for non-grant-funded housing. This may have implications for the calculator and if so will be reported.		
Recommendation	No change, depending on the results of further viability work.		



Respondent Number	2885	Representation Number	6
Respondent Name	Simon Coop (Nathanial Lichfield & Partners)		
Respondent Organisation	Bovis Homes		
Summary of Representation	<p>The viability implications of neutral tenure are unclear. Paragraph 6.3.6 identifies different transfer values for different tenures with no indication of costs for neutral tenure. The variation between 38% and 60% of ACG is substantial and the implications should be set out much more clearly. 42% ACG value is more acceptable, although further justification should be provided.</p>		
Requested Change	No specific change requested.		
LPA Response	<p>General affordable housing and Policy SAH11 affordable housing (rural village sites where the viability issues are more pressing because of the 60% requirement) are treated differently in terms of the quality standards required and the amounts paid to the developer. It is recognised that the way in which the draft SPG is written has potential for causing confusion, which appears to be the case in relation to this representation. It is proposed, therefore, to re-write this section of the SPG to deal with SAH11 affordable housing under a separate heading. All general affordable housing will be required to be built to DQR standards and be neutral tenure. Developers will then transfer the affordable housing to RSLs at 42% of Acceptable Cost Guidance. More flexibility will be offered in relation to SAH11 sites because of the more difficult viability issues.</p>		
Recommendation	<p>Rearrange section 6 (new section 5) and add a new paragraph 5.10:</p> <p>5.10 Affordable housing delivered under Policy SAH11</p> <p>5.10.1 Affordable housing delivered under Policy SAH11 will be a mix of social rented units and intermediate housing depending on the local need identified by the Council. All units for social rent will be constructed to Welsh Government Design Quality Requirements, which includes Lifetime Homes. Intermediate housing will be constructed to a standard agreed by the Council and their RSL partners.</p> <p>5.10.2 Affordable housing delivered under Policy SAH11 will be transferred to the Council's preferred RSL at 38% of Welsh Government ACG for social rented units, 50% of ACG for low cost home ownership units and 60% of ACG for intermediate rent units.</p>		

Respondent Number	2885	Representation Number	7
Respondent Name	Simon Coop (Nathanial Lichfield & Partners)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Refer to paragraph 6.3.4 noting the Council's identification of a RSL will remove flexibility from developers. As long as developers conform to the level and mix of affordable housing specified in the s.106 agreement they can partner with the RSL of their choice. Suggest this requirement conflicts with paragraph 12.4 of TAN2.		
Requested Change	No specific change requested.		
LPA Response	It is accepted that the Council cannot insist that a developer works with a specific RSL. There are sound reasons, however, for the Council's preference for working with the RSLs that are zoned for Monmouthshire. It is recommended therefore that paragraph 6.3.4 is deleted but that it is replaced by a more neutral wording. Paragraph 6.9 should also be amended for clarity.		
Recommendation	<p>Replace paragraph 6.3.4 (new number 6.3.3) with the following:</p> <p>The Council has a long term commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social Housing Grant, specialisms of the Housing Associations and the long-term allocation of housing sites. The Council's preference is for developers to work with RSLs zoned by the Welsh Government for developing in Monmouthshire and it will normally allocate each site to its preferred RSL on the basis of the RSLs development capacity, other properties in the area, rental levels and other relevant issues. Should there be a need for specialist/purpose built disabled housing, for example, and an element of social housing grant was required the Council would only be able to allocate grant to a zoned RSL.</p> <p>Amend paragraph 6.9 (new number 6.12) to read:</p> <p>There are currently three Registered Social Landlords zoned by the Welsh Government to operate within Monmouthshire. These are:</p> <p style="padding-left: 40px;">Melin Homes Monmouthshire Housing Association The Seren Group</p> <p>It should be noted that whilst these are the current zoned RSL partners in Monmouthshire, changing circumstances might result in the Council fostering different partnership links in the future and seeking approval from Welsh Government.</p>		

Respondent Number	2885	Representation Number	8
Respondent Name	Simon Coop (Nathanial Lichfield & Partners)		
Respondent Organisation	Bovis Homes		
Summary of Representation	Welcome paragraph 6.3.3 relating to liaison with the Council to agree the mix of affordable units prior to submission of an application. It should nevertheless be recognised that the mix can have a direct impact upon development viability, this should be considered when seeking to establish the preferred mix.		
Requested Change	No specific change requested.		
LPA Response	Comment noted. The viability implications of the required mix are recognised.		
Recommendation	No change.		

Respondent Number	2886	Representation Number	1
Respondent Name	Jason Price		
Respondent Organisation	Persimmon Homes		
Summary of Representation	<p>Suggest the ACG value of 42% is substantially lower than the percentage utilised in neighbouring authorities (typically 50%) where benchmark rental values are significantly lower than could be achieved in Monmouthshire. Question the justification of the inclusion of 42% without worked examples/calculations justifying the use of this percentage, and its conformity with the guidance contained within PPW.</p>		
Requested Change	No specific change requested.		
LPA Response	<p>The greatest need for affordable housing in Monmouthshire if people on the housing waiting list are to be accommodated is for housing for social rent. The maximum that an RSL can afford to pay based on the rental income they would receive from the properties is 42% of Welsh Government Acceptable Cost Guidance (ACG). Whilst the developer would receive a higher percentage of ACG for Intermediate Rent, this would not be meeting housing need in Monmouthshire. (With regard to the respondent's comment about adjoining authorities, Newport, for instance, is a large city with a range of needs). It is considered essential that the 42% of ACG transfer rate remains in order to meet housing need in Monmouthshire. Should developers be able to demonstrate that this would have an adverse impact on viability then the percentage affordable housing requirement can be renegotiated (as allowed for in LDP Policy S4, which states that the 35% and 25% requirements are 'subject to appropriate viability assessment'). Further text will be added to paragraph 6.3.5 (new paragraph 5.3.4) to provide justification for the 42% transfer rate.</p>		
Recommendation	<p>Amend paragraph 6.3.5 (new number 5.3.4) to read:</p> <p>5.3.4 The financial arrangements for the transfer of completed affordable housing units from the developer to the RSL are to be calculated using the current Acceptable Cost Guidance rates published by the Welsh Government's Housing Directorate. The percentage that the RSL can afford to pay, based on the rental income that they would receive for the properties, is 42% of ACG. This leaves the landowner/developer to fund the 58% which in the past would have been covered by Social Housing Grant. The developer will then be expected to sell the properties to the RSL at this percentage rate. (This percentage rate does not apply to units delivered under Policy SAH11).</p>		

Respondent Number	2886	Representation Number	2
Respondent Name	Jason Price		
Respondent Organisation	Persimmon Homes		
Summary of Representation	There is a danger the implications of the SPG could be viewed in isolation of the emerging Community Infrastructure Levy (CIL) Preliminary Draft Charging Schedule (PDCS), compounding the impact of affordable housing in Monmouthshire by placing significant additional costs of developers.		
Requested Change	No specific change requested.		
LPA Response	It is acknowledged that currently there is inconsistency between the requirements of the Affordable Housing SPG and the viability testing carried out in connection with CIL. Further viability testing is being carried out for CIL in order that the implications of the SPG can be fully considered.		
Recommendation	No change.		

Respondent Number	2886	Representation Number	3
Respondent Name	Jason Price		
Respondent Organisation	Persimmon Homes		
Summary of Representation	Whilst affordable housing targets are subject to appropriate viability assessments, the methodology employed to assess viability utilises benchmark land values that do not accurately reflect the reality of housing development. The outcomes cannot be expected to provide developers with the comfort of knowing that it can be utilised as an effective tool for justifying a reduction in affordable housing provision where viability is an issue.		
Requested Change	No specific change requested.		
LPA Response	The benchmark land values were found sound at the LDP Examination, have been reviewed as part of the recent CIL viability study and will subsequently be tested in any CIL Examination. This is not a matter for consideration in relation to the SPG.		
Recommendation	No change.		

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## **Appendix C**

# **Monmouthshire County Council Local Development Plan**

# **Draft Affordable Housing Supplementary Planning Guidance**

**February 2016**

**Planning Policy**

**Monmouthshire County Council**

County Hall, Rhadyr, Usk, Monmouthshire NP15 1GA

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## 1. INTRODUCTION

1.1 This note is one of a series of Supplementary Planning Guidance (SPG) Notes that have been prepared to provide supporting information and advice on the implementation of the Council's development plan policies. The Notes are intended to offer clear guidance on the main considerations that will be taken into account by the Council when reaching decisions on planning applications and in this case how planning policy on affordable housing will be delivered in practice.

### 1.2 Status

1.2.1 This SPG is prepared in the context of the Monmouthshire County Council Adopted Local Development Plan (LDP), February 2014.

1.2.2 SPG supplements the Council's development plan, with only the policies contained in the development plan having the special status that Section 38 (6) of the Planning and Compulsory Purchase Act 2004 provides in the determination of planning applications. However, the Welsh Government (WG) advises that SPG may be taken into account as a material consideration in the determination of planning applications and appeals. Substantial weight will be afforded to SPG which derives out of and is consistent with the development plan (*Planning Policy Wales Edition 8, January 2016, para. 2.4*).

## 2. THE AFFORDABLE HOUSING ISSUE

2.1 A significant issue for Monmouthshire is the fact that house prices are high in relation to earnings so that there is a need for additional affordable housing in the County in both urban and rural areas, particularly for those that live and work here.

2.2 Affordability of housing is a concern throughout Wales. In October 2014 the average house price for Wales was £170,900 and the house price to earnings ratio was 6.2:1. For comparison, in Monmouthshire the average house price in October 2014 was £269,700 and the house price to earnings ratio was 7.2:1 (Source: Hometrack 30/10/2014).

2.3 These figures illustrate how difficult it is for local people to purchase their first homes or move into larger homes in the County when their family circumstances change. For those people who live and work in the County it is even more difficult, as local earnings are much lower than the average for Wales. In 2014, the median earnings for Monmouthshire residents were £578.00 per week, compared to the Wales median of £479.00 per week. However, the median earnings by workplace presents a different picture with people working in the County earning only £466.00 per week, much lower than the £473.00 per week figure for Wales as a whole (NOMIS 23/01/15).

2.4 Monmouthshire is a county which is subject to inward migration so there will continue to be strong demand for housing with subsequent pressure on

house prices. With local earnings unlikely to catch up with the Wales average for the foreseeable future, housing will remain at a level way above what local people can afford.

2.5 The planning system is seen as an increasingly important means of improving the supply of affordable housing for local people. Monmouthshire County Council recognises this and is keen to ensure that developers and local people have clear guidance on how its development plan policies and decisions on planning applications will operate and thereby contribute to one of the desired outcomes of the Council's Single Integrated Plan, namely 'We want people to live in homes that are affordable, appropriate and where people want to live'. The importance of providing affordable housing was also recognised by the Council's Strong Communities Select Committee, which produced the report 'A Place to call Home' in June 2011. The recommendations of this report provided the context in which the LDP affordable housing policies were prepared.

2.6 This SPG has been prepared in the context of the most recent WG planning policy on affordable housing contained in *Planning Policy Wales Edition 8*, January 2016 and Technical Advice Note 2 *Planning and Affordable Housing*, June 2006.

2.7 *Planning Policy Wales (PPW) Edition 8, January 2016*

2.7.1 *PPW* provides the overarching national strategic guidance with regards to land use planning matters in Wales. Paragraph 4.4.3 states that Local Planning Authorities should: 'Ensure that all local communities - both urban and rural - have sufficient good quality housing for their needs, including affordable housing for local needs and for special needs where appropriate, in safe neighbourhoods.'

2.7.2 The housing section of *PPW* (paragraph 9.1.2) seeks the promotion of sustainable mixed tenure communities. It states: 'Local Planning Authorities should promote sustainable residential environments, avoid large housing areas of monotonous character and make appropriate provision for affordable housing.'

2.7.3 With regard to need, paragraph 9.2.14 states: 'A community's need for affordable housing is a material planning consideration which must be taken into account in formulating development plan policies.'

2.8 Definitions of Affordable Housing

2.8.1 Affordable housing is defined in paragraph 9.2.14 of *PPW*:

*'Affordable housing for the purposes of the land use planning system is housing where there are secure mechanisms in place to ensure that it is accessible to those who cannot afford market housing, both on first occupation and for subsequent occupiers. ... Affordable housing includes social rented housing owned by local authorities and registered social*

*landlords and intermediate housing where prices or rents are above those of social rent but below market housing prices or rents.'*

- 2.8.2 These definitions of affordable housing contrast with general market housing:

*'All other types of housing are referred to as 'market housing', that is private housing for sale or rent where the price is set in the open market and occupation is not subject to control by the local planning authority.*

## 2.9 Affordability

- 2.9.1 There is a need also to define 'affordability'. WG guidance defines this as:

*'the ability of households or potential households to purchase or rent property that satisfies the needs of the household without subsidy' (WG TAN2, para 4.1).*

The subsidy referred to in the quotation above is a subsidy on the property itself, which helps make it more affordable. There are different levels of subsidy depending on the different types of tenure, therefore creating a wide range of affordable options.

- 2.9.2 This should be determined in each local housing market area in an authority's area and would be based on such factors as ratio of household income to the price of property.

## 3. **AFFORDABLE HOUSING NEED IN MONMOUTHSHIRE**

- 3.1 **Local Housing Market Assessment (LHMA)** - The Council's Housing Services section, with Torfaen and Blaenau Gwent County Borough Councils and Newport City Council, commissioned a LHMA across the four County areas in 2006. This suggested that there was a need for 659 affordable homes in Monmouthshire in the five year period from 2006. This was based on a requirement of 2,720 affordable homes in the study area as a whole and represented 37% of the total planned housing requirement.
- 3.2 Subsequently, an Update to the 2006 LHMA was carried out to provide evidence to support the LDP, using 2010 as its base year. This predicted a 5-year affordable housing need of 2,205 dwellings for the study area from 2010. This represented 32% of the then total planned delivery total for the three authorities of 6,950.
- 3.3 The Update report also disaggregated the study findings for each authority, in accordance with the requirements of TAN2. This projected a five year affordable housing need in the County of 478 dwellings, 29% of the then overall dwelling requirement of 1,636. This gave an annual requirement for affordable housing of 96 dwellings per year, a ten year requirement of 960 dwellings, which is the affordable housing need for 2011-21 that has to be addressed through the LDP.

#### 4. MONMOUTHSHIRE'S PLANNING POLICIES ON AFFORDABLE HOUSING

- 4.1 Policy S4 of the Adopted Monmouthshire LDP is the primary means of achieving the affordable housing target referred to in the above paragraph. Policy S4 sets out the thresholds at which affordable housing has to be provided and the percentage of affordable housing that will be required in each case, depending on the location of the development site.

##### Policy S4 – Affordable Housing Provision

Provision will be made for around 960 affordable homes in the Local Development Plan Period 2011-2021. To meet this target it will be expected that:

- In Main Towns and Rural Secondary Settlements as identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable.
- In the Severnside settlements identified in Policy S1 development sites with a capacity for 5 or more dwellings will make provision (subject to appropriate viability assessment) for 25% of the total number of dwellings on the site to be affordable.
- In the Main Villages identified in Policy S1:
  - Development sites with a capacity for 3 or more dwellings will make provision for at least 60% of the total number of dwellings on the site to be affordable.
- In the Minor Villages identified in Policy S1 where there is compliance with Policy H3:
  - Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.
  - Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.
- In the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision (subject to appropriate viability assessment) for 35% of the total number of dwellings to be affordable.
- Development sites with a capacity below the thresholds set out above will make a financial contribution towards the provision of affordable housing in the local planning authority area.

Other than in Main Villages, in determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up).

The capacity of a development site will be based on an assumed achievable density of 30 dwellings per hectare.

4.2 The settlement hierarchy referred to in Policy S4 is set out in LDP Policy S1, namely:

- **Main Towns:** Abergavenny, Chepstow and Monmouth
- **Severnside Settlements:** Caerwent, Caldicot, Magor, Portskewett, Rogiet, Sudbrook and Undy
- **Rural Secondary Settlements:** Usk, Raglan, Penperlleni and Llanfoist
- **Main Villages:** Cross Ash, Devauden, Dingestow, Grosmont, Little Mill, Llandewi Rhydderch, Llandogo, Llanellen, Llangybi, Llanishen, Llanvair Kilgeddin, Mathern, Penallt, Pwllmeyric, Shirenewton/Mynyddbach, St Arvans, Trellech, Werngifford/Pandy
- **Minor Villages:** Bettws Newydd, Broadstone/Catbrook, Brynygwenin, Coed-y-Paen, Crick, Cuckoo's Row, Great Oak, Gwehelog, Llanarth, Llandegveth, Llandenny, Llangwm, Llanover, Llansoy, Llantilio Crossenny, Llantrisant, Llanvair Discoed, Llanvapley, Mitchel Troy, Penpergwm, The Narth, The Bryn, Tintern, Tredunnoch
- **Open Countryside**

4.3 There are five types of situation that could arise in providing affordable housing under Policy S4 which need further consideration:

- A) Where the affordable housing threshold of 5 or more is applicable, i.e. in Main Towns, Rural Secondary Settlements and Severnside Settlements.
- B) Where the affordable housing threshold is not met and financial contributions are required.
- C) Developments in Main Villages
- D) Developments in Minor Villages.
- E) Developments in the open countryside.

4.4 Specific guidance in these matters is provided on the following information sheets and the checklists in Appendix 6:

**A. WHERE THE AFFORDABLE HOUSING THRESHOLD OF 5 OR MORE IS APPLICABLE, I.E. IN MAIN TOWNS, RURAL SECONDARY SETTLEMENTS AND SEVERNSIDE SETTLEMENTS.**

When an application for residential development is received in these settlements the first step in its assessment will be to:

**A.1 Establish the net site area and calculate the capacity of the site based on an assumed achievable density of 30 dwellings per hectare.**

- i. It is a requirement of LDP Policy DES1 criterion i) that in order to make the most efficient use of land the minimum net density of residential development should be 30 dwellings per hectare. The net developable area is defined as excluding areas taken out for other uses such as employment or which are undevelopable for one reason or another and as including internal access roads and incidental open space between houses, play areas etc. Similar considerations should be taken into account when calculating the site capacity in relation to Policy S4.
- ii. The capacity of a site is calculated as a 'net' figure. The number of any existing dwellings on a site that are to be demolished, therefore, would be taken away from an overall capacity based on an area calculation to give a final capacity figure for the purposes of Policy S4. Similarly, where a subdivision of an existing dwelling(s) is proposed, the net gain is the final number of dwellings proposed minus the number of original dwellings on the site.

**A.2 If the capacity of the site is 5 or more dwellings then the affordable housing requirement to be provided on site is calculated at 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside settlements, subject to a) and b) below.**

A.2.a) Should the development not be achieving 30 dwellings per hectare and it is considered that there is not a material non-compliance with Policy DES1 i) then the affordable housing requirement should be calculated on the **agreed** capacity of the site (rather than the 'theoretical' capacity of 30 dwellings per hectare).

A.2.b) In determining how many affordable houses should be provided on a development site, the figure resulting from applying the proportion required to the total number of dwellings will be rounded to the nearest whole number (where half rounds up.)

**A.3 If the capacity of the development site is below the threshold of 5 dwellings then a financial contribution towards affordable housing in the local planning authority area will be required (see B)**

**A.4** When the threshold for affordable housing is met the following considerations will be taken into account in the implementation of Policy S4:

- i. The mix of house types, sizes and tenure should reflect local needs. (This must be established from the Council's Housing Services section on a site-by-site basis in accordance with the particular needs of the community in which the site is located).
- ii. Provision for affordable housing will be secured through Section 106 Agreements.
- iii. **Affordable housing should generally be provided on-site** (unless there are exceptional circumstances that justify off-site provision, as considered in paragraph 5.6 of this SPG) and should reflect the characteristics of the locality or the rest of the site.
- iv. Householder permitted development rights may be withdrawn so that control may be exercised over the enlargement or alteration of dwellings in ways that would change their affordability for future occupiers.
- v. In seeking to negotiate an element of affordable housing on a site the Council will take into account: site size, suitability, and the economics of provision; whether there will be particular costs associated with development of the site; and whether the provision of affordable housing would prejudice the realisation of other planning objectives that need to be given priority in the development of the site. **(The percentage of affordable housing required is, under the terms of Policy S4, subject to appropriate viability assessment).**
- vi. Where necessary, as part of such negotiations, the Council will undertake viability analysis of residential development sites using the Development Appraisal Toolkit developed by Three Dragons on behalf of South and West Wales local authorities. The Toolkit is a means of assisting all parties in their understanding of the economics of a particular development. The model enables the testing of claims that affordable housing requirements (along with other costs, such as those from additional infrastructure works, for example) would make a site uneconomic. This approach can employ the default data available for general analysis. For more accurate assessments of costs, revenues and constraints, however, an 'open book' approach, where the developer provides information on development costs and selling prices, is advocated.

## **A.6** Layout and Design

The Council's preference is for '**pepper-potting**' of affordable housing, rather than provision in enclaves. **Properties for affordable housing will normally be in clusters of no more than 6 - 15 units, depending on the overall size of the development.** The design and materials of dwellings built to comply with affordable housing policies should be similar to that of adjoining market housing, including the provision of garages where appropriate. Similarly, it will be expected that affordable housing layouts will comply with the Council's general design guidance and standards for new residential development.

## **B. WHERE THE AFFORDABLE HOUSING THRESHOLD IS NOT MET AND FINANCIAL CONTRIBUTIONS ARE REQUIRED.**

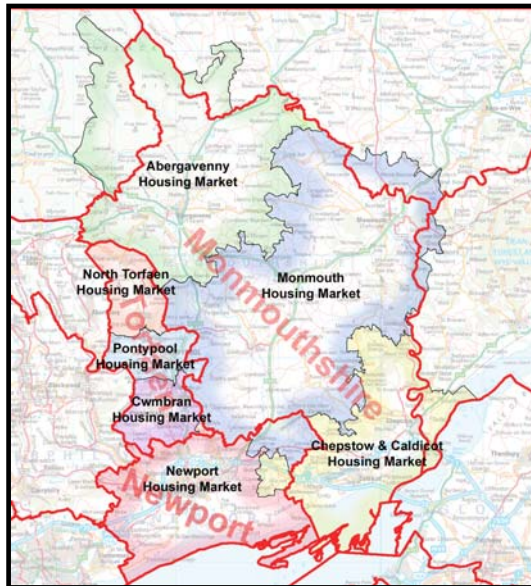
It is a basic principle of Policy S4 that all residential developments (including at the scale of a single dwelling) should make a contribution to the provision of affordable housing in the local planning authority area, irrespective of whether or not the size of the development falls below the threshold for on-site provision.

**B.1 If the capacity of the site falls below the threshold at which affordable housing is required, prior to obtaining planning permission the applicant will need to enter into a S106 agreement to pay a financial contribution towards affordable housing in the housing market in which the site is located.** A standard Section 106 agreement that will be used for this purpose is set out in Appendix 4. An affordable housing contribution will be liable to be paid on completion and prior to occupation of each dwelling to which the payment relates.

- i. The required contribution will be established by using the Affordable Housing Contribution Calculator and can be obtained from the Council's Housing Strategy Officer. Example affordable housing financial contribution sum calculations are given in Appendix 6.
- ii. The contribution is calculated so that the developer and landowner of a scheme is no worse or better off financially, whether they provide the affordable housing on-site or as a contribution. As it is important that there is a consistent and transparent mechanism for calculating the contributions to be collected, the Council commissioned Three Dragons to design an Affordable Housing Contribution Calculator for this purpose.
- iii. The calculator is designed for the specific purpose of calculating a financial contribution and does **not** assess whether or not the scheme can afford the policy compliant amount of affordable housing. **Should there be issues of viability a full Viability Assessment would need to be undertaken (see A.5.vi) above).**
- iv. The contribution made by a developer towards affordable housing is the assessed difference in residual value of a 100% market housing scheme and a scheme with the policy requirement for affordable housing (or a lesser percentage where this is justified by viability considerations). Residual value is the difference between the total scheme revenue (for the market and affordable housing) and the cost of the scheme. The calculator works on the basis that the cost of building the same type of market home (e.g. 3 bedroom terrace) is similar to the cost of the same type of affordable home. However, there are some costs that a developer of a market home has to meet which are additional to that for a typical affordable home. These are marketing costs and the level of return (profit) expected. These differences are taken into account in the calculations. The mix and tenure of units used for the affordable housing contribution calculation will be the equivalent of what would be required if the affordable housing was provided on-site.



- v. Financial contributions gathered by the Council will be used to deliver affordable housing in the Housing Market Area (HMA) from which they are collected. The map below shows the three HMAs in Monmouthshire.



**B.2** The Council does not wish to hinder the supply of dwellings from self-builders who could be building to meet their own needs. Therefore, **self-builders whose developments fall below the thresholds will not be required to make a financial contribution.** A similar approach is taken in the application of the Community Infrastructure Levy and it is intended, for the purposes of this SPG, to adopt the same definition of 'self-build' as set out in the CIL Regulations 54A, 54B, 54C and 54D as inserted by the 2014 Regulations (see the standard Section 106 agreement in Appendix 4).

- i. If a developer wishes to make a claim for an exemption under the self-build provision then a form should be submitted prior to completion of each dwelling to which the payment relates confirming that the dwelling is intended to be occupied by the owner of the land.
- ii. Within 6 months of occupation a further form will need to be submitted evidencing occupation by the owner. The Council will at this point agree to defer the payment for the duration of two-and-a-half years from that notification.
- iii. Any such exemption will be subject to a 'claw-back' mechanism so that if the criteria for self-build status are not complied with within a period of three years from the occupation of the dwelling then the requirement for an affordable housing contribution will be reinstated. Should there be compliance with the three year period, the Council will, through a variation of the Section 106 Agreement, confirm that no payment will be required on that specific dwelling.

## C. DEVELOPMENT IN MAIN VILLAGES.

### C.1 Sites allocated in main villages under LDP Policy SAH11 with the specific purpose of providing 60% affordable housing.

There is a specific issue in the County relating to the provision of affordable housing in rural areas due to the limited ability of existing residents in the countryside, particularly young people, to afford housing, which restricts their ability to remain within their existing communities if they are in housing need.

Given the relative unsustainability of the County's rural areas in comparison to its towns it was the Council's view that most villages were not appropriate locations for unrestrained market housing, even with the application of the Council's general requirements that new housing developments should make provision for a proportion of affordable housing. It was considered that the proportion of affordable housing provided in rural communities would need to be higher than elsewhere and that the main justification for new housing development in rural villages should be the need to provide affordable housing to meet local needs.

A number of housing sites have been allocated in Main Villages under LDP Policy SAH11 with the specific aim of providing affordable housing for local people.

These sites are required under Policy S4 to provide a **minimum of 60% affordable housing**:

- i. The mix and tenure of the 60% affordable housing will be based on local housing need and this information can be established from the Council's Housing Strategy Officer on a site-by-site basis in accordance with the particular needs of the community in which the site is located.
- ii. Unlike general housing sites, therefore, **when the figure resulting from applying the proportion of affordable housing required to the total number of dwellings is not a whole number, there is no rounding down, only rounding up.**
- iii. Policy SAH11 sets a maximum size of development at 15 dwellings in order to ensure that any development is of a 'village scale', in keeping with character of the settlements. This amount may be smaller in certain villages, as set out in Policy SAH11, which indicates the scale of development that is considered to be acceptable having regard to the characteristics of the village and the particular site. It is unlikely to be acceptable for these lower site capacities to be exceeded unless it can be clearly demonstrated that there is no adverse impact on village form and character and surrounding landscape.
- iv. The LDP *Affordable Housing Viability Study* confirmed that a requirement for 60% affordable housing on rural sites will enable developer contributions towards the cost of providing affordable

housing as the high market values for housing in rural areas would still provide residual land values far in excess of existing agricultural land values that should be sufficient incentive to bring land forward for development. **It needs to be recognised that the sole purpose for allocating these sites is to provide affordable housing for local people in rural areas. Without the provision of 60% affordable housing there is no justification for releasing these sites and anticipated land values should reflect this accordingly.**

- v. It is intended that this affordable housing will be brought forward using the mechanisms set out in section 5 below. The Council recognises that there may sometimes be abnormal costs that restrict the ability of a development to provide the financial subsidy to achieve affordable housing requirement. Initially, however, there is no intention to use financial subsidy to support 60% affordable housing sites.
- vi. Given the particular circumstances of these 60% affordable housing sites, the Council will not apply its normal policy of requiring 'pepper-potting' of affordable housing throughout a development. It is recognised that the best way of developing these sites and enabling the market housing to achieve its full potential for achieving financial subsidy for the affordable housing element is to allow the market dwellings to be grouped together.
- vii. All affordable housing achieved on LDP sites in Main Villages will give priority to local residents through the Council's Rural Allocations Policy. This is set out in Appendix 3, although it may be subject to revision in the future.

## **C.2 Other Sites in Main Villages**

Development boundaries for Main Villages were set at the same limits as in the previous Unitary Development Plan (UDP). These Village Development Boundaries (VDBs) were only extended where necessary to incorporate the 60% affordable housing sites allocated under LDP Policy SAH11. There is still scope, therefore, for infill development to take place within the VDB, as would have been the case under the previous UDP. LDP Policy S4 requires, however, that all sites in Main Villages provide 60 per cent affordable housing.

- C.2.a)** The first step in such cases should be to establish the net site area and calculate the capacity of the site based on an assumed achievable density of 30 dwellings per hectare.

**If the capacity of the site meets the threshold of 3 or more dwellings then affordable housing should be provided on site at a rate of 60%, but this will be subject to b) and c) below.**

**If the capacity of the site is less than 3 dwellings a financial contribution will be required towards affordable housing in the local planning**

**authority area. This will normally be set at the equivalent of 35% of the agreed capacity of the site.**

**C.2.b)** The Council recognises that in most cases applying this percentage, together with the density requirements of Policy DES1 i), to small infill sites within the fabric of existing villages could result in a density of development that is out of keeping with its surroundings. In such cases, criterion l) of LDP policy DES 1 would need to be considered. This states that development proposals will be required to ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from over-development and insensitive or inappropriate infilling. In such circumstances, it is considered likely that the requirements of Policy S4 and Policy DES1 i) could be relaxed on infill plots in Main Villages to allow a smaller percentage of affordable homes and a lower density of development than 30 dwellings per hectare.

**On larger sites in Main Villages where it should be feasible to provide affordable housing on site then this would be the preferred option and the number of affordable homes required will normally be set at 35% of the theoretical capacity of the site (at 30 dwellings per hectare), subject to viability considerations and the effect of the development on the character and appearance of the area.**

**C.2.c)** Where the site is too small or restricted to achieve an acceptable standard of design and layout if the affordable housing was provided on site, **a financial contribution towards affordable housing in the housing market area in which the site is located would be required to compensate for allowing a non-compliance with Policy S4.** This will be set at the equivalent of 35% of the agreed capacity of the site. The required financial contribution will be established using the Affordable Housing Financial Contribution Calculator described in Section B.

**C.2.d)** A strict application of Policy S4 would also require conversion of existing buildings or sub-division of existing dwellings to make provision for 60% of the total number of resulting dwellings to be affordable. This would be inequitable, however, when it is considered that if such development was taking place in the open countryside only 35% affordable would be required. It is also recognised that the provision of affordable housing is not always practicable in conversion schemes. The Council, therefore, will adopt a more flexible approach in such situations, although **generally a financial contribution towards affordable housing in the local planning authority area will still be required. This will be set at the equivalent of 35% of the agreed capacity of the site** and utilise the Affordable Housing Financial Contribution Calculator, but careful consideration will be given to the viability and practical implications of conversion and sub-division applications in assessing the level of financial contribution required.

## **D. DEVELOPMENT IN MINOR VILLAGES**

**D.1** Policy S1 identifies Minor Villages where small scale development will be allowed in the circumstances set out in LDP Policy H3. Minor Villages are settlements that (subject to detail) are suitable for minor infill of no more than 1 or 2 dwellings resulting from the filling in of a small gap between existing dwellings.

**Infill developments in Minor Villages, consisting of 1 or 2 dwellings, will make a financial contribution towards affordable housing in the local planning authority area. This will be set at the equivalent of 35% of the number of dwellings proposed in the development.**

**D.2** Policy H3 does contain an exception that allows for planning permission to be granted for up to 4 dwellings on an infill site that demonstrably fits in with village form (including not resulting in the loss of an open space that forms an important gap or open area) and is not prominent in the landscape. As such proposals are 'exceptional' in that they go beyond the normal definition of 'minor infill', it was considered appropriate to seek a higher proportion of affordable housing than would normally be required. Policy S4, therefore, requires that in the Minor Villages identified in Policy S1 where there is compliance with Policy H3:

**D.2.a) Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.**

**D.2.b) Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.**

- i. In such cases, it would be expected that the single open market dwelling will provide cross-subsidy towards the on-site provision of the affordable housing. Each site will be subject to a viability assessment which will determine the amount of cross-subsidy required.

## **E. DEVELOPMENT IN THE OPEN COUNTRYSIDE**

### **E.1 Conversion and sub-divisions**

Policy S4 requires that in the open countryside developments involving the conversion of existing buildings or sub-division of existing dwellings to provide 3 or more additional dwellings will make provision for 35% of the total number of dwellings to be affordable. It is considered that this should always be the aim in dealing with applications of this type. Nevertheless, it is recognised that provision of affordable housing on site is not always practicable in such situations. It is also more difficult to estimate the capacity of a development proposal involving existing buildings in comparison with a simple area calculation.

The Council, therefore, will adopt a more flexible approach in such situations, although generally **a financial contribution towards affordable housing in the local planning authority area will still be required. This will be set at the equivalent of 35% of the agreed capacity of the site** and utilise the Affordable Housing Financial Contribution Calculator but careful consideration will be given to the viability and practical implications of conversion and sub-division applications in assessing the level of financial contribution required.

### **E.2 Departure applications in the open countryside**

Policy S4 contains no requirement for affordable housing on proposals that do not comply with the LDP's spatial strategy, as set out in Policy S1. It would not have been appropriate to have written policy that anticipated an application being allowed that was totally contrary to other LDP policies regarding new build residential development in the open countryside. Nevertheless, it is normal practice in appeal situations to set out planning conditions and/or planning obligations that might be required should an Inspector decide to allow an appeal against the Council's refusal of any such application. It is necessary, therefore, to set out what the Council's position would be in such an appeal situation. In this respect it would be entirely appropriate to require a residential development to provide a proportion of affordable housing, notwithstanding that there is no direct policy justification for this in the LDP. Increasing the supply of affordable housing is a significant objective of national and local planning policies. For instance, paragraph 9.3.5 of Planning Policy Wales states: 'Where development plan policies make clear that an element of affordable housing, or other developer contributions, are required on specific sites, this will be a material consideration in determining relevant applications.'

It is considered, therefore, that **it should be a requirement that departure applications in the open countryside should make provision for 35% of the total number of dwellings in the development to be affordable or a financial contribution will be required towards affordable housing in the housing market area in which the site is located, to be set at the equivalent of 35% of the agreed capacity of the site**, in order to be compatible with Policy S4 in relation to general housing development in high value areas in the County.

### E.3 Rural Exceptions Policy

Policy H7 of the Adopted UDP provides a further planning policy mechanism for the provision of affordable housing in rural areas of Monmouthshire. It makes provision for the siting of small affordable housing sites in or adjoining villages on land that would otherwise not be released for residential development. **In such circumstances affordable housing should be provided on site at a rate of 100%.** Policy H7 is set out below:

#### **Policy H7 – Affordable Housing Rural Exceptions**

**Favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following criteria are met:**

- a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or by reference to alternative housing need data) which could not otherwise be met in the locality (housing needs sub-area);**
  - b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers;**
  - c) The proposal would have no significant adverse impact on village form and character and surrounding landscape or create additional traffic or access problems.**
- 
- i. In seeking to identify such sites it needs to be recognised that isolated sites in the open countryside or those within small, sporadic groups of dwellings are unlikely to be acceptable. Policy H7 specifically refers to sites adjoining Rural Secondary Settlements, Main Villages and Minor Villages. Any proposals for locations other than these would be treated as ‘Departure’ applications and will need special justification. Another important consideration is the balance of the pattern of settlements in the community.
  - ii. It will also be necessary to demonstrate that the scheme would meet a genuine local need. This local need would normally relate to the rural parts of the community council area in which the site is located. Evidence of local need can be established by a number of different means, including local surveys, local consultation events, other forms of primary evidence and housing register data. As with the affordable housing sites in Main Villages, the Council’s Rural Allocations Policy will apply.
  - iii. Monmouthshire County Council positively encourages local people to build their own affordable home to meet their own housing needs through the rural exceptions policy. Single plot exception sites are only permitted with restrictions and the ‘Build Your Own Affordable Home’ scheme is explained in Appendix 2.

## 5. OPTIONS FOR THE DELIVERY OF AFFORDABLE HOUSING

5.1 The Council requires that affordable housing is managed by a Registered Social Landlord (RSL) zoned for development in Monmouthshire by the Welsh Government, as procedures are already in place to ensure that dwellings remain affordable in perpetuity.

### 5.2 Types of affordable housing.

The Council will use the following definitions of affordable housing:

- **Social rented housing** is let by RSLs to households taken from the Council's Housing Register who are eligible for social rented housing. Rents will be set at Welsh Government benchmark levels.
- **Intermediate housing** is homes for sale and rent provided at a cost above social rent but below market levels. These can include shared equity, and intermediate rent. All of these will be provided through a Registered Social Landlord (RSL).
- **Neutral Tenure** is where tenure of housing is not predetermined but can vary according to needs, means and preferences of households to whom it is offered. This incorporates the tenures described above. This arrangement gives flexibility in that it allows the tenure type of a property to change between occupiers, or even with the same occupier. So, for example, on first occupation a house might be social rented, but when that occupier vacates the property the next occupier may choose the Homebuy option. In another instance, a property might initially be rented, but if the economic circumstances of the occupier improve, they may choose to convert to Homebuy. **Neutral tenure is the delivery option preferred by Monmouthshire County Council.**
- **Specialist affordable housing** may be sought for people with specific accommodation requirements that may not otherwise be met and where a need has been identified. These can include sheltered retirement housing, adapted housing for households with a physical disability and supported housing, for example for young homeless people or people with learning difficulties.

5.3 The Council's preferred method of achieving affordable housing through Section 106 Agreements is for developers to build houses for transfer to a Registered Social Landlord (RSL). This method will ensure mixed communities where the required pepper-potting of the affordable housing units will achieve a scheme where the affordable units are otherwise indistinguishable from the owner occupied homes.

5.3.1 Prior to submission of a planning application developers will be expected to liaise with the Council to agree the mix of units required to meet housing need.

5.3.2 All affordable housing units, except for those delivered under Policy SAH11, that are built by the developer for transfer to a RSL must be constructed to the Welsh Government's Design Quality Requirements (DQR), which includes Lifetime Homes, or successor Welsh Government scheme. Developers' DQR



Compliant house types will be checked to ensure that they meet the required standards. (See Appendix 1 for guidance)

- 5.3.3 The Council has a long term commissioning partnership with RSLs to secure the strategic provision of all types of housing accommodation. This covers minimum standards of service in management terms, allocation of Social Housing Grant, specialisms of the Housing Associations and the long-term allocation of housing sites. The Council's preference is for developers to work with RSLs zoned by the Welsh Government for developing in Monmouthshire and it will normally allocate each site to its preferred RSL on the basis of the RSL's development capacity, other properties in the area, rental levels and other relevant issues. Should there be a need for specialist/purpose built disabled housing, for example, and an element of social housing grant was required the Council would only be able to allocate grant to a zoned RSL.
- 5.3.4 The financial arrangements for the transfer of completed affordable housing units from the developer to the RSL are to be calculated using the current Acceptable Cost Guidance rates published by the Welsh Government's Housing Directorate. The percentage that the RSL can afford to pay, based on the rental income they would receive for the properties, is 42% of ACG. This leaves the landowner/developer to fund the 58% which in the past would have been covered by Social Housing Grant. The developer will then be expected to sell the properties to the RSL at this percentage rate. (This percentage rate does not apply to units delivered under Policy SAH11).
- 5.4 When negotiating option agreements to acquire land for residential development, developers should take account of affordable housing requirements. The amount of Social Housing Grant (SHG) that is available to the Council is very limited and is not normally made available for the delivery of Section 106 sites. The Council's preferred financial arrangements for the provision of affordable housing, as outlined in paragraph 5.3.4, have been agreed following consultation with the RSLs to ensure a consistent and equitable approach that also provides certainty for developers when they are preparing their proposals.
- 5.5 Affordable housing land or dwellings that are transferred to a RSL will be used to provide affordable housing on a neutral tenure basis to qualifying persons from the Council's Housing Register.
- 5.6 To achieve the aim of developing mixed and balanced communities the Council seeks to provide affordable housing on-site. Only in exceptional circumstances will off-site provision be considered. This might occur, for instance, in situations where the management of the affordable housing cannot be effectively secured (as in sheltered retirement housing schemes). In such cases it may be possible for off-site new build housing or refurbishment/conversion of existing properties to provide a satisfactory alternative that meets the needs of the local community. Such schemes would be subject to the financial arrangements outlined in paragraph 6.3.5 above. In the exceptional circumstances where on-site provision is not considered appropriate and off-site units cannot be delivered as an alternative site is not

available, the Council will consider accepting an affordable housing contribution payment in lieu of on-site affordable housing provision, utilising the Affordable Housing Financial Contribution Calculator referred to in 4.4.B) above.

- 5.7 It is recognised that some specialist housing schemes such as Sheltered Housing may be challenging to deliver and any affordable housing contribution would be subject to viability. Should it be necessary the Council will commission and independent viability assessment.
- 5.8 There are a number of people living in the County Council area that have specific housing requirements as a result of learning/physical disabilities and/or medical conditions. In certain circumstances, where particular housing needs cannot be met through use of existing affordable housing stock, new purpose built special needs units may be required. Where there is evidence of need, and it is considered appropriate by the Council, special needs housing may be provided as part of the affordable housing contribution through the involvement of a RSL to ensure that these units remain affordable in perpetuity.
- 5.9 It is recognised that the development costs of providing specific needs affordable housing may be higher than general needs affordable housing and therefore it may be acceptable for a lower proportion of affordable units to be provided, subject to an assessment of viability.
- 5.10 Affordable housing delivered under Policy SAH11
- 5.10.1 Affordable housing delivered under Policy SAH11 will be a mix of social rented units and intermediate housing depending on the local need identified by the Council. All units for social rent will be constructed to Welsh Government Design Quality Requirements, which includes Lifetime Homes. Intermediate housing will be constructed to a standard agreed by the Council and their RSL partners.
- 5.10.2 Affordable housing delivered under Policy SAH11 will be transferred to the Council's preferred RSL at 38% of Welsh Government ACG for social rented units, 50% of ACG for low cost home ownership units and 60% of ACG for intermediate rent units.
- 5.11 Service Charge and Ground Rents
- 5.11.1 Rents or purchase price are usually seen as the main measures of affordability, but the whole cost of occupation could be significantly higher where service charges and/or ground rents are also payable, for example in a block of apartments. Where there are to be service charges and/or ground rent then these should also be set at an affordable level if properties are to be classed as affordable. If at the time of determining a planning application the level of service charge or ground rent is not known, an appropriate condition or section 106 agreement clause will be applied.

5.11.2 Where a developer intends to appoint a management company who will be responsible for the maintenance of open spaces, landscaping and unadopted highways, which will be paid for through a charge collected from residents, this charge will not be payable in relation to any of the affordable housing units (irrespective of affordable tenure), either by the nominated RSL or the subsequent occupants of the affordable homes.

5.12 There are currently three Registered Social Landlords zoned by the Welsh Government to operate within Monmouthshire. These are:

Melin Homes  
Monmouthshire Housing Association  
The Seren Group

It should be noted that whilst these are the current zoned RSL partners in Monmouthshire, changing circumstances might result in the Council fostering different partnership links in the future and seeking approval from Welsh Government.

## **6. THE PLANNING APPLICATION AND SECTION 106 PROCESS**

### **6.1 Type of Planning Application**

6.1.1 Where new or additional housing is to be provided as part of a planning application on sites where the policy threshold has been exceeded affordable housing will be sought in accord with Adopted LDP Policy S4. This would apply to the following types of planning applications:

- All outline, full or change of use applications
- All renewal applications, including where there has been no previous affordable housing obligation

6.1.2 Affordable housing will be required on sites falling below the threshold if the Council considers that there has been a deliberate attempt to subdivide the site or phase the total development in an attempt to avoid the threshold.

### **6.2 Negotiation and Application Process**

6.2.1 The provision of affordable housing is just one of a number of issues that need to be taken into account in applications for residential development. Discussion and detailed negotiations will also need to cover such matters as design, layout, density, landscape, open space and recreation provision, education, access and other financial contributions that may be needed. Developers should refer to other LDP policies and SPG in this respect.

6.2.2 In implementing the affordable housing policies of the adopted development plan, the Council will seek to ensure that there is close consultation between planning, housing and legal officers concerned with the operation of these policies, as well as other external agencies, including developers and RSLs. In order to ensure that negotiations on affordable housing provision are

conducted as effectively as possible, the Council will expect all parties involved to follow the procedures outlined:

**Pre Application Discussions**  
With Planning and Housing Officers to establish the element of affordable housing required. There is a formal pre-application service which is available at a cost and which can include other Council officers from sections such as Highways and Biodiversity, dependent on the level of service required.



**Submission of Planning Application**  
The proposal should contain an element of affordable housing which meets the housing needs identified by Housing Officers, clearly identifying how the affordable housing requirements are proposed to be met, including the appropriate mix, number, type and locations of dwellings.  
*(It is recognised that this information might not be readily available if the application is in outline.)*



**Further Detailed Negotiations where necessary**  
Planning Department in consultation with the Housing Department consider the local need for affordable housing (quantity and type).  
Effective and early partnership between developer, RSL and the Council is critical. The Officer report to Planning Committee will require information on the mechanisms for providing affordable housing. This should include that the developer build and transfer to a RSL, which is the Council's preference. In order to transfer to a RSL detailed plans of dwellings would need to be confirmed as meeting their requirements.



**Consideration by Council's Planning Committee**



**If recommendation to approve is accepted, Planning Committee resolve to grant planning permission subject to planning conditions and the signing of a Section 106 Agreement, including an agreed Affordable Housing Scheme.**  
Council's Solicitor prepares Section 106 Agreement with Developer, in consultation with RSL where necessary. Legal agreement signed by all parties.



**Council issues decision on planning application.**

### 6.3 Section 106 Agreements

The precise form of Section 106 Agreement will depend on the circumstances of individual cases including the ownership of the site and the terms of any obligation or agreement between the owner and a RSL. However, Section 106 legal agreements will normally include clauses setting out requirements with regard to the following issues:

- The mix of affordable housing types, sizes sought as part of the development
- The location and distribution of affordable housing within the development site
- The minimum design standards required for the affordable housing units
- The timing of the construction and occupation of the affordable housing in relation to the development of the whole site, including appropriate restrictions on general market housing occupation
- The price, timing and conditions for the transfer of the land or affordable housing to a RSL
- The arrangements regarding the future affordability, management and ownership of the affordable housing
- With outline applications (where the proposed number of dwellings is not known, but where there is a likelihood that the site threshold will be exceeded) the Agreement will ensure that the appropriate proportion of new housing will be affordable.

It will be necessary for the Section 106 Agreement to include appropriate long-term occupancy arrangements. The Council will require full nomination rights, which will be exercised according to the Council's allocations policy as current at the time. The key requirement is that any housing that is provided as affordable should remain in the affordable housing stock each time there is a change of occupant.

The flowchart set out above is unlikely to be applicable to small scale developments that fall below the affordable housing thresholds set out in Policy S4 and that, therefore, require a financial contribution. A standard Section 106 agreement has been prepared for such circumstances to ensure that there is no undue delay in the determination of the application (Appendix 4). An unilateral undertaking may also be an option if only a monetary contribution is required. This is a simplified version of a planning agreement, which is relatively quick and straightforward to complete, and is entered into by the landowner and any other party with a legal interest in the development site.

## **7. MONITORING AND TARGETS**

- 7.1 As referred to in Section 3 above, the affordable target for the Monmouthshire LDP is 960 affordable dwellings over the plan period 2011-2021. This is based on the findings of a 2010 Update to the LHMA carried out in 2006.

7.2 The LDP estimated that the potential affordable housing provision if all sites achieve their maximum requirement is as follows:

• <b>35% on new sites in Main Towns and Rural Secondary Settlements</b>	<b>446</b>
• <b>25% on new sites in Severnside settlements</b>	<b>242</b>
• <b>60% on rural housing allocations in Main Villages</b>	<b>120</b>
• <b>20% on large site windfalls</b>	<b>68</b>
• <b>20% on current commitments</b>	<b>108</b>
• <b>Completions 2011 – 2013</b>	<b>127</b>
• <b>Small site windfalls</b>	<b>74</b>
<b>Total</b>	<b>1,185</b>

7.3 The period for this estimate had a base date of 1 April 2013. In the period 2013 to 2014 there were 36 affordable housing completions out of an overall total completions of 230 dwellings. In the period 2014 to 2015 there were 17 affordable housing completions out of an overall total completions of 205 dwellings.

7.4 The Council is required to produce an Annual Monitoring Report (AMR) that has to be published in the October following the preceding financial year. The first LDP AMR, therefore, was published in October 2015. The LDP monitoring framework includes a number of indicators relating to affordable housing. This is reproduced as Appendix 5 to this document.





## Contacts

### **Monmouthshire County Council:**

For affordable housing **planning policy** general enquiries please contact:

#### **Planning Policy Section**

Planning Policy Manager, County Hall, Rhadyr, Usk, Monmouthshire,  
NP15 1GA

Tel: 01633 644826.

Email: [planningpolicy@monmouthshire.gov.uk](mailto:planningpolicy@monmouthshire.gov.uk)

#### **Housing & Communities**

Senior Strategy & Policy Officer, Housing & Communities, Ty'r Efail, Lower Mill Field,  
Pontypool NP4 0XJ

Tel: 01633 644474

E Mail: [shirleywiggam@monmouthshire.gov.uk](mailto:shirleywiggam@monmouthshire.gov.uk)

**Potential developers** should contact the Development Management Section:

#### **Development Management Section**

Planning Applications Manager, County Hall, Rhadyr, Usk, Monmouthshire,  
NP15 1GA

Tel: 01633 644800. Email: [planning@monmouthshire.gov.uk](mailto:planning@monmouthshire.gov.uk)

### **Registered Social Landlords:**

#### **Melin Homes**

Ty'r Efail, Lower Mill Field, Pontypool, Torfaen. NP4 0XJ

Tel: 08453 101102.

Email: [peter.davies@melinhomes.co.uk](mailto:peter.davies@melinhomes.co.uk)

#### **Monmouthshire Housing Association**

Nant-Y-Pia House, Mamhilad Technology Park, Mamhilad, Monmouthshire,  
NP4 0JJ

Telephone: 01495 761112

Email: [karen.tarbox@monmouthshirehousing.co.uk](mailto:karen.tarbox@monmouthshirehousing.co.uk)

#### **The Seren Group**

Exchange House, The Old Post Office, High Street, Newport, NP20 1AA

Tel: 01633 679911

Email: [neil.barber@seren-group.co.uk](mailto:neil.barber@seren-group.co.uk)

#### **David James**

##### **Rural Housing Enabler Monmouthshire**

C/o Monmouthshire Housing Association, Nant-Y-Pia House, Mamhilad Technology  
Park, Mamhilad, Monmouthshire, NP4 0JJ

Tel: 07736 098103

Email: [david.james@rhe-monandpowys.co.uk](mailto:david.james@rhe-monandpowys.co.uk)

**APPENDIX 1**

**ACG Floor Areas**

## APPENDIX 1

### ACG Notional Floor Areas

Unit Type	Floor Area (Square Metres)
7 person 4 bed house	114
6 person 4 bed house	110
5 person 3 bed house	94
4 person 3 bed house	88
4 person 2 bed house	83
3 person 2 bed bungalow	58
3 person 2 bed flat (walk up)	65
3 person 3 bed flat (common access)	59
2 person 1 bed flat (walk up)	51
2 person 1 bed flat (common access)	46
5 person 3 bed bungalow (wheelchair)	115
4 person 2 bed bungalow (wheelchair)	98
3 person 2 bed bungalow (wheelchair)	80

1. Notional Floor Areas are provided as guidance on the expected floor areas that would be achieved if Development Quality Requirements (DQR) were implemented in full for each house or flat type listed.
2. NFAs are not a minimum size as the main criterion should be all designs comply with DQR and not merely achieve a notional floor area. House or flat designs with full DQR compliance can be achieved with floor areas below the notional figures and the degree of reduction will depend on the efficiency of the shape. It is not considered that anything less than 3/4 square metres smaller could possibly comply with DQR.

#### Calculation of Notational Floor Area (NFA)

1. Notional (or Net) Floor Area is measured to the internal finished surfaces of main containing walls on each floor, including private staircases, internal partitions, flues and ducts; it excludes external dustbin enclosures or stores, any porch open to the air or enclosed.
2. The measurement of floor area of common access flats excludes the area of the communal stairs and circulation space.
3. The measurement of floor areas of individual ground floor external access flats includes the area occupied by the staircase and entrance hall necessary to gain access to the first floor flat. The areas of the ground floor and upper floor flats (walk-up) shall be averaged in order to make comparisons against the notional floor areas shown above.
4. The floor area in rooms where the ceiling height is less than 1.50m is excluded.

**APPENDIX 2**

**Build Your Own Affordable Home**



## **BUILD YOUR OWN AFFORDABLE HOME**

### **Single plot rural exception sites explained**

#### **What are single plot rural exceptions sites?**

Monmouthshire County Council positively encourages local people to build their own affordable home to meet their own housing needs – so long as the site is in a recognisable rural settlement and its future value is controlled so that it remains affordable to other local people in the future. Sites may be permitted in rural areas outside existing settlement limits as an exception to the normal planning policies that restrict housing development in such areas.

#### **Is it only affordable housing which is allowed?**

Yes. We make an exception to normal planning policies only because there is a pressing need in Monmouthshire to help provide local people with affordable housing in rural areas. Open Market housing development continues to be strictly controlled outside existing settlement limits, as set out in the adopted Local Development Plan.

#### **So what is the catch?**

Single plot rural exception sites are only permitted with restrictions. These are:

- The value of the property is based on a standard cost of construction plus a nominal plot value. This typically works out at around 60% of open market value. A legal agreement is used to ensure that future sale of the property is capped at this percentage of market value forever. The value of the affordable property will then rise (or fall) directly in proportion to the housing market.
- The property cannot be larger than 100 square metre gross internal floor area. This includes any integral or attached garage. Normal permitted development rights will be removed so that express permission has to be sought for any future extensions.
- The house must be built to exacting quality and design standards, meeting the Lifetime Homes standards and satisfying the sustainable construction, energy and water efficiency aspects of level 3 of the Code for Sustainable Homes. It

must be sympathetically designed in relation to its setting, particularly as it is being granted permission as an exception to normal planning policies.

### Can anyone apply?

To obtain planning permission, the applicant must satisfy Monmouthshire County Council that:

- The site is in a suitable location.

And

- The initial occupier of the affordable home is in housing need and has a strong local connection.

### How do I apply for planning permission?

The application should be made by the prospective occupier of the proposed affordable dwelling. You need to do some groundwork before you make the planning application, contacting the following in this order:

1. First, you should contact the Senior Strategy and Policy Officer in Housing & Communities. This officer will liaise with the planning department on your behalf to establish whether your site is considered to be in a suitable location. Sites must be in locations that demonstrably form part of a recognisable named settlement. Please note that development in the open countryside, isolated from any recognisable settlement, will not be permitted.
2. If the site appears to have potential, the Senior Strategy and Policy Officer in Housing Services will arrange to interview you to establish whether or not you are in housing need and have a strong local connection. Existing homeowners with particular issues can still be eligible where it can be shown that their existing property is not suitable for their ongoing needs, and they have a strong local connection.
3. You will then be asked to approach your Community Council for confirmation of your local connection. At this stage, the Community Council should limit itself to confirming facts about the applicant's personal connection to the local area. When a planning application is made, the Community Council will be consulted in the normal manner for its comments on the proposed site and design.
4. Once you have obtained a preliminary "green light" from the above and you **are confident that you can fund the project**, you have some assurance that it is worthwhile employing an architect or builder to draw up your building plans. It is sensible to discuss the emerging design with the Planning Officer

before making your planning application, to establish whether it is likely to be found acceptable.

Finally, you are ready to make a planning application.

## The Application Process

### Who can apply?

Because planning permission is granted as an exception to normal policies, the Council must ensure that the affordable homes will genuinely meet local housing need. To do so, the Council will assess the housing need and the local connection of the prospective occupier. Consequently, applicants must normally be the prospective occupiers of the proposed dwelling. This does not prevent the applicant from using an agent to help them to submit the planning application.

Speculative applications from landowners and developers will not be successful, because they cannot identify with certainty the prospective occupants. The eligibility of the occupants is critical to the decision to allow development as an exception to normal planning policies.

#### **Step 1: contact the Senior Strategy & Policy Officer at Monmouthshire County Council, Housing & Communities**

**Mrs Shirley Wiggam  
Housing and Communities  
Monmouthshire County Council  
Ty'r Efail  
Lower Mill Field  
Pontypool  
NP4 0XJ**

**Tel: 01633 644474/07769 616662  
Email: shirleywiggam@monmouthshire.gov.uk**

#### **Step 2: contact your Community Council**

## **Build Your Own Affordable Home: Single Plot Rural Exception Sites**

It is recognised that in Monmouthshire the price of housing has risen to a level beyond that which many local people can afford. Therefore, the need for affordable housing is one of the Council's more pressing concerns, both in urban and rural areas.

The single plot rural exceptions scheme is a self-help solution that enables families to use their own resources to provide affordable housing that meets their needs within their community. The construction of such affordable housing is funded from householders' own resources, which can include the sale of existing property as well as through a commercial mortgage. Utilising the resources of those families who are able to provide new affordable housing to meet their own needs means that the local community benefits over the long term from an increased stock of local affordable homes.

Monmouthshire County Council is able to allow the development of affordable housing through the use of single plot rural exception sites under policy H7(Affordable Housing Rural Exceptions) of the existing adopted Local Development Plan.

### **Extracts from Monmouthshire County Council's Local Development Plan**

#### **Policy S1 – The Spatial Distribution of New Housing Provision**

The villages that are considered most likely to be suitable for single plot rural exception sites are those identified as Main and Minor Villages in Policy S1 of the Local Development Plan. Proposals in villages and hamlets not identified in Policy S1 of the Local Development Plan will not comply with Policy H7. These are minor settlements where new residential development will not normally be allowed because of their small size and sporadic nature and often because of the potential harm that development would cause to their open, rural character and/or sensitive landscape setting. Each proposal will be treated on its merits, however, and you are encouraged to discuss your site with the Senior Strategy and Policy Officer in Housing Services.

#### **Policy H7 – Affordable Housing Rural Exceptions**

**H7** Favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following conditions are met:



- (a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or by reference to alternative housing need data) which could not otherwise be met in the locality (housing needs sub-area);
- (b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers; and
- (c) The proposal would have no significant adverse impact on village form and character and surrounding landscape or create additional traffic or access problems.

With regard to criterion (a) the local need for single plot rural exceptions sites will be established through the tests set out in this information pack.

### **Suitability of Location**

Whilst wishing to address affordable housing needs in the rural areas, the Council must balance this with the need to promote sustainable patterns of development and to protect the open countryside from widespread development. In this respect, the Council considers that there will be cases where these wider environmental and sustainability interests will take precedence over the economic and social sustainability issues surrounding affordable housing.

### **Design**

Proposals for single plot rural exception sites will need to comply with the current adopted Local Development Plan policies. As these potential sites will usually be outside the areas normally considered suitable for residential development, it is especially important to achieve an appropriate design. In this respect, full applications will be required for single plot rural exception sites and an early dialogue with Planning Officers is therefore essential.

### **Policy DES 1 – General Design Considerations**

**DES1** 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. Development proposals will be required to:

- (a) 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 and cycling;
- (b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses.
- (c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings.

- (d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties where applicable.
- (e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape.
- (f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials.
- (g) Incorporate existing features that are of historical, visual or nature conservation value, and use the vernacular tradition where appropriate.
- (h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- (i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion (l) below;
- (j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- (k) Foster inclusive design;
- (l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

Where an applicant owns land which could provide a number of possible sites, the Council will seek to utilise the most environmentally sustainable and appropriate site as advised by the Council. Applicants are therefore strongly advised to discuss the alternatives at an early stage, and follow the advice given by the case Planning Officer.

## **Layout**

The dwelling size should not exceed 100 square metre gross internal floor space (i.e. a simple measurement of floor space between internal walls) and overall plot size

must be appropriate in terms of the general pattern of development in the surrounding area, but not normally exceeding 0.1 ha.

Sites which form part of the curtilage of an existing property must provide an appropriately sized plot for the new dwelling. In this respect, it will be important to achieve a ratio of dwelling size to overall plot size which is in keeping with surrounding properties. Such sites must also respect the existing character and setting of the original property, so as not to adversely alter the character or create a cramped form of development.

Materials of construction should be sympathetic to those in use locally.

Attached garages will count against the 100 square metres. It is appreciated, however, that there will generally be a need for garaging and for ancillary buildings to store gardening equipment, garden furniture etc. The size of such outbuildings will be strictly controlled. Detached garages of appropriate dimensions and height may be permitted if they are not intrusive upon the wider locality, reflect the local rural vernacular in both style and materials and remain subordinate to, and do not detract from, the character and appearance of the main dwelling. They should be sited as unobtrusively as possible, to the side or rear of the dwelling. Outbuildings should be modest in size and sensitively located.

Applications for single plot rural exception sites should include details of any proposed garages and outbuildings in order that the overall impact of a scheme can be fully assessed. The Council will need to be satisfied at the time of the original application that adequate ancillary garages and storage space can be achieved for the dwelling in order to avoid pressure for further, possibly harmful, development at some future date. If overlarge outbuildings are required then this could result in a reduction in the size of dwelling that might be allowable if this is necessary to limit the overall impact of the development in the landscape.

## **Housing Need and Strong Local Connection**

Applicants will need to demonstrate that they are unable to afford a suitable home currently available in the locality.

Housing need is demonstrated if the household unit has no home of its own, or is renting from a housing association but would like to become an owner-occupier, or is in unsuitable accommodation. For example:

- the current housing may be too large or too small for the household
- be in a poor state of repair
- be too costly for the household to maintain or sustain.

- be in a location that is a long way from existing employment, schools or support networks and that the cost or availability of transport is prohibitive to the particular household

Strong local connections with the settlement in question will need to be demonstrated by the household (Appendix A). These include working locally, residing locally, or having family members who need support in the local area.

Assessments of whether a household is in housing need or not, has strong local connections and is unable to afford a suitable home in the locality will be made by the Council's Housing Services following completion of a standard form and submission of supporting documentation. Applicants will be expected to be proactive in obtaining confirmation of their local connection from the Community Council.

Purchasers of the property in the future must also meet the local needs criteria in Appendix A. As a requirement of the section 106 legal agreement, the property cannot change hands without the written consent of Monmouthshire County Council. This will only be forthcoming if the Council is satisfied that the new purchaser has a strong local connection as defined in the section 106 legal agreement.

### **Affordable in Perpetuity**

Rural exception sites are permitted in order to benefit the long term sustainability of the community, and as such it is important that the property remains affordable for successive occupiers for the lifetime of the building. To achieve this, the model section 106 legal agreement in Appendix C puts a Restriction on the Title of the property, to the effect that the property cannot change hands without the written consent of Monmouthshire County Council. The Land Registry will effectively enforce this provision, as it will not be possible for a solicitor to register a new ownership with the Land Registry without the appropriate letter from Monmouthshire County Council.

A draft section 106 legal agreement should be submitted with the planning application, with agreed heads of terms in accordance with those attached at Appendix C. The section 106 agreement must be ready for all parties to sign by the time the application is ready for decision by the Council.

The "formula price" of the affordable property will be determined by the cost of construction as set out on page 10 of this pack, plus a nominal plot value of £10,000, expressed as a percentage of open market value. Extraordinary construction costs will only be taken into account at the discretion of the local planning authority, where such costs can be robustly justified as unavoidable.

The future sale of the property will be subject to the fixed percentage of open market value as detailed in the section 106 agreement. There is no scope for it to enter into the open housing market without recycling of proceeds.

In order to ensure that dwellings remain affordable, a dwelling size restriction will be imposed. The size of dwellings will normally be restricted to no more than 100 square metre gross internal floor space, with a curtilage not exceeding 0.1 ha.

Furthermore, permitted development rights to extend properties in the future will be removed by planning condition, in order to ensure that the Council retains control over the future affordability of the property. Future values will, in any event, be based on original floor space and exclude later additions.

### **Standard Conditions for Rural Exception Sites**

In order to provide a consistent and manageable approach to rural exception sites. Monmouthshire County Council proposes to use standard conditions on all rural exception sites that ensure:

- sustainable construction, energy and water efficiency aspects equivalent to level 3 of the Code for Sustainable Homes will apply to **all** schemes
- meeting Lifetime Homes Standards will apply to **all** schemes

### **Standard Conditions for Single Plot Rural Exception Sites**

In addition, standard conditions for single plot rural exception sites will include:

- restrictions on size of the property (to not exceed 100 square metres)
- removal of permitted development rights so that express permission has to be sought for any future extension, including garage and carport extensions

In the majority of cases, 100 square metres is adequate for a family of five persons. Larger properties are, by definition, more expensive and run counter to the primary aim of ensuring affordability.

Permitted development rights of the affordable dwellings will normally be removed to ensure that properties are not extended or altered in any way as to increase values beyond an affordable level. Exceptions will only be made where clearly justified. The normal permitted development rights will not prevent consideration of adaptations or extensions in certain circumstances, for instance, where required by an occupant with disabilities or to accommodate appropriate extensions for family growth.

The Council recognises that some households will need more space, for example to cater for very large families. Where an application is received to amend or remove a

standard condition, the applicant will be expected to demonstrate that the household's needs are genuine. The national definition of overcrowding (Appendix C) will be a factor in assessing what size of property is justified. The needs of disabled residents for physical space (for wheelchairs, etc.) will also be taken into account.

## Site Suitability Guidelines

The Local Development Plan (LDP) enables Monmouthshire County Council to allow affordable housing on sites that would not obtain planning permission for open market housing, as an exception to normal planning policies.

The site, however, must be in a location that demonstrably forms part of a recognisable named settlement. Sites that would constitute isolated or sporadic development, or which would adversely affect the landscape or rural character, are not considered acceptable and will be refused planning permission in line with existing LDP policies.

## Calculating the Formula Price

Affordable housing that is granted as an exception to normal planning policies must remain affordable for ever. This is achieved through a section 106 legal agreement, which defines what the “formula price” is for the affordable property.

The price for affordable housing that is built on single plot rural exception sites is calculated from standard construction costs and a nominal plot value. This is expressed as a percentage of market value to create the “formula price”.

The **nominal plot (land) value** applied is **£10,000** per building plot.

The **standard Cost of Construction** that applies is **£1,300** per square metre.

These figures apply regardless of the actual build or land cost. The combined total of these figures is the initial affordable value.

The initial affordable value is then converted into a percentage of the property’s potential Open Market Value (i.e. the property’s value if it were not subject to the affordability restrictions in the section 106 legal agreement). This percentage is the “**formula price**”.

The formula price determines how much the property could be sold for in the future. As it is a percentage of open market value, it will go up or down in line with market prices.

### Worked Example

In this example, the affordable property is a 2 bed house of 70 square metres in size. The value is based on the gross internal floor space (i.e. a simple measurement of the floor space between the internal walls. Each floor of the property is included – in our example, the ground floor is 35 square metres and the first floor is 35 square metres.

One builder has quoted £81,000, another builder has quoted £85,000 and a third builder has quoted £97,000. The actual construction price is irrelevant, because the property’s affordable value is based on a formula price. Instead the affordable value will be calculated as follows. The formula for the initial affordable value is: standard cost of construction x floor space + nominal plot value:

$$\begin{aligned}
 &= (\mathbf{£1,300 \times 70 \text{ sqm}}) + \mathbf{£10,000} \\
 &= \mathbf{£91,000 + £10,000} \\
 &= \mathbf{£101,000}
 \end{aligned}$$

Let us assume that the market value for a 2 bed property in this location is £165,000 (actual value to be based on an independent surveyor’s/estate agent’s valuation of the property).

Formula price equals nominal cost as a proportion of market value:

$$\begin{aligned}
 &= \mathbf{£101,000/£165,000} \\
 &= \mathbf{61.2\%}
 \end{aligned}$$

The section 106 legal agreement would therefore specify the formula price as 61.2% of open market value. Future sale of the property must be at 61.2% of whatever the open market value is at that point in time. Thus the property will go up or down in value in line with market prices.



## If You Need to Sell in the Future

The value of the property is set in the section 106 legal agreement, as a percentage of open market value.

Resale of the property must be to a marketing plan that has been agreed with the Council, as required by the legal agreement. It must be offered for sale at the formula price for six months. Persons wishing to purchase the property must meet the Council's criteria for being in housing need (see Appendix A).

Over six months, the pool of potential purchasers widens from the local area, then Monmouthshire-wide, then to the Council or one of the Council's nominated partners and finally to anyone else. This is known as the cascade mechanism. The details of which are specified in the section 106 legal agreement for the property.

In the highly unlikely event of an owner being unable to sell at the formula price in this six month period, he/she may apply to have the formula price removed. If the Council agrees to its removal, then half of the difference between the affordable and the open market value will be recouped by the Council and used towards the provision of affordable housing elsewhere.

These requirements have been reached in discussion with mortgage lenders to ensure that they satisfy most mortgage lenders' criteria. They provide a balance between trying to ensure that affordable properties remain affordable in perpetuity, prioritising local people, and minimising the financial risks for lenders.

## Lifetime Homes Standards

All affordable homes must be built to the lifetime homes standard to ensure that they are accessible and can be easily adapted should their occupiers experience mobility difficulties in the future. Homes built to this standard are "future-proofed" not only for the potential needs of their occupiers, but also for the needs of visiting friends and relatives. The Lifetime Homes standard requires the following:

### Access

1. Where car parking is adjacent to the home, it should be capable of enlargement to attain 3.3metres width.
2. The distance from the car parking space to the home should be kept to a minimum and should be level or gently sloping.
3. The approach to all entrances should be level or gently sloping (Gradients for paths should be the same as for public buildings in the Building Regulations).
4. All entrances should be illuminated and have level access over the threshold and the main entrance should be covered.

5. Where homes are reached by a lift, it should be wheelchair accessible.

### **Inside the Home**

6. The width of internal doorways and halls should conform to Part M of the Building Regulations, except where approach is not head on and the hallway is less than 900mm clear width, in which case the door should be 900mm rather than 800mm wide. Entrance level doorways should have a 300mm nib or wall space adjacent to the leading edge of the door.
7. There should be space for the turning of wheelchairs in kitchens, dining areas and sitting rooms and adequate circulation space for wheelchair users elsewhere.
8. The sitting room (or family room) should be at entrance level.
9. In houses of two or more storeys, there should be space on the ground floor that could be used as a convenient bed space.
10. There should be a downstairs toilet which should be wheelchair accessible, with drainage and service provision enabling a shower to be fitted at any time.
11. Walls in bathrooms and toilets should be capable of taking adaptations such as handrails.
12. The design should incorporate provision for a future stair lift and a suitably identified space for potential installation of a through-the-floor lift from the ground to the first floor, for example to a bedroom next to the bathroom.
13. The bath/bedroom ceiling should be strong enough, or capable of being made strong enough, to support a hoist at a later date. Within the bath/bedroom wall provision should be made for a future floor to ceiling door, to connect the two rooms by a hoist.
14. The bathroom layout should be designed to incorporate easy access probably from a side approach, to the bath and WC. The wash basins should also be accessible.

### **Fixtures and Fittings**

15. Living room window glazing should begin at 800mm or lower, and windows should be easy to open/operate.
16. Switches, sockets and service controls should be at a height usable by all (i.e. between 600mm and 1200mm from the floor).

## Do you qualify for affordable housing?

The Council wishes to make it as easy as possible for residents to be able to find out if they qualify for the 'Build Your Own Single Plot' affordable home.

### Applicants must demonstrate:

That they have a suitable plot of land (this is assessed by a planning officer)

That they are in need of a house in the area and would contribute towards community sustainability

That they have strong local connections and need to live in the area where they propose to build

That they are unable to secure a suitable home currently available on the open market

### What are the main housing need, local connection and affordability qualification criteria?

Local Housing Need	Strong Local Connections & Need to Live in the Local Area	Affordability and Availability of Housing in the Area
<ul style="list-style-type: none"> <li>• No home of your own – e.g. living with your parents</li> <li>• Current housing not suitable for current needs</li> <li>• Housing Association tenant but would like to become an owner-occupier</li> </ul>	<ul style="list-style-type: none"> <li>• Parents are permanent residents in the area</li> <li>• Parents were permanently resident in the area at the time of the applicants birth and applicant was a permanent resident of the area for 5 continuous years as a child</li> <li>• Currently living in the area and have been for 5 continuous years</li> <li>• Currently employed in the area</li> <li>• Have an offer of work in the area</li> <li>• Applicant needs to live in the area to care for a relative or receive support/childcare</li> </ul>	<ul style="list-style-type: none"> <li>• If buying your mortgage should not be more than 25% of your gross household income</li> <li>• If renting, your rent should be less than 25% of your income</li> <li>• Your total household income is not large enough to buy a suitable house on the open market</li> <li>• There are no suitable properties in the area</li> </ul>

For more information please contact Shirley Wiggam, Senior Strategy & Policy Officer on 01633 644474

**APPENDIX 3**

**Rural Allocations Policy**



## **Affordable Housing**

# **Rural Allocations Policy**

The purpose of the policy is to ensure that homes developed for local people are allocated as intended. This policy is to be used in addition to both Monmouthshire County Council's Common Allocations Policy and any other or succeeding allocations policy for letting of affordable housing in Monmouthshire.

The Registered Social Landlord requires assurance for its future business security that the local connection policy will not be allowed to cause empty properties. There is flexibility built into this policy to allow a broadening of both occupancy levels and geographical connection in order to allow properties to be tenanted swiftly and therefore ensure that the affordable housing resource is utilised.

The Rural Allocations Policy will be used to allocate the first 10 homes on all new housing sites and on all subsequent lettings of these properties (once identified via the first round of lettings) in rural areas of Monmouthshire other than:

- The main settlements of Abergavenny, Caldicot, Chepstow, Monmouth and Usk (Abergavenny includes the waiting list areas of Mardy and Croesonnen and the settlement of Monmouth includes the waiting list area of Wyesham)

### **Geographical Criteria**

The aim of this policy is to ensure that households with strong links to rural areas are given the opportunity to remain in these communities thus helping to maintain sustainability in the future. The local qualification will be based on villages within the Community Council boundary where the properties are located and then will cascade out to the immediately adjoining communities using community council boundaries.

As there are some rural areas in Monmouthshire where development is unlikely due to land supply and topography, the Council reserves the right to widen qualification to a neighbouring Community Council on occasions where there is a proven local need.

## **Under Occupation**

Priority will be given to applicants who have a local connection and who fully occupy a property in line with local housing allowance size criteria. One spare room will be considered whereupon a tenancy is affordable or there are exceptional circumstances. In the case where there are more applications received that meet the rural housing lettings criteria than there are properties to allocate, these applications will then be assessed to the current allocation policy.

## **Rural Housing Lettings Criteria**

In priority order:

1. Applicants who have lived in the community (defined as the Community Council area) for a continuous period of at least 5 years at the time of application and are owed a reasonable preference as defined by the Housing Act 1996.
2. Applicants who have lived in the community (defined as the Community Council area) for a continuous period of at least 5 years at the time of application and who need to live in the community in order to provide support to a dependent child or adult or to receive support from a principal carer.
3. Applicants who have lived in the community (defined as the Community Council area) for a continuous period of at least 5 years at the time of application and who are principally (> 20 hours per week) employed in the community (defined as the Community Council area).
4. Applicants who have lived in the community (defined as the Community Council area) for a continuous period of at least 5 years at the time of application or those who have lived in the community for a period of five years but have had to move out of the area to access accommodation.
5. Applicants who have previously lived in the community for a period of at least 5 years and who need to move to the community in order to provide support to a dependent child or adult or to receive support from a principal carer.
6. Applicants who have been principally (> 20 hours per week) employed in the community (defined as the Community Council area) for a continuous period of at least 5 years.
7. Applicants who have previously lived in the community for a period of at least 5 years.
8. Applicants with a firm offer of employment in the community and who would otherwise be unable to take up the offer because of a lack of affordable housing.

Applicants will be prioritised using the above criteria, however, if more than one applicant has the same priority, the applicant who has lived (or previously lived) in the Community Council area for the longest will be given priority. Applicants who have the same priority and who will be fully occupying the property will be given priority over those applicants who have the same priority and who will be under-occupying.

In the event there is no suitable [insert Community Council] applicant, these criteria will then be applied in the same order to applicants from immediately adjoining communities as set out above. Should there be no suitable applicant from the Community Council area where the properties are located or from the immediately

Reviewed 11<sup>th</sup> January 2013

adjoining Community Council areas then the properties will be allocated to applicants with a connection to Monmouthshire in line with the Monmouthshire Homesearch Allocations Policy.

**It should be noted however that the Council reserves the right to nominate applicants for rural vacancies, who do not meet the above criteria, where it is considered that the circumstances of the individual case warrant special consideration. Such cases can only be considered for the offer once the decision has been agreed by the Common Housing Register Operational Sub Group and the Head of Housing and Communities.**

### **Evidence of Local Connection**

In all cases, the applicant will be expected to demonstrate their local connection, for example by providing service bills, bank statements, medical registration documents and so forth. Applicants living at home with parents and looking to leave home for the first time would be expected to provide evidence to show that they have local criteria which may include evidence that their parents have achieved the local connection.

Applicants not living in the Community, but who are applying for reasons of employment must provide evidence to show that they are principally employed within the area, including the date of commencement of employment and confirmation from their employer of employment status, and whether this is likely to continue for the foreseeable future.

Applicants will also be asked to consent to the landlord making enquiries of the electoral register and council tax records should it be necessary to confirm local connection.

### **Future Voids**

The properties identified for each site will remain ear marked for all future lettings. Therefore all future lettings for these properties will also be carried out as per this policy.

### **Monitoring**

The Council will ensure that lettings through this policy will not dominate the main allocation scheme. The Rural Allocations Policy will be monitored on an ongoing basis to ensure that overall reasonable preference for allocation in Monmouthshire is given to applicants in the reasonable preference groups.

The policy will also be monitored in order to assess its impact, the outcome of which will be regularly reported.

The policy will also be monitored to ensure that void properties are re-let to qualifying households who satisfy the Rural Allocations Policy.

**APPENDIX 4**

**Draft Standard Section 106 Agreement for Affordable Housing Financial Contributions**



**DATED**

-----

**PLANNING OBLIGATION UNDER SECTION 106 OF THE TOWN AND  
COUNTRY PLANNING ACT 1990 ( AS AMENDED) RELATING TO LAND AT  
[ADDRESS]**

between

**COUNCIL**

and

**OWNER**

and

**[MORTGAGEE]**

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THIS DEED is dated [DATE]

- (1) [NAME OF COUNCIL] of [ADDRESS OF COUNCIL] (**Council**).
- (2) [NAME OF OWNER] of [ADDRESS OF OWNER] (**Owner**).
- (3) [[FULL COMPANY NAME] incorporated and registered in England and Wales with company number [NUMBER] whose registered office is at [REGISTERED OFFICE ADDRESS] (**Mortgagee**).]

## **BACKGROUND**

- (A) The Council is the local planning authority for the purposes of the TCPA 1990 for the area in which the Property is situated.
- (B) The Owner is the freehold owner of the Property [subject to a mortgage in favour of the Mortgagee but otherwise] free from encumbrances.
- (C) The Owner has made the Planning Application and is proposing to carry out the Development.
- (D) [The Mortgagee is the registered proprietor of the charge dated [DATE] referred to in entry number [NUMBER] of the charges register of Title number [NUMBER] and has agreed to enter into this deed to give its consent to the terms of this deed.]
- (E) The Council having regard to the provisions of the [Local Plan **OR** Unitary Development Plan] and to all other material considerations resolved that Planning Permission should be granted for the Development subject to the prior completion of this deed.
- (F) The parties have agreed to enter into this Agreement with the intention that the obligations contained in this Agreement may be enforced by the Council against all Owners, the Developer and their respective successors in title.

## **AGREED TERMS**

### **1. INTERPRETATION**

The following definitions and rules of interpretation apply in this deed:

#### **1.1 Definitions:**

**Affordable Housing:** social rented, intermediate rented and low cost home ownership, provided to eligible households, the total cost (including service charges) of which will be available and affordable to persons whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for subsidy to be recycled for alternative affordable housing provision as set out in schedules 2 and 3.

**Base Rate:** the higher of [5%] and the base rate from time to time of Barclays Bank plc.

**Commencement of Development:** the carrying out in relation to the Development of any material operation as defined by section 56(4) of the TCPA 1990 [but disregarding for the purposes of this deed and for no other purpose, the following operations: demolition works; site clearance; ground investigations; site survey works; temporary access construction works; archaeological investigation; and erection of any fences and hoardings around the Property.]

**Completion of Development:** the issuing of a compliance certificate for this development issued under either regulation 17 (completion certificates) of the Building Regulations or section 51 of the Building Act 1984 (final certificates)

**Commence and Commences** shall be construed accordingly.

**Commencement Date:** the date Development Commences.

**Default Interest Rate:** 4% per annum above the Base Rate.

**Development:** the development of the Property authorised by the Planning Permission.

**Development Site:** the land at [DESCRIPTION OR ADDRESS] shown edged red on the Plan and registered at HM Land Registry with absolute title under title number(s) [NUMBER[S]].]

**Form 1:** Self Build Exemption Claim Form to be submitted prior to completion of the Development.

**Form 2:** Self Build Exemption Claim Form to be submitted within 6 months of occupation of the self-build dwelling.

**Index Linked:** increased in accordance with the following formula:

Amount payable = the payment specified in this deed x (A/B) where:

A= the figure for the [Retail Prices Index (All Items)] that applied immediately preceding the date the payment is due.

B= the figure for the [Retail Prices Index (All Items)] that applied when the index was last published prior to the date of this deed.

**Occupation and Occupied:** occupation for the purposes permitted by the Planning Permission.

**Plan:** the plan attached as Annex A.

**Planning Application:** the application for [FULL OR OUTLINE] planning permission registered by the Council on [DATE] under reference number [NUMBER].

**Planning Permission:** the planning permission to be granted by the Council in respect of the Planning Application [in the draft form attached as Annex B].

**Retail Price Index:** the retail price index compiled and published by the Office of National Statistics

**Self Build:** all homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders.

**TCPA 1990:** Town and Country Planning Act 1990.

**VAT:** value added tax chargeable under the Value Added Tax Act 1994 and any similar replacement tax and any similar additional tax.

**Working Day:** any day which is not a Saturday, a Sunday, a bank holiday or a public holiday in Wales

- 1.2 Clause headings shall not affect the interpretation of this deed.
- 1.3 A **person** includes a natural person, corporate or unincorporated body (whether or not having separate legal personality).
- 1.4 A reference to a **company** shall include any company, corporation or other body corporate, wherever and however incorporated or established.
- 1.5 Unless the context otherwise requires, words in the singular shall include the plural and in the plural shall include the singular.
- 1.6 Unless the context otherwise requires, a reference to one gender shall include a reference to the other genders.
- 1.7 A reference to any party shall include that party's personal representatives, successors and permitted assigns and in the case of the Council the successors to its respective statutory functions.
- 1.8 Unless the context otherwise requires, a reference to a statute or statutory provision is a reference to it as amended, extended or re-enacted from time to time.
- 1.9 Unless the context otherwise requires, a reference to a statute or statutory provision shall include any subordinate legislation made from time to time under that statute or statutory provision.
- 1.10 A reference to **writing** or **written** [includes fax but not e-mail **OR** excludes faxes and e-mail].
- 1.11 A reference to **this deed** or to any other deed or document referred to in this deed is a reference to this deed or such other deed or document as varied or novated (in each case, other than in breach of the provisions of this deed) from time to time.
- 1.12 References to clauses and Schedules are to the clauses and Schedules of this deed.

- 1.13 An obligation on a party not to do something includes an obligation not to allow that thing to be done.
- 1.14 Any words following the terms **including, include, in particular, for example** or any similar expression shall be construed as illustrative and shall not limit the sense of the words, description, definition, phrase or term preceding those terms.
- 1.15 Where an obligation falls to be performed by more than one person, the obligation can be enforced against every person so bound jointly and against each of them individually.

## **2. STATUTORY PROVISIONS**

- 2.1 This deed constitutes a planning obligation for the purposes of section 106 of the TCPA 1990, section 111 of the Local Government Act 1972, [section 1 of the Localism Act 2011 **OR** section 2 of the Local Government Act 2000] and any other enabling powers.
- 2.2 The covenants, restrictions and obligations contained in this deed are planning obligations for the purposes of section 106 of the TCPA 1990 and are entered into by the Owner with the intention that they bind the interests held by those persons in the Property and their respective successors and assigns.
- 2.3 The covenants, restrictions and obligations contained in this deed are enforceable by the Council in accordance with section 106 of the TCPA 1990.

## **3. CONDITIONALITY**

With the exception of clauses 2, 3, [7],10,11, 13, 16, 17, 19, 20, 21, 22 and 24 [OTHER RELEVANT CLAUSES] (which take effect immediately), this deed is conditional on the grant and issue of the Planning Permission.

## **4. COVENANTS TO THE COUNCIL**

The Owner [and the Mortgagee] covenant[s] with the Council to:

- (a) observe and perform the covenants, restrictions and obligations contained in Schedule 1.
- (b) give at least [NUMBER] Working Days written notice to the Council of the intended Commencement Date.

**5. COVENANTS BY THE COUNCIL**

The Council covenants with the Owner to observe and perform the covenants, restrictions and obligations contained in Schedule 2.

**6. INDEXATION**

6.1 All financial contributions payable to the Council shall be Index Linked.

6.2 Where reference is made to an index and that index ceases to exist or is replaced or rebased then it shall include reference to any index which replaces it or any rebased index (applied in a fair and reasonable manner to the periods before and after rebasing under this deed) or in the event the index is not replaced, to an alternative reasonably comparable basis or index as the Council shall advise the Owner in writing.

**7. [MORTGAGEE'S CONSENT**

7.1 The Mortgagee consents to the completion of this deed and declares that its interest in the Property shall be bound by the terms of this deed as if it had been executed and registered as a land charge prior to the creation of the Mortgagee's interest in the Property.

7.2 The Mortgagee shall not be personally liable for any breach of the obligations in this deed unless committed or continuing at a time when the Mortgagee is in possession of all or any part of the Property.]

**8. RELEASE**

No person shall be liable for any breach of a covenant, restriction or obligation contained in this deed after parting with all of its interest in the Property, except in respect of any breach subsisting prior to parting with such interest.

**9. DETERMINATION OF DEED**

The obligations in this deed (with the exception of clause 11) shall cease to have effect if before the Commencement of Development, the Planning Permission:

- (a) expires;
- (b) is varied or revoked other than at the request of the Owner; or
- (c) is quashed following a successful legal challenge.

**10. LOCAL LAND CHARGE**

This deed is a local land charge and shall be registered as such by the Council.

**11. COUNCIL'S COSTS**

The Owner shall pay to the Council on or before the date of this deed:

- (a) the Council's reasonable and proper legal costs together with all disbursements incurred in connection with the preparation, negotiation, completion and registration of this deed.
- (b) the sum of £[AMOUNT] as a contribution towards the Council's costs of monitoring the implementation of this deed.

**12. INTEREST ON LATE PAYMENT**

If any sum or amount has not been paid to the Council by the date it is due, the Owner shall pay the Council interest on that amount at the Default Interest Rate (both before and after any judgment). Such interest shall accrue on a daily basis for the period from the due date to and including the date of payment.

**13. OWNERSHIP**

13.1 The Owner warrants that no person other than the Owner [and the Mortgagee] has any legal or equitable interest in the Property.

13.2 [Until the covenants, restrictions and obligations in Schedule 1 have been complied with, the Owner will give to the Council within [NUMBER] Working Days, the following details of any conveyance, transfer, lease, assignment, mortgage or other disposition entered into in respect of all or any part of the Property:

- (a) the name and address of the person to whom the disposition was made; and
- (b) the nature and extent of the interest disposed of.]

**14. REASONABLENESS**

Any approval, consent, direction, authority, agreement or action to be given by the Council under this deed shall not be unreasonably withheld or delayed.

**15. CANCELLATION OF ENTRIES**

15.1 On the written request of the Owner at any time after each or all of the obligations have been performed or otherwise discharged (and subject to the payment of the Council's reasonable and proper costs) the Council will issue a written confirmation of such performance or discharge.

15.2 Following the performance and full satisfaction of all the terms of this agreement or if this deed is determined pursuant to clause 9 (and subject to the payment of the Council's reasonable and proper costs and charges) the Council will on the written



request of the Owner cancel all entries made in the local land charges register in respect of this deed.

**16. DISPUTES**

Any dispute, controversy or claim arising out of or relating to this deed, including any question regarding its breach, existence, validity or termination or the legal relationships established by this deed, shall be finally resolved by arbitration in accordance with the Arbitration Act 1996. It is agreed that:

- (a) the tribunal shall consist of [one] arbitrator appointed jointly by the parties;
- (b) in default of the parties' agreement as to the arbitrator, the arbitrator shall be appointed on either party's request by the President for the time being of the Royal Institution of Chartered Surveyors;
- (c) the costs of the arbitration shall be payable by the parties in the proportions determined by the arbitrator (or if the arbitrator makes no direction, then equally); and
- (d) the seat of the arbitration shall be [London].

**17. NO FETTER OF DISCRETION**

Nothing (contained or implied) in this deed shall fetter or restrict the Council's statutory rights, powers, discretions and responsibilities.

**18. WAIVER**

No failure or delay by the Council to exercise any right or remedy provided under this deed or by law shall constitute a waiver of that or any other right or remedy. No single or partial exercise of such right or remedy shall prevent or restrict the further exercise of that or any other right or remedy.

**19. FUTURE PERMISSIONS**

Nothing in this agreement shall prohibit or limit the right to develop any part of the Property in accordance with any planning permission (other than the Planning Permission or modification, variation or amendment thereof) granted after the date of the Planning Permission.

**20. AGREEMENTS AND DECLARATIONS**

The parties agree that:

- (a) nothing in this deed constitutes a planning permission or an obligation to grant planning permission; and

- (b) nothing in this deed grants planning permission or any other approval, consent or permission required from the Council in the exercise of any other statutory function.

**21. NOTICES**

21.1 Any notice [or other communication] to be given under this deed must be in writing and must be:

- (a) delivered by hand; or
- (b) sent by pre-paid first class post or other next working day delivery service.

21.2 Any notice [or other communication] to be given under this deed must be sent to the relevant party as follows:

- (a) to the Council at [ADDRESS] marked for the attention of [NAME/POSITION];
- (b) to the Owner at [ADDRESS] marked for the attention of [NAME/POSITION];
- (c) [to the Mortgagee at [ADDRESS] marked for the attention of [NAME/POSITION]]

or as otherwise specified by the relevant party by notice in writing to each other party.

21.3 Any notice [or other communication] given in accordance with clause 21.1 and clause 21.2 will be deemed to have been received:

- (a) if delivered by hand, on signature of a delivery receipt [or at the time the notice or document is left at the address] provided that if delivery occurs before 9.00 am on a Working Day, the notice will be deemed to have been received at 9.00 am on that day, and if delivery occurs after 5.00 pm on a Working Day, or on a day which is not a Working Day, the notice will be deemed to have been received at 9.00 am on the next Working Day; or
- (b) if sent by pre-paid first class post or other next working day delivery service, at [9.00 am] on the [second] Working Day after posting.

21.4 A notice given under this deed shall not be validly given if sent by fax or e-mail.

21.5 This clause does not apply to the service of any proceedings or other documents in any legal action or, where applicable, any arbitration or other method of dispute resolution.

**22. THIRD PARTY RIGHTS**

A person who is not a party to this deed shall not have any rights under the Contracts (Rights of Third Parties) Act 1999 to enforce any term of this deed.

**23. VALUE ADDED TAX**

23.1 Each amount stated to be payable by the Council or the Owner to the other under or pursuant to this deed is exclusive of VAT (if any).

23.2 If any VAT is at any time chargeable on any supply made by the Council or the Owner under or pursuant to this deed, the party making the payment shall pay the other an amount equal to that VAT as additional consideration on receipt of a valid VAT invoice.

**24. GOVERNING LAW**

This deed and any dispute or claim arising out of or in connection with it or its subject matter or formation (including non-contractual disputes or claims) shall be governed by and construed in accordance with the law of England and Wales as it applies in Wales.

This document has been executed as a deed and is delivered and takes effect on the date stated at the beginning of it.

The common seal of  
MONMOUTHSHIRE  
COUNTY COUNCIL  
was affixed to this document in the presence  
of:

Member of Council

Authorised signatory

Signed as a deed by [NAME OF OWNER] in the presence of:

.....

.....  
[SIGNATURE OF WITNESS]  
[NAME, ADDRESS [AND OCCUPATION] OF WITNESS]

[SIGNATURE OF OWNER]

Executed as a deed by [NAME OF MORTGAGEE] acting by [NAME OF FIRST DIRECTOR], a director and [NAME OF SECOND DIRECTOR OR SECRETARY], [a director **OR** its secretary]

.....

[SIGNATURE OF FIRST DIRECTOR]

Director

.....

[SIGNATURE OF SECOND DIRECTOR OR SECRETARY]

[Director **OR** Secretary]

**OR**

Executed as a deed by [NAME OF MORTGAGEE] acting by [NAME OF DIRECTOR], a director, in the presence of:

.....

[SIGNATURE OF DIRECTOR]

Director

.....  
[SIGNATURE OF WITNESS]  
[NAME, ADDRESS [AND OCCUPATION] OF WITNESS]

## **Schedule 1 Owner's Covenants to the Council**

### **1. AFFORDABLE HOUSING CONTRIBUTION**

On or before the date of completion or the date of occupation (whichever is the earliest) to pay to the Council the sum of £[AMOUNT] towards the cost of providing off site affordable housing within Monmouthshire.

The Owner covenants that should they successfully claim exemption (as self-build applicants) through submitting forms 1 and 2 that they will remain liable for this payment if they do not reside at the dwelling for a minimum of 3 years from the date upon which occupation commenced.

## **Schedule 2 Covenants by the Council**

### **1. AFFORDABLE HOUSING CONTRIBUTION**

- 1.1 Not to use any part of the Contribution other than for the purposes for which it was paid (whether by the Council or another party).
- 1.2 In the event that the Contribution has not been spent or committed for expenditure by the Council within 5 years following the date of receipt of the Contribution the Council shall refund to the Owner any part of the Contribution which has not been spent or committed for expenditure, together with any accrued interest.
- 1.3 The Council covenants that upon receipt of Form 1 prior to the completion of the development that the development or part of the development consists of a self-build dwelling for occupation by the Owner that the Council will not request the Affordable Housing Contribution in respect of that dwelling on the due date and payment shall be deferred pending receipt of Form 2 from the Owner.
- 1.4 Form 2 must be submitted within 6 months of occupation of the potentially exempt dwelling with evidence that it is the Owner's primary residence as set out in Form 2. Should Form 2 not be received the Owner will remain liable for the contribution.
- 1.5 If Form 2 is submitted and the Owner occupies the dwelling for a minimum of 3 years the Council shall vary the s106 Agreement to reflect that the identified dwelling will not attract the contribution.

**Annex A. Plan**

**Annex B. Draft Planning Permission**



**Annex C. Self-Build Exemption Claim Forms 1 and 2**

# Self Build Exemption Claim Form 1

An exemption for a self build home must be granted prior to the completion of the development. Notice must be received by the Monmouthshire County Council Planning Department prior to the date of completion of the development. The applicant will otherwise be liable for the full charge.

**Form 2** of the self build exemption claim must be submitted to Monmouthshire County Council Planning Department within six months of the occupation of the development. The applicant will otherwise be liable for the full charge.

Please complete the form using block capitals and black ink and send to Monmouthshire County Council Planning Department.

## Section A: Claiming Exemption – General Information

*To be completed by the individual(s) claiming self build exemption.*

### 1. Application Details :

Applicant Name:

Planning Portal Reference (if applicable):

Local authority planning application number (if allocated):

Please provide the full postal address of the application site:

**If postal address/postcode not known, or original relief claim was submitted with reference to grid reference, please provide:**

Easting:  Northing:

Description:

## Section B: Self Build Declaration

I declare that this is a "self build project" as defined below

I declare that I will occupy the premises as my sole or main residence for a period of 3 years from completion of the property

I declare that I will provide the required supporting documentation as set out in '**Self Build Exemption Claim Form 2**' within 6 months of occupation of the property and I understand failure to do this will result in the contribution becoming payable

I declare the amount of de minimis State aid received in the last three years prior to submission of this application for relief is less than 200,000 Euro

*'Self Build' for these purposes is defined as all homes built or commissioned by individuals or groups of individuals for their own use, either by building the home on their own or working with builders.*

*'Completion' for these purposes is defined as the issuing of a compliance certificate for this development issued under either regulation 17 (completion certificates) of the Building Regulations 2010 or section 51 of the Building Act 1984 (final certificates).*

---

**Declaration**

I confirm that the details given are correct.

I understand:

That my claim for exemption will lapse where **Form 2** is not submitted prior to occupation of the chargeable development to which this exemption applies.

Name – Claimant:

Date (DD/MM/YYYY):

*On receipt of this application Monmouthshire County Council Planning Department will make a decision on your claim as soon as practicable and inform the amount of affordable housing contribution relief granted in writing. You **must** then submit **Form 2** to the collecting authority within 6 months of occupation. Failure to do so will result in the affordable housing contribution charge becoming payable in full.*

## Self Build Exemption Claim Form 2

### To be submitted within 6 months of occupation of the self build dwelling

Please note that 'Completion' is defined as the issuing of a compliance certificate for this development issued under either regulation 17 (completion certificates) of the Building Regulations 2010 or section 51 of the Building Act 1984 (final certificates).

This form must be sent to the Monmouthshire County Council Planning Department within 6 months of the occupation of the self build dwelling. The applicant may otherwise be liable for the full affordable housing contribution.

Please complete the form using block capitals and black ink and send to Monmouthshire County Council Planning Department.

---

#### Section A: Claiming Exemption – General Information

To be completed by the individual(s) claiming self build exemption.

##### Application Details

Applicant

Name:

Local authority planning application number (if allocated):

Please provide the full postal address of the application site:

If postal address/postcode not known, or original relief claim was submitted with reference to grid reference, please provide:

Easting:

Northing:

Description:

---

#### Section B: Submission of Evidence

Please confirm below what evidence you are providing to support your claim for self build exemption.

1. Please enclose a copy of **all** of the following items:

(a) A compliance certificate for this development issued under either:

-regulation 17 (completion certificates) of the Building Regulations 2010 **or**

-regulation 51 of the Building Act 1984 (final certificates)

What date was the compliance certificate issued (DD/MM/YYYY)?

(b) Title deeds of the property to which this exemption relates (freehold or leasehold)

(c) Council Tax certificate

## Section B: Submission of Evidence continued

2. Please enclose two further proofs of occupation of the home as sole or main residence

Please enclose a copy of **two** of the following items **showing your name and address of the property:**

Utility Bill

Bank Statement

Local electoral roll registration

3. Please also enclose a copy of **one** of the following:

(a) An approved claim from HM Revenue and Customs under 'VAT431NB: VAT refunds for DIY housebuilders'

(b) Proof of a specialist Self Build or Custom Build Warranty\* for your development

(c) Proof of an approved Self Build or Custom Build Mortgage\*\* from A bank or building society for your development

\*A Self Build or Custom Build Warranty is a warranty and Certificate or Approval issued by a Warranty provider which provides a 'latent defects insurance' policy and which is accompanied by certified Stage Completion Certificates (SCC) issued to the owner/occupier of the home.

\*\*A Self Build or Custom Build Mortgage is an approved mortgage to arrange to purchase land and/or fund the cost of erecting a home where the loan funds are paid to the owner/occupier in stages as the building works progress to completion.

---

### Declaration

I/We confirm that the details given are correct.

Name:

Date (DD/MM/YYYY):

## **Annex D. Deed of Variation**

The Deed of Variation will confirm that the identified dwelling on the plan annexed is no longer liable for any affordable housing contribution.

**APPENDIX 5**  
**Extract from LDP Monitoring Framework**

## Affordable Housing

**Strategic Policy:** S4 Affordable Housing

**LDP Objectives Supported:** 1, 3, and 4

**Other LDP Policies:** SAH1-10, SAH11

Monitoring Aim / Outcome	Indicator	Target	Trigger for Further Investigation	Source Data / Monitoring Method
To provide 960 affordable dwelling units over the plan period	The number of additional affordable dwellings built* over the plan period	Deliver 96 affordable dwellings per annum 2011-2021 (total of 960 over the plan period)	Further investigation if 10% less or greater than the LDP strategy build rate for 2 consecutive years	JHLAS / S106 monitoring
	Number of affordable dwellings secured on new housing sites	<ul style="list-style-type: none"> <li>35% of the total number of dwellings to be affordable on sites of 5 or more dwellings in the Main Towns and Rural Secondary Settlements identified in Policy S1</li> <li>25% of the total number of dwellings to be affordable on sites of 5 or more dwellings in the Severnside Settlements as identified in Policy S1</li> <li>60% of the total number of dwellings to be affordable on sites of 3 or more dwellings in the Main Villages identified in Policy S1</li> <li>Minor Villages: sites with capacity for 4 dwellings make provision for 3 to be affordable; and sites with capacity for 3 dwellings make provision for 2 to be affordable.</li> </ul>	Further investigation if the proportion of affordable housing achieved on development sites in each area falls below the requirement set out in Policy S4	JHLAS / planning applications database / S106 monitoring



Monitoring Aim / Outcome	Indicator	Target	Trigger for Further Investigation	Source Data / Monitoring Method
	Number of affordable dwellings permitted / built on Main Village sites as identified in Policy SAH11	Main Village sites to collectively deliver 20 affordable dwellings per annum 2014-2021	Further investigation if 10% less or greater than the target build rate for 2 consecutive years from 2014	JHLAS / planning applications database / S106 monitoring
	Number of affordable dwellings built through rural exception schemes	No target	None	JHLAS/ planning applications database
	Affordable housing percentage target in Policy S4	Target to reflect economic circumstances	Further investigation if average house prices increase by 5% above the base price of 2012 levels sustained over 2 quarters	Home Track / Land Registry

\*Core Indicators

**APPENDIX 6**  
**Examples of Affordable Housing Financial Contribution Calculations**

## APPENDIX 6

### Examples of Affordable Housing Financial Contribution Calculations

i) For a two dwelling scheme in a rural area with a 35% affordable housing requirement, the financial contribution to meet a standard need for a 4 person 2 bed dwelling would be calculated as follows:

Two dwellings at 35% = 0.70

Toolkit calculates a financial contribution of the equivalent of 0.70 of a 4 person 2 bed dwelling for social rent using the assumptions of:

- an open market value for a 4 person 2 bed dwelling of £180,000
- or £138,600 when the developer return (20%) and marketing costs (3%) are taken into account
- an ACG band 5 rate of £175,500
- an RSL contribution to the developer of 42% of ACG (£73,710)
- this would have resulted in a subsidy from the developer if one affordable home was being provided of £64,890 (£138,600 minus £73,710)
- a financial contribution equivalent to 0.70 of the developer subsidy for one affordable home gives an overall financial contribution of £45,423 from the whole development.

ii) For a four dwelling scheme in Severnside with a 25% affordable housing requirement, the financial contribution to meet a standard need for a 4 person 2 bed dwelling would be calculated as follows:

Four dwellings at 25% = 1.00

Toolkit calculates 1.00 of a 4 person 2 bed dwelling for social rent using the assumptions of:

- an open market value for a 4 person 2 bed dwelling of £140,000
- or £107,800 when the developer return (20%) and marketing costs (3%) are taken into account
- an ACG band 4 rate of £161,600
- a RSL contribution to the developer of 42% of ACG (£67,872)
- this would result in a subsidy from the developer if one affordable home was being provided of £39,928 (£107,800 minus £67,872)
- a financial contribution equivalent to 1.0 of the development subsidy for one affordable home gives an overall financial contribution of £39,928 from the whole development

iii) For a 4 dwelling scheme in a Main Town with a 35% affordable housing requirement, the financial contribution to meet a standard need for a 5 person 3 bed dwelling would be calculated as follows:

Four dwellings at 35% = 1.40

Toolkit calculates 1.40 of a 5 person 3 bed dwelling for social rent in ACG Band 5 using the assumptions of:

- an open market value for a 5-person 3-bed dwelling of £190,000

- or £146,300 when the developer return (20%) and marketing costs (3%) are taken into account
- an ACG band 5 rate of £194,200
- an RSL contribution to the developer of 42% of ACG (£81,564)
- this would result in a subsidy from the developer if one affordable home was being provided of £64,736 (£146,300 minus £81,564)
- a financial contribution equivalent to 1.40 of the developer subsidy for one affordable home gives an overall financial contribution of £90,630 from the whole development

**APPENDIX 7**  
**Checklist for Assessing Affordable Housing Requirements**

**A. Policy S4: Checklist for assessing affordable housing requirements in Main Towns, Rural Secondary Settlements and Severnside Settlements**

**A1. Establish the net site area and calculate the net capacity of the site based on an assumed achievable density of 30 dwellings per hectare.**



**A2. THE CAPACITY OF THE SITE MEETS THE THRESHOLD OF 5 OR MORE.** Affordable housing should be provided on site at a rate of 35% in Main Towns and Rural Secondary Settlements and 25% in Severnside Settlements, subject to **A.2.a)** and **A.2.b)** below.

**A3. THE CAPACITY OF THE SITE DOES NOT MEET THE THRESHOLD OF 5 OR MORE.** A financial contribution will be required towards affordable housing in the housing market in which the site is located. (See Section B).



**A.2.a) Does the development achieve 30 dwellings per hectare?**

**A.2.b) Does applying the proportion of affordable housing required to the total number of dwellings result in a whole number?**



**YES**  
Percentage of affordable housing required will be based on the number of dwellings proposed in the planning application.

**NO (and there is not a material non-compliance with Policy DES1 i), which generally requires a density of 30 dwellings per hectare).**  
Percentage of affordable housing required will be based on the agreed capacity of the site rather than a theoretical capacity of 30 dwellings per hectare.

**NO**  
The figure will be rounded to the nearest whole number (where half rounds up).

**B. Policy S4: Checklist for providing a financial contribution where the affordable housing threshold is not met.**

**B.1. Does the capacity of the site fall below the threshold at which affordable housing is required?**

i.e. 5 or more dwellings in Main Towns, Rural Secondary Settlements and Severnside Settlements.

3 or more dwellings in Main or Minor Villages, or, Conversion schemes in the Open Countryside.

**YES**

Prior to obtaining planning permission the applicant will need to enter into a S106 agreement (see Appendix 4 for standard agreement) to pay a financial contribution towards affordable housing in the housing market in which the site is located (**subject to B.2. below**). The required contribution will be established by using the Affordable Housing Contribution Calculator and can be obtained from the Council's Housing Strategy Officer. The affordable housing contribution will be liable to be paid on completion and prior to occupation of each dwelling to which the payment relates.

**NO**

**Go to Section A.**

**B.2. Is the development to be carried out by a 'self-builder'?**

See definition in Appendix 4.

**YES**

The developer will need to apply prior to the completion and occupation of the dwelling to which the payment relates for the S106 agreement to be amended to give an exemption from the affordable housing contribution.

**NO**

The affordable housing contribution will be liable to be paid on completion and prior to occupation of each dwelling to which the payment relates.

## C. Policy S4: Checklist for assessing affordable housing requirements in Main Villages

**C.1. Is the site allocated under LDP Policy SAH11 with the specific purposes of providing affordable housing?**

**YES.** A minimum of 60% affordable housing must be provided on site.

**NO. C.2. Other sites in Main Villages.**

**C.2.a) Establish the area of the site and calculate its capacity based on an assumed achievable net density of 30 dwellings per hectare.**

**THE CAPACITY OF THE SITE MEETS THE THRESHOLD OF 3 OR MORE.**

Affordable housing should be provided on site at a rate of 60% subject to **C.2.b)** and **C.2.c)** below.

**THE CAPACITY OF THE SITE IS LESS THAN 3 DWELLINGS.**

A financial contribution will be required towards affordable housing in the housing market in which the site is located to be set at the equivalent of 35% of the agreed capacity of the site. (See Section B).

**C.2.b) Would the provision of affordable housing at a rate of 60% together with achieving an overall density of 30 dwellings per hectare result in a density of development that is out of keeping with its surroundings and non-compliance with Policy DES1 I)?**

**YES** The **number** of affordable houses required will be based at 35% of the theoretical capacity of the site at 30 dwellings per hectare, subject to **C.2.c)** below and subject to viability considerations and the effect of the development on the character and appearance of the area.

**NO** Affordable housing should be provided on site at a rate of 60%



C. Policy S4: Checklist for assessing affordable housing requirements in Main Villages (Continued)



**C.2.c) Is the site too small or restricted to achieve an acceptable standard of design and layout if the affordable housing was provided on site?**



**YES**  
A financial contribution will required towards affordable housing in the housing market area in which the site is located, to be set at the equivalent of 35% of the agreed capacity of the site.

**NO**  
Affordable housing should be provided on site at a rate of 35% of the theoretical capacity of the site at 30 dwellings per hectare.



**C.2.d) If the proposal relates to the conversion of existing buildings or sub-division of existing dwellings is it impracticable to provide affordable housing within the scheme?**



**YES**  
A financial contribution will required towards affordable housing in the housing market area in which the site is located, to be set at the equivalent of 35% of the agreed capacity of the site.

**NO**  
Affordable housing should be provided on site at a rate of 35% of the agreed capacity of the site.

## D. Checklist for assessing affordable housing requirements in Minor Villages

How does the proposal comply with LDP Policy H3?

### D.1. Minor infill of 1 or 2 dwellings.

A financial contribution will be required towards affordable housing in the housing market in which the site is located to be set at the equivalent of 35% of the agreed capacity of the site. (See Section B).

### D.2. An 'exceptional' infill site of 3 or 4 dwellings.

Affordable housing should be provided on site.

D.2.a) Development sites with a capacity for 4 dwellings will make provision for 3 dwellings to be affordable.

D.2.b) Development sites with a capacity for 3 dwellings will make provision for 2 dwellings to be affordable.

## E. Checklist for assessing affordable housing requirements in the Open Countryside

**E.1. If the proposal relates to the conversion of existing buildings or sub-division of existing dwellings is it impracticable to provide affordable housing within the scheme?**



**YES**

A financial contribution will be required towards affordable housing in the housing market area in which the site is located, to be set at the equivalent of 35% of the agreed capacity of the site.

**NO**

Affordable housing should be provided on site at a rate of 35% of the agreed capacity of the site

**E.2. Is the proposal in the open countryside but considered to be an acceptable 'Departure' application?**



**YES**

Affordable housing should be provided on site at a rate of 35% or a financial contribution will be required towards affordable housing in the housing market area in which the site is located, to be set at the equivalent of 35% of the agreed capacity of the site.

**E.3. Is the proposal for a development that complies with Rural Exceptions Policy H7, i.e. in a location outside a recognised settlement where residential would not normally be allowed.**



**YES**

Affordable housing should be provided on site at a rate of 100%.

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## Future Generations Evaluation ( includes Equalities and Sustainability Impact Assessments)

<p><b>Name of the Officer</b> completing the evaluation Martin Davies</p> <p><b>Phone no:</b> 01633 644826 <b>E-mail:</b> martin.davies33@btinternet.com</p>	<p><b>Please give a brief description of the aims of the proposal</b> The Local Development Plan (LDP), which was adopted on 27 February 2014, sets out the Council’s vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over the ten year period to 2021. Supplementary Planning Guidance (SPG) sets out guidance on the way in which the policies of the LDP will be applied. The Affordable Housing SPG specifically sets out guidance to support LDP Policies S4 and H7.</p>
<p><b>Name of Service</b> Planning Policy</p>	<p><b>Date Future Generations Evaluation</b> form completed  15/11/15</p>

1. **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.


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
<p><b>A prosperous Wales</b> Efficient use of resources, skilled, educated people, generates wealth, provides jobs</p>	<p><b>Positive contribution:</b> Promoting affordable housing assists in achieving overall prosperity of communities and their residents.</p> <p><b>Negative contribution:</b> None. The development industry could be adversely affected if affordable housing requirements were excessive but the affordable housing policy has been established</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis</p> <p><b>Mitigate any negative impacts:</b> The affordable housing requirements are subject to appropriate viability testing as set out in LDP Policy S4. Care</p>

Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	following extensive viability testing to ensure that the viability of development is not adversely affected.	will be taken therefore to ensure that the viability of development is not adversely affected.
<p><b>A resilient Wales</b>  Maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change)</p>	<p><b>Negative contribution:</b> (a) There will be some general environmental impact from housing development through loss of green fields, encroachment on the countryside etc.</p> <p>(b) A limited number of allocated housing sites are located in rural areas where there is limited public transport and likely to be reliant on the use of the private car.</p>	<p><b>Mitigate any negative impacts:</b> (a) It will be ensured that biodiversity, landscape interests etc. are appropriately considered in assessing any planning application and that good standards of design, landscaping etc. are achieved.</p> <p>(b) The LDP policies themselves limit the potential negative impacts by including strict limits on the number of houses allowable in rural villages. This avoids excessive unsustainable travel patterns. The car usage likely to result from the rural allocations policy is considered to be justified because the primary aim of this policy is to provide affordable housing to enable local people in rural areas to remain in their communities.</p>
<p><b>A healthier Wales</b>  People's physical and mental wellbeing is maximized and health impacts are understood</p>	<p><b>Positive contribution:</b> Providing appropriate housing can assist in promoting good health, independence and well-being and in bringing forward additional units of housing to meet the specific housing needs of vulnerable groups.</p> <p><b>Negative contribution:</b> None</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis</p>
<p><b>A Wales of cohesive communities</b>  Communities are attractive, viable, safe and well connected</p>	<p><b>Positive contribution:</b> Affordable housing makes an important contribution to the sustainability and cohesiveness of our towns and villages by</p>	<p><b>Better contribute to positive impacts:</b> Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an</p>




Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>providing homes that local people on low incomes can afford to live in.</p> <p><b>Negative contribution:</b> None</p>	annual basis
<p><b>A globally responsible Wales</b> Taking account of impact on global well-being when considering local social, economic and environmental wellbeing</p>	<p>The SPG supports the implementation of the Affordable Housing policies of the LDP, which has been subject to a Sustainability Appraisal and Strategic Environmental Assessment to ensure that social, economic and environmental objectives are met, thereby contributing to sustainable development and global well-being.</p>	<p>Ensure that any LDP revision is subject to appropriate Sustainability Appraisal and Strategic Environmental Assessment testing.</p>
<p><b>A Wales of vibrant culture and thriving Welsh language</b> Culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation</p>	<p>The SPG has a neutral impact on culture, heritage and language, although in general terms affordable housing makes an important contribution to the sustainability and cohesiveness of our towns and villages by providing homes that local people on low incomes can afford to live in.</p>	N/A
<p><b>A more equal Wales</b> People can fulfil their potential no matter what their background or circumstances</p>	<p><b>Positive Contribution:</b> The Affordable Housing SPG should bring positive benefits to Monmouthshire's residents, particularly through increasing the supply of affordable housing in the County. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring</p>	<p>Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis</p>


Well Being Goal	How does the proposal contribute to this goal? (positive and negative)	What actions have been/will be taken to mitigate any negative impacts or better contribute to positive impacts?
	<p>forward additional units of housing to meet the specific housing needs of vulnerable groups. Affordable Housing policies and residential site allocation policies, as with all LDP policies, have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives.</p> <p><b>Negative contribution:</b> None</p>	

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

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Balancing short term need with long term and planning for the future</p>	<p>The LDP covers the period 2011-21. The SPG supports the implementation of the LDP. 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.</p> <p>The requirement for affordable housing seeks to balance the short term need for housing development and viability issues with the longer term need to create balanced and sustainable communities with an appropriate proportion of affordable housing.</p>	<p>Ensure that the LDP and its policies have been subject to SA/SEA.</p>



Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p>Working together with other partners to deliver objectives</p>	<p>The Draft SPG has been subject to a public consultation, targeted to those who are considered to have a specific interest in the topic but also including all town and community councils, notices in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified of the SPG should they wish.</p>	<p>The SPG sets out broad policies that implement LDP policies and do not have specific local impacts in themselves. The housing allocations set out in the LDP, however, were subject to extensive community consultation including notifications to town and community councils and to residents living near the site, who then had the opportunity to make representations to the Council and also to an independent inspector who examined the LDP.</p>
 <p>Involving those with an interest and seeking their views</p>	<p>The Draft SPG has been subject to a public consultation, targeted to those who are considered to have a specific interest in the topic but also including all town and community councils, notices in the press. Individuals and organisations currently on the LDP consultation data base have been given the opportunity to request to be notified of the SPG should they wish.</p>	<p>The SPG sets out broad policies that implement LDP policies and do not have a specific local impacts in themselves. The housing allocations set out in the LDP, however, were subject to extensive community consultation including notifications to town and community councils and to residents living near the site, who then had the opportunity to make representations to the Council and also to an independent inspector who examined the LDP.</p> <p>The Development Industry, in particular, will be affected by the implementation the affordable housing policies and its observations have been addressed individually, as set out in the Report of Consultation and wherever possible and reasonable appropriate adjustments made.</p>
 <p>Putting resources into preventing problems occurring or getting worse</p>	<p>N/A</p>	<p>N/A</p>

Sustainable Development Principle	How does your proposal demonstrate you have met this principle?	What has been done to better to meet this principle?
 <p data-bbox="315 213 501 440">Positively impacting on people, economy and environment and trying to benefit all three</p>	<p data-bbox="535 213 1332 320">The SPG supports the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.</p>	<p data-bbox="1352 213 2085 344">The SPG supports the implementation of the LDP which has been subject to a Sustainability Assessment that balances the impacts on Social, Economic and Environmental factors.</p>

**3. 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.

<b>Protected Characteristics</b>	<b>Describe any positive impacts your proposal has on the protected characteristic</b>	<b>Describe any negative impacts your proposal has on the protected characteristic</b>	<b>What has been/will be done to mitigate any negative impacts or better contribute to positive impacts?</b>
Age	See below	None	See below
Disability	See below	None	See below
Gender reassignment	See below	None	See below
Marriage or civil partnership	See below	None	See below
Race	See below	None	See below
Religion or Belief	See below	None	See below
Sex	See below	None	See below
Sexual Orientation	See below	None	See below
Welsh Language	See below	None	See below

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?
<p style="writing-mode: vertical-rl; transform: rotate(180deg);">Page 438</p>	<p><b>Potential Positive Impact:</b> The Affordable Housing SPG should bring positive benefits to Monmouthshire's residents, particularly through increasing the supply of affordable housing in the County. Affordable housing makes an important contribution to the sustainability of our towns and villages by providing homes that local people on low incomes can afford to live in. It also a means of providing low cost homes for first time buyers. A commuted sum also has the potential to bring forward additional units of housing to meet the specific housing needs of vulnerable groups.</p> <p>Affordable Housing policies and residential site allocation policies, as with all LDP policies, have been subject to a Sustainability Appraisal that measures their performance against sustainability objectives.</p>		<p>Ensure that the policies set out in the SPG are implemented fully and that their effectiveness is monitored on an annual basis</p>

4. Council has agreed the need to consider the impact its decisions has on important responsibilities of Corporate Parenting and safeguarding. Are your proposals going to affect either of these responsibilities? For more information please see the guidance <http://hub/corporatedocs/Democratic%20Services/Safeguarding%20Guidance.docx> and for more on Monmouthshire's Corporate Parenting Strategy see <http://hub/corporatedocs/SitePages/Corporate%20Parenting%20Strategy.aspx>

	Describe any positive impacts your proposal has on safeguarding and corporate parenting	Describe any negative impacts your proposal has on safeguarding and corporate parenting	What will you do/ have you done to mitigate any negative impacts or better contribute to positive impacts?
Safeguarding	N/A	N/A	N/A
Corporate Parenting	N/A	N/A	N/A

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

202506139
 An extensive evidence base was established to support the LDP. The evidence included a number of studies that have informed the LDP affordable housing policies. The LDP has been subject to a Sustainability Appraisal/Strategic Environmental Assessment at every main stage. More recently the viability implications of the Affordable Housing policies set out in the LDP and SPG have been subject to testing in the following reports:

- Monmouthshire County Council CIL Viability Assessment – Viability Evidence for Development of a Community Infrastructure Levy Charging Schedule (Three Dragons with Peter Brett Associates, July 2014)
- Monmouthshire County Council CIL Viability Assessment - Updated Viability Evidence for Development of a Community Infrastructure Levy Charging Schedule (Three Dragons, December 2015).

**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?**

The positive impact of this proposal is that affordable housing makes an important contribution to the sustainability and cohesiveness of our towns and villages by providing homes that local people on low incomes can afford to live in.

Potentially there may be some negative sustainability impacts particularly in rural areas, where there will be increased car use and effects on landscape etc. but in terms of achieving a balance between social, economic and environmental sustainability objectives these impacts are considered to be justified because the the primary aim of this policy is to provide affordable housing to enable local people in rural areas to remain in their communities.

**7. Actions. As a result of completing this form are there any further actions you will be undertaking? Please detail them below, if applicable. N/A**

What are you going to do	When are you going to do it?	Who is responsible	Progress
Page 440			

**8. Monitoring: The impacts of this proposal will need to be monitored and reviewed. Please specify the date at which you will evaluate the impact, and where you will report the results of the review.**

<b>The impacts of this proposal will be evaluated on:</b>	A regular basis in the LDP Annual Monitoring Report, which will be made to Council, Welsh Government and be publicly available.
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DC/2014/01065

**DEMOLITION OF BUNGALOW, PARTIAL DEMOLITION OF EXISTING POULTRY UNITS,  
AND PROPOSED RETAIL / COMMERCIAL DEVELOPMENT TO PROVIDE 4 UNITS,  
ACCESS ARRANGEMENTS, CAR PARKING AND ASSOCIATED WORKS**

**LAND AT ROCKFIELD ROAD, MONMOUTH**

**RECOMMENDATION: APPROVE**

Case Officer: Jo Draper  
Date Registered: 17<sup>th</sup> July 2015

## **1.0 APPLICATION DETAILS**

1.1 This application was presented to Planning Committee on the 5<sup>th</sup> January 2016 with the recommendation for approval. The previous Committee Report is attached below. This was deferred with a request for Highways to examine justification and practicality of a pedestrian crossing being provided on Rockfield Road via a Section 106 agreement.

### **2.0 Response by Applicant:**

2.1 The applicants have responded to this and have addressed speed data that is available. This response is attached to this report together with a pedestrian connectivity appraisal. In summary the following conclusions are made:

- i) The roads within the vicinity of the application site experience no apparent highway safety issues;
- ii) The site has good existing pedestrian connectivity particularly when considering the catchment for the proposal;
- iii) The development does not give rise to a measured need for a formal crossing;
- iv) The only suitable crossing location is not on the pedestrian desire line to the proposed development.

The above information, along with the attached pedestrian connectivity appraisal has further demonstrated that the proposed development would not warrant the provision of a pedestrian crossing of Rockfield Road. However, as a good will gesture it has been agreed to provide a financial contribution towards the provision of a pedestrian crossing of Rockfield Road to provide betterment to the wider area.

The financial contribution which is being offered is £8,000, which equates to 50% of the cost of the desired crossing. It is understood that a financial contribution of 50% of the cost of the crossing is a meaningful contribution, which would then enable the Local Highways Authority to proceed with the desired works. Accordingly we hope that the application will now receive the support of Committee Members.

### **3.0 Monmouthshire Highway Engineer:**

3.1 The concerns expressed by Members of the Planning Committee centred primarily around three issues, namely:

- Lack of pedestrian crossing facilities to the development, namely controlled crossing provision

- Rockfield Road in the vicinity of the development is an accident black-spot
  - The speed and associated road safety concerns on Rockfield Road in the vicinity of the development.
- 3.2 The applicant has responded to these issues and provided a response that I have considered and would comment as follows:
- 3.3 The development will generate footfall, the applicant accepts that the proposal will promote and encourage pedestrian and cycling movements, however their analysis of the impact indicates that the increased footfall generated by the proposal does not warrant the need to provide for controlled pedestrian facilities such as a zebra crossing etc. The analysis undertaken has been carried out in accordance with Department of Transport Technical Advice Notes TA68/96, LTN1/95 & LTN2/95) and I agree with the conclusions that no facilities are required in the immediate location of the development.
- 3.4 It can also be confirmed that the stretch of road in question is not considered to be an accident hotspot. The applicant has undertaken a review of the recorded accidents over a 10 year period (2005 – 2015) and I agree that the accidents do not indicate that Rockfield Road is a particularly dangerous location nor does the number of accidents and the circumstances indicate that there is a recurring accident theme or trend that the development will exasperate or compound should it go ahead.
- 3.5 The applicant has considered the concerns raised in respect of the speed of vehicles travelling along Rockfield Road. In the absence of the vehicle speed analysis that was reportedly undertaken by Gwent Police / Casualty Reduction Partnership, the applicant has relied upon speed data and analysis that the Council had undertaken in 2010/2011. The data although somewhat limited and dated indicated that vehicle speeds albeit only in a northerly direction were on average 21mph. Since the applicant prepared the report I can confirm that the speed analysis that was carried out by Gwent Police/ Casualty Reduction Partnership on Rockfield has been made available and I can confirm the following speed data was collected and made available to the local member;  
 Outside No. 51 – Average speed 27mph  
 Outside No. 6 – Average speed 23mph
- 3.6 The outcome and conclusion of the supporting information is now agreed and appreciate that the development will have an impact and to therefore promote a safer and sustainable pedestrian environment the contribution towards off site road safety improvements in the immediate vicinity of the development is welcomed.

**4.0 RECOMMENDATION: Approve Subject to a Section 106 Agreement for a financial contribution (£8,000) towards highway safety works**

**PREVIOUS REPORT (5<sup>th</sup> JANUARY COMMITTEE MEETING)**

**1.0 APPLICATION DETAILS**

- 1.1 The application site sits outside the development boundary of Monmouth in an area allocated in the Local Development Plan as being of Amenity Importance. It lies on the eastern side of the B4233 Rockfield Road; on the opposite (south western) side of the road is a large residential area which is a mix of post war and more modern dwellings. The existing use of the site is a bungalow with two poultry sheds. There is an extant planning permission for the construction of two dwellings on site and conversion of the existing poultry units to office use.



- 1.2 The eastern boundary runs adjacent to the caravan park, and the northern boundary has two poultry sheds which project into the development by about 25m. The boundary to Rockfield Road has some protected mature trees co-joining a similar group in the southern corner adjacent to a small road island which serves Watery Lane off Rockfield Road. The site measures approximately 65m from east to west and 101m from north to south. The land rises up slightly from south to north. The application site lies entirely within a C2 flood zone. A Flood Consequences Assessment has been submitted with this application.
- 1.3 This application is for a retail/commercial development of four units comprising of Unit 1 that measures 4000sq.ft. (372 sq. m) gross to be occupied as a standalone Co-operative food store, together with a separate building made up of two units, each of 1,500sq.ft. (139 sq. m) gross, and one unit of 1,150sq.ft (107 sq. m) gross area. Consent for Class A1, A2 and A3 is sought on the three smaller units. It is proposed to demolish the existing bungalow and front bay of the poultry shed to accommodate the retail units. The units are set back in the plot, situated 28m and 40m at the closest point from the road frontage and residential properties respectively.
- 1.4 The site is a relatively flat area with two access points from Rockfield Road; one is a formal road with the other a relatively new access road that has been undertaken in accordance with the planning permission for the two houses and office conversion. Both the houses and office conversion were allowed separately at planning appeal but not constructed or converted, although this permission is extant due to the construction of the access and roadway into the site. It is proposed to close the access to the south and re-position the access closer to the north point to serve the newly proposed development. The poultry sheds which are proposed to be rebuilt with the same gable frontage as existing would be separated at the rear from the application site by a 2.5m high acoustic fence.
- 1.5 The supporting information states that in terms of travel distance the site is a walkable distance for most occupiers of the Rockfield estate and the older housing estate to the south. It is some 890m from the furthest point of the Rockfield estate.
- 1.6 The supporting information submitted states the following:
- (i) The design and layout of the site has been derived to minimise impact on domestic neighbours, with its built form as close to the original poultry sheds as possible to mitigate any possible unacceptable adverse impact on the landscape and cultural heritage.
  - (ii) The frontage of the site and its direct relationship to the alignment of Rockfield Road favours a new commercial entrance located further north than existing to mitigate traffic interference between the old access and the roundabout, which serves Watery Lane.
  - (iii) The buildings are designed to reflect the form of the existing poultry sheds and therefore do not represent an alien rural form of development over what could normally be found in a semi-rural location. They are not of a scale that is any larger than typically occurs in agricultural buildings and are re-positioned to reflect the original poultry house positions.
  - (iv) The proposed car park accommodates 34 cars including 2 disabled spaces and a dedicated delivery bay for the Co-operative store building, a forecourt to the shops is accessed via a dedicated footpath within the site.
- 1.7 The design of the scheme comprises of two buildings. The proposed design of the buildings is simple, both feature a gabled front, the Co-operative store would have a larger gable that sits proud of the frontage with a traditional ridged roof. The second unit breaks up a simple hipped roof with a small gable feature over the smallest of the

three units. External materials comprise a natural stone frontage to the gables, render (ivory/cream) to the other facing walls, facing brickwork (largely to the rear walls), dark grey colour coated aluminium fascia and rainwater goods and blue/black cement fibre slate roof tiles.

- 1.8 The landscaping of the site comprises the retention of all the protected trees within the site including those along the frontage. The proposed car park has been revised to set it back within the site facilitating the retention of existing trees and enabling further low level planting to be introduced along the frontage.
- 1.9 A supporting letter has been submitted by the Co-operative that confirms its interest in a 400sqft convenience store on this site (to provide a comparison of scale the proposed floor space figure for this scheme is 372sqm, while the existing Co-operative store in Monmouth is 1656.9 sq. m). It is stated that the site meets the requirements of the company and its opening will not impact the existing premises already in Monmouth. The Co-operative have been looking for an additional store in Monmouth particularly in the Rockfield Estate for some time. It is identified that the area is currently not provided for in terms of top up shopping with alternative sites such as Watery Lane/Chartist Road previously rejected because of the unsuitability in relation to the lack of prominence and overall site inefficiencies. The applicants have pointed to a fall-back position with regard to the existence of the implemented planning permission for office and residential development, which are key material considerations that override the designations of the site within the adopted Local Development Plan. The application states that the proposed development would create a significant number of local jobs, approximately 39 in total (both full and part time).

## **2.0 RELEVANT PLANNING HISTORY**

DC/2004/00801 (M10307) Change of use Of 2 no poultry units to office use including retention of existing dwelling house  
Refused 13.12.2005  
Appeal allowed 23.08.06

DC/2007/01522 Proposed 2 dwellings.  
Refused 9.01.08  
Appeal allowed 28.05.08

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S6: Retail Hierarchy  
SD3: Flood Risk  
S17: Place Making and Design

### Development Management Policies

EP1: Amenity and Environmental Protection  
NE1: Nature Conservation and Development  
DES1: General Design Considerations  
RET4: New Retail Proposals

*Policy RET 4 is of particular relevance in the consideration of this application: "the preferred location for new retail and commercial leisure/entertainment developments...Will be in the designated Central Shopping Area (CSA. Where it can*

*be demonstrated that no suitable sites exist in the CSA, then sites on the edge of the CSA should be considered before finally considering out of town sites. Where development outside the CSA is considered the proposal will be assessed against the following criteria:*

- *A demonstrable need exists for the proposed development*
- *The proposed development either individually or cumulatively with other recent or proposed developments would not have a detrimental impact on the trade/turnover vitality and viability of town, local or neighbourhood centres.*
- *The proposed development is of an appropriate scale and type to the size, character and function of the centre and its position in the retail hierarchy*
- *The proposed development would not have a detrimental impact on future public or private investment needed to safeguard vitality and viability of the centres*
- *The proposal is in a location accessible to public transport facilities*
- *The proposal is not on land allocated for other uses, this especially applies to land designated for industry employment and housing, where retail development can be shown to limit the range and quality of sites for such uses.*

DES 2: Areas of Amenity Importance

LC1: New Built Development in the Open Countryside

LC5: Protection and Enhancement of Landscape Character

SD3: Flood Risk

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Monmouth Town Council: Approve

Welsh Water: No objection subject to conditions that require details regarding the following:

- Foul and surface water to drain separately from the site
- No surface water to connect directly or indirectly to the public sewerage system
- Land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system
- No part of the building will be permitted within 3 metres either side of the centreline of the public sewer
- No development to commence until a scheme for the comprehensive and integrated drainage of the site showing how foul water, surface water and land drainage shall be dealt with has been approved by the Local Planning Authority

MCC Highways: no objection to proposal

MCC Landscape Officer: This development will have a significant impact on the streetscene - the revised layout provides adequate space for an improved boundary treatment (landscaped).

Natural Resources Wales: No objection to the proposal subject to ecological conditions relating to mitigation measures and licence provision for the European Protected Species. Flooding: Reference is made to the Geo-technical and Geo- environmental Desk Study Report and the proposal is considered to be acceptable subject to a condition requiring a surface water drainage scheme to be submitted and agreed.

MCC Biodiversity Officer: The proposed development has implications for a European Protected Species as the development requires removal of part of the chicken sheds and demolition of the bungalow, and therefore will directly affect some of the roosting areas.

The remainder of the chicken sheds shall be retained and therefore can continue to be used by horseshoes and Myotis bats and the details of the methods and mitigation have been included in the submitted report. Lighting will be an important consideration for the continued use of the site by bats and other wildlife. Roosts will be destroyed during the works (non-breeding roosts for pipistrelle and long eared bats) and others modified, therefore the development will need to be subject to a licence from NRW before work can commence at the site. As a licence is required, the Local Planning Authority will need to consider the 'Three Tests' for European Protected Species. NRW confirmed in their letter dated 26/11/2015 that there will not detrimental effect to favourable conservation status of the species concerned.

Subject to appropriate conditions relating to bats, bird nesting and reptiles being imposed the proposed development is acceptable.

MCC Tree Officer: No objection -The Arboriculture Method Statement (AMS) and Tree Survey Plan (dated 25<sup>th</sup> November 2015 and 18<sup>th</sup> November 2014 respectfully frame the conditions that relate to the planting, the layout has been revised to retain these trees.

#### 4.2 Neighbour Notification

Six Letters have been received raising the following points:

1. First dangerous step in allowing development off Rockfield Road
2. Proposal will add to the congestion issues near an already busy roundabout
3. Proposal will spoil the look of the area (whilst the abandoned bungalow and poultry shed are not the most attractive to look at they are more in keeping with a rural area than a brand new convenience store)
4. Concern that this will lead to further residential development adjacent to the site
5. Proposal will be detrimental to the area which is open land and out of character with the area
6. Increase in traffic will cause more noise pollution
7. Reference to Human Rights Act Protocol 1 Article 1 (this states that a person has the right to peaceful enjoyment of all their possessions which includes their home and other land ... and a person has the substantive right to respect for their family and private life)
8. The proposal will deprive neighbours of the open view of land currently occupied by a single dwellinghouse
9. Light pollution will impact on neighbour's quality of life
10. Development will adversely affect highway safety, what provisions are there for pedestrian access is there a designated crossing and where will this be sited
11. Noise and pollution from delivery vehicles
12. Aggravate existing on street car parking issues
13. Hours of opening may cause neighbour nuisance
14. The shop will be served by people that will still drive to access the shop
15. Loss of trees
16. Will impact upon the existing shops and small businesses in the area

#### 4.3 Other Representations

James Williams – the Council's Independent Retail Assessor

The relevant report has been attached as an appendix to this report. The conclusions of the report are summarised in the evaluation below:

## 5.0 EVALUATION

The main issues that arises in the consideration of this application is the following:

Principle of new development on this site

Principle of a retail use at this site

Neighbour Impact

Visual Impact

Highways

Biodiversity

Flooding

### 5.1 Principle of new development on this site

5.1.1 As there is an extant planning permission that relates to this site for the development of two dwellings and conversion of the poultry units to office use, the principle of new development has been accepted on site. It is relevant to note that the Inspector who considered the appeal for the two dwellings on this site was of the view that whilst the site is designated as an area of amenity importance "*the proposed development would not adversely affect any of the matters identified in these policies...the erection of two dwellings on the site in the place of the existing single dwelling would be seen as part of the urban framework of Monmouth, and accord with the thrust of national and local policies that seek to maximise the use of brownfield land in sustainable locations*".

5.1.2 Given this decision and the extant planning permission the principle of new built form of development is acceptable on this site. The issue therefore relates to the intensity and scale of the current proposal in relation to the approved scheme that can be implemented on this site. In this case, whilst the proposal comprises of two buildings these are significantly larger than the dwellings that would otherwise be built on this site. However the proposed buildings have been set back from the highway frontage and must be viewed within the context of the adjacent uses that have been recently approved adjacent to the site. The proposal would be viewed against the poultry sheds to the rear, to the east there is a skate park that has been recently constructed and a Council car park, yet to be constructed, has been approved further to the south-east. It is clear that the character of the area has changed significantly in recent years and the provision of a retail development of an appropriate scale and design, allied with comprehensive landscaping in this location would not detract from the visual and environmental amenity of the allocated area of amenity importance. Furthermore, the introduction of local shops in this location is more appropriate than other forms of development such as housing, having regards to criterion c) of LDP Policy DES 2 which requires the following to be taken into consideration, "*the role of the area as a venue for formal and informal sport, general recreation and as a community space*". The principle of this form of development in this location is acceptable in this case subject to appropriate design, scale, form, landscape, impact on ecology and compliance with the relevant retail policies, all of which are addressed below.

### 5.2 Principle of a Retail Use

5.2.1 The retail strategy as set out in Planning Policy Wales and the adopted LDP is to focus new retail development in existing centres (LDP Policy S6). In planning terms the application site is an out of centre retail location and is therefore inconsistent with this strategy.

LDP Policy RET4 states that the preferred location for new retail development is in the defined Central Shopping Areas (CSAs). Being outside the Monmouth CSA, the application proposal does not meet this requirement. However, Policy RET4 also sets out that where new retail development is outside the CSA it should meet specific

requirements. The relevant requirements in this case relate to need, sequential approach and trade impact. This has been assessed by the Council's independent retail expert, the findings of which are summarised below:

- 5.2.2 Retail need: Drivers Jonas Deloitte concluded in the Local Development Plan representation relating to retail development of this site that there was no overall need for new convenience goods floor space in Monmouth as a whole, but there was a specific local need in the Rockfield estate area where shopping provision was limited. These findings remain valid today. This is reinforced by the recent development approved at Wonastow Road: 340 of the allocated 450 houses have been approved and work has commenced on implementing the access to this site. When the Drewen Farm site is developed, which accounts for the remainder of the houses to be built, there will be a direct footpath link from this housing estate across to Watery Lane that provides a direct access to this proposed shopping proposal.
- 5.2.3 It is confirmed that a significant number of Rockfield Estate residents would be within reasonable walking distance of the facility (Annexe A of Technical Advice Note 4 takes 200-300m as being within 'easy walking distance'). To conclude the retail development on the application site can only be justified in the context of it being a local facility to serve the needs of the Rockfield Road residents. The current proposal is significantly smaller than that which formed part of the LDP representations (that was 600sq.m gross). A store of 372sq.m, as currently proposed, is of an appropriate scale to function as a local facility and would provide for some of the day to day shopping requirements of the local residents.
- 5.2.4 Sequential Approach: As the proposal is addressing a local need specific to the Rockfield Estate, potential alternative sites that may exist within or on the edge of the town centre have not been examined.
- 5.2.5 The applicants have been signposted to the site located off Chartists Way in pre-application discussions with your planning officers. The applicants have addressed this site in their supporting information stating that this site was never taken up by a retailer although it was available for many years. The applicant questioned the deliverability of the site and maintains that it is unsuitable and unviable for the proposed retail elements of their proposals. The Co-operative dismissed this site "because of its unsuitability in terms of lack of prominence and overall site inefficiencies". This site has been available for retail/community use for many years and has never been taken up. It has been subsequently dropped within the Local Development Plan. It is therefore logical assume that this site is not viable for prospective retailers with the application site being a more promising and viable option.
- 5.2.6 Impact: The applicant recognises that the existing town centre convenience stores under-trade. The applicant's stance is that the application proposal would primarily cater for the 'top up' shopping need. They maintain that the level of competition with the town centres site is likely to be insignificant. This is disputed by the Council's retail expert, as the most likely previous destination of top up shopping for Rockfield Road residents who would use the new proposal is Monmouth Town Centre which, with the exception of the Spar in Overmonnow, are the closest shopping facilities to the application site and Rockfield Estate. The retail expert has undertaken a qualitative impact assessment and estimated that a trade diversion from the town centre of 8.3% would arise (a trade diversion of £2.12M from a turnover of £25.45M). A trade impact of 8.3% must be set against the town centre shops under-trading, although Waitrose and Marks and Spencer have distinctive brands and some degree of customer loyalty and the Co-op has indicated that their town centre store would remain unaffected.

Whilst there is no guarantee that any of these stores will continue being represented within Monmouth Town centre, the retail expert considers it unlikely that a small new Co-op store outside the town centre would be a major factor in determining the business strategy of such companies in Monmouth.

- 5.2.7 This proposal is a significant reduction in the convenience store's floor area compared to that proposed as part of the LDP process. This has ameliorated the impact on convenience goods spend. Nevertheless some adverse impact on convenience goods shopping in the town centre would arise. This needs to be balanced against the advantages of having new local facilities serving the Rockfield Estate.
- 5.2.8 It is concluded that any convenience goods floor space would be limited in relation to potential turnover compared with town centre convenience good turnover, (£0.54M compared with £33.31M). Hence even in the very unlikely case that the application proposal took all its convenience goods turnover from the town centre the quantitative impact would be less than 2%, although this is provided the three additional units are retained as small units (a condition would be required to ensure this is controlled). It is very unlikely that the convenience good floor space would compete significantly with the town centre in market terms.
- 5.2.9 It is necessary therefore to condition Unit 1 to be limited to 4000sq.ft of retail floor area (this prevents further floor area being created through a mezzanine for example). The use of Units 2, 3 and 4 is of interest as it could be argued that if they became occupied for the retail of convenience goods then cumulatively this development could undermine the vitality and viability of the town centre. However any retailer of convenience goods is unlikely to invest in a site where there is conflict with another larger user immediately adjacent; it is likely therefore that market forces alone will prevent this from happening. These three smaller units lend themselves to being other uses namely hairdressers/barbers, hot food takeaways or another community facility. It is proposed therefore that the permission facilitates these units for A1, A2 and A3 use.

### 5.3 Neighbour Impact

- 5.3.1 The closest neighbouring properties are situated immediately opposite the site, but there is ample separating distance between the closest neighbouring properties and both the car park and the retail units. There would be no over-dominant effect or overlooking from the new development that would otherwise compromise the residential amenity of any of these neighbouring properties. With regard to noise disturbance, the main concern relates to traffic and delivery vehicles and general use of the car park during unsocial hours. As the previous use of the site was agricultural, any noise over and above that which what was generated by this previous use is likely to arise from any late night openings resulting in noise and disturbance during the twilight hours in the car park to the front of the site. This could have an adverse impact upon the residential amenity of the neighbouring properties and needs to be controlled by limits on opening hours. Likewise it is important to control very early deliveries to the site which again can be very noisy and have a significant impact upon neighbour amenity. With regard to lighting, this is to be subject to a planning condition to meet the requirements of both ecology and highways. This will be considered also in terms of light pollution and neighbours could be consulted upon this detail when the formal discharge of condition application is submitted.

### 5.4 Visual Impact

5.4.1 The proposal development will be clearly visible from the highway; it is therefore of importance that the development is visually acceptable and makes a positive contribution to the street scene. The existing site has fallen into considerable disrepair. The new buildings would be set back in the plot and sit comfortably within the site. The design is simple but has a clean contemporary feel with the combination of both modern and natural materials. The existing mature landscaping has been retained within the overall landscape scheme, which would be supplemented by low level planting and grassed areas. The visual impact of the proposal is acceptable and subject to appropriate conditions being imposed (protection of existing landscaping and implementation of approved new landscaping, control of boundary materials, finishing materials and surfacing materials) the proposed development represents a positive improvement to the existing site and does not adversely affect the visual and environmental amenity of the area.

## 5.5 Highways

5.5.1 Concern has been raised by neighbours regarding the proposed development and the potential exacerbation of an existing on-street car parking problem, and the increase to congestion, compromising the highway safety of the area. The layout plan has been subject to modifications to comply with highway requirements. The Council's Highway Engineer is now satisfied that the proposed development is acceptable. There is no highway objection to this scheme and the proposal provides a safe access with adequate on-site parking so as not to exacerbate the existing on street parking issues in the area.

## 5.6 Biodiversity/ Ecology

5.6.1 Where an application site has been assessed as being a breeding site or resting place for European Protected Species, it will usually be necessary for the developer to apply for 'derogation' (a development licence) from Natural Resources Wales. The County Council as the Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (the Habitat Regulations) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. In the present case long eared bat, horseshoe bats, whiskered/Brandt's bat and common pipistrelle and soprano pipistrelle bats – all European Protected Species – are known to use the application site. The three tests are set out below together with a commentary on each.

- (i) The derogation is in the interests of public health and public 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 existing bungalow is now in a poor state of disrepair; the quality of the structure is such that is unlikely to provide a suitable family home for any sustained period of time. It is therefore in the public interest that this dwelling is replaced with a more suitable form of development. To facilitate a suitable form of development it is necessary that part of the existing poultry sheds are demolished, the proposed development would be unacceptable without the space created by the partial demolition of these buildings.

- (ii) There is no satisfactory alternative

To extend the dwelling or structurally alter the existing building would be unsatisfactory and is unlikely to retain the existing roost. There is no satisfactory alternative in this case.



- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned by a favourable conservation status in their natural range.

Both Natural Resources Wales and MCC Ecology have looked at this proposal to ensure that the proposed mitigation is acceptable. This is now the case and the development meets this test accordingly.

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard to the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that conditions are imposed to ensure:

- Compliance with the submitted mitigation/method statement
- Condition to see evidence of licence
- Control of Lighting

## 5.7 Flooding

The whole of the site is located within Flood Zone C2. LDP Policy SD3 relating to Flood Risk is therefore of importance. The proposed development is considered to be a form of less vulnerable development, but nevertheless the proposal will need to demonstrate that it satisfies the requirements set out in TAN15. A Flood Consequences Assessment and further supplementary information has been submitted and NRW has recommended approval subject to conditions relating to surface water drainage. The proposal satisfies any flooding concerns and complies with planning policy in this case.

## **RECOMMENDATION: APPROVE**

### **Conditions:**

1. Time Condition (five years in which to commence development)
2. Plans condition (adherence with specified plans)
3. Prevention of amalgamation so that three units do not become one or two larger units.
4. No mezzanine floors shall be inserted into any of the buildings, hereby approved.
5. Submission of external materials including surfacing materials for approval by the Local Planning Authority.
6. Finishing details of the boundary materials to be submitted.
7. Landscape/ implementation condition.
8. Restriction of hours of opening and deliveries to between the hours of 07.00h to 22.30h
9. Unit 1 shall be A1 use only.
10. No removal of hedgerows, trees or shrubs *or works to or demolition of buildings or structures that may be used by breeding birds* shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of vegetation for active birds' nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.
11. The hereby permitted works shall not in any circumstances commence until the local planning authority has been provided with a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead.

12. The hereby permitted works shall be completed in strict accordance with Section 6.0 Recommendations of the submitted David Clements Ecology LTD Land on Rockfield Road, Rockfield Road, Monmouth. Ecological Assessment, Bat and Reptile survey.
13. Prior to development commencing on site a lighting design strategy shall be submitted to the Local Planning authority for approval in writing. The strategy shall include a detailed plan and specify: lighting type, specification, direction, height and lighting levels in lux/UV. This strategy and plan shall have regard for the use of the site by foraging / commuting and roosting bats and maintain dark corridors / roosting areas. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and plan, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.
14. Foul and surface water to drain separately from the site
15. No surface water to connect directly or indirectly to the public sewerage system
16. Land drainage run off shall not be permitted to discharge either directly or indirectly into the public sewerage system
17. No part of the building will be permitted within 3 metres either side of the centreline of the public sewer
18. No development to commence until a scheme for the comprehensive and integrated drainage of the site showing how foul water , surface water and land drainage shall be dealt with has been approved by the Local Planning Authority
19. Prior to work commencing on the site, including ground clearance, demolition etc. all retained trees as shown on the Tree Protection Plan drawing no. 286/2014/.91 will be protected with rigid immovable fencing. Temporary adjustment of the fencing for access purposes etc. may only be carried out with the written permission of the local planning authority. Protective fencing will also be installed in accordance with the guidelines laid down in BS5837:2012 Trees in relation to Design, Demolition and Construction Recommendations around the retained Whitebeam tree as shown on the revised layout drawing no. SP317-PO1 Rev K.
20. Construction of the car parking where it conflicts with the root protection areas of retained trees shall be carried out using a "No Dig" technique in accordance with the Arboricultural Method Statement dated 25<sup>th</sup> November 2014.
21. No development, to include demolition, shall commence until an Arboriculturalist has been appointed, as first agreed in writing by the Local Planning Authority, to oversee the project (to perform a Watching Brief) for the duration of the development and who shall be responsible for –
  - 1) Supervision and monitoring of the approved Tree Protection Plan;
  - 2) Supervision and monitoring of the approved tree felling and pruning works;
  - 3) Supervision of the alteration or temporary removal of any Barrier Fencing;
  - 4) Oversee working within any Root Protection Area;
  - 5) Reporting to the Local Planning Authority;
  - 6) The Arboricultural Consultant will provide site progress reports to the Council's Tree Officer at intervals to be agreed by the Council's Tree Officer.

## Appendix A - Rockfield Road



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View southwards along Rockfield Road, showing adopted footways along both sides of the road and double yellow lines restricting parking.



View northwards along Rockfield Road showing restricted parking along both sides of the highway, along with drop kerbs and tactile paving.



View westwards along Watery lane showing adopted public footway to both sides of the highway, along with drop kerbs with tactile paving, along with double yellow lines.



View eastwards along Watery lane showing adopted public footway to both sides of the highway, along with drop kerbs with tactile paving and double yellow lines.



View eastwards along Watery lane (towards Rockfield Road). The image shows adopted public footway to both sides of the highway, along with traffic calming measures and drop kerbs with tactile paving.



View westwards along Rolls Avenue (from Rockfield Road). The image shows adopted public footway to both sides of the highway, along with traffic calming measures and drop kerbs with tactile paving.



View northwards along Rockfield Road from approximate location of potential controlled pedestrian crossing (165 metres south of the application site). The image shows adopted public footway to both sides of the highway, along with drop kerbs with tactile paving.

## Appendix B – Rockfield Road



-  Adopted Pedestrian Footway
-  Drop Kerbs with Tactile Paving
-  Application Site

DC/2014/01533

## DETACHED DWELLING AND LAYBY PARKING

### SITE ADJACENT TO LION COTTAGE, TRELLECH ROAD, LLANDOGO

#### RECOMMENDATION: APPROVE

Case Officer: Craig O'Connor

Date Registered: 08/01/2015

#### 1.0 APPLICATION DETAILS

- 1.1 The proposals are for the construction of a new detached bedroom dwelling within an existing orchard in the village of Llandogo. The proposed dwelling would be built into the sloping landscape and would have a smaller footprint on the ground floor measuring approximately 4.9m x 9.8m with a larger footprint on the first floor measuring approximately 9.8m x 9.7m. The dwelling would have a pitched roof that would measure 4.8m to the eaves and 7.7m to the ridge. The dwelling would also have a pitched roofed porch on the front elevation that would have a footprint measuring 3.1m x 2.2 and measure 3.3m to the ridge. The proposed dwelling would have a traditional cottage type design and it would be constructed with natural stone for the external walls, natural slate for the roof and timber for the openings. The proposals also include the creation of a layby parking arrangement along the rural lane by setting the existing stone retaining wall further back into the site by approximately 2.4m to create parking for two car parking spaces. The proposed new retaining wall would be constructed with the stone mostly reused from the existing wall.
- 1.2 The proposed scheme has been amended several times since the original submission and the latest amendment altered the dwelling from a three bedroom property into a two bedroom property and amended the parking arrangement to provide two parking bays for this proposed new dwelling and to allow for two spaces for the neighbouring property Lion Cottage to overcome the occupiers of this property's parking concerns. The amended plans are BP-2428/02 Rev E and BP-2428/03 Rev E.

#### 2.0 RELEVANT PLANNING HISTORY

MM05849 New Detached House; refused February 2002; dismissed at appeal June 2002

A36827 Proposed New Dwelling; refused November 1993

#### 3.0 LOCAL DEVELOPMENT PLAN POLICIES

##### Strategic Policies

S1 Spatial Distribution of Housing Provision

- S13 Landscape, Green Infrastructure and the Natural Environment
- S16 Transport
- S17 Place making and Design

#### Development Management Policies

- H1 Residential development in Main towns
- EP1 Amenity and Environmental Protection
- DES1 General Design Considerations
- HE1 Development in Conservation Area
- MV1 Proposed Developments and highway considerations

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Llandogo Community Council – recommended Refusal. From an email dated 08/12/2015 the Community Council outlined that they were happy with the application to be determined by the Delegation Panel and they would attend the meeting.

- Adding a dwelling in this location would harm highway safety
- Moving the existing stone retaining wall is a significant engineering operation
- The hillside is characterised by scattered rather than dense development
- The proposed dwelling would dominate the neighbouring party, The Lion
- Contrary to the application details the development would result in a new access, that being the lay-by.
- Parking bays would not be wide enough for driver and passengers to safely exit cars
- If cars are parked facing downhill then they would need to get out into downhill traffic, with no visibility due to the bend
- The development will result in road closure for a long time

Glamorgan Gwent Archaeological Trust – no objection to the positive determination of the application.

Heritage Officer - the proposed cottage follows more traditional lines, and appears to be of a mass and scale that is appropriate to the area and the topography of the site. The materials, I understand are to be of natural stone and natural slate with timber windows. I understand that the plan form is an 'upside down' house to make the most of the site and the views across the wider landscape. However I felt that the dormers were not ideal and it might be better to lift the eaves level by say 300mm in order to fit windows under the eaves rather than the 'gablet' dormers as shown. I would also request that the rooflights are omitted from the front elevation. The porch also projects quite far out from the front of the building and that the roof seems a little shallow, however I do appreciate that this is also due to the steepness of the hillside and getting accommodation into a smaller house as requested. I wonder if size of the porch could be reconsidered. It would be good to condition a sample of slate and stone, cast metal rainwater goods, painted timber windows Overall the



smaller traditional cottage would not fail to preserve the special character of this part of the Llandogo Conservation Area.

Highways Officer – no adverse comments to the principle of the proposed development. The latest amended plan indicates a new boundary red line which differs from any line provided along the highway boundary so far. The revised line is detrimental to the access and egress of the adjoining dwelling and contrary to the original parking proposals. The parking bays of width 2.4 is contrary to the current SPG which recommends 2.6m and must provide off road parking so that vehicles are parked wholly off the highway. The highway width at this point is limited to 4.8m which does provide passing with care but not of sufficient width for free flow of vehicles if there is any overhang of vehicles. The increase of vehicles from one dwelling does increase the risk factor but would not be sustainable as a reason for refusal. I am not convinced that the new property can provide the parking to be compliant with the SPG, and am still concerned that the existing dwelling is disadvantaged as it currently enjoys two parking spaces.

MCC Biodiversity Officer - A Preliminary Ecological Appraisal has been undertaken to inform the application: Land adjacent to Lion Cottage, Llandogo – Preliminary Ecological Appraisal dated February 2016 produced by Acer Ecology. The site is predominantly semi-improved grassland with areas of dense and more scattered scrub and hedgerow to the north and south boundaries. There are no direct objections to the proposal subject to the conditions and informative being added to any consent.

Dwr Cymru Welsh Water – No objection to the proposed development subject to conditions and informatives.

#### 4.2 Neighbour Notification

Three of the neighbouring properties have raised objections to the proposed development for the following reasons: -

- Road safety – earlier application A36827 was refused on these grounds and the road is now more congested. This area has had a number of accidents and the development is close to an unsighted bend in the road.
- Parking details – The number of proposed car parking spaces does not comply with what the site can accommodate. The plans are inaccurate and the parking bay width is not acceptable
- Harm to the character and appearance of the Conservation Area with the infilling of this green space and orchard
- This part of the village is characterised by period properties. Any development would detract from the period character of this part of the village. The dwelling would be in an imposing position, dominating this part of the hillside.
- The dwelling would have a raised roofline that would be dominant above the adjacent property Lion Cottage and would obstruct views from Ty Dan Celdan

- Loss of privacy to Lion Cottage
- Concerns regarding the stability of the hillside and thus the neighbouring properties. There have been a number of land slips in the area and the development may undermine and destabilise the bank.
- Planning permission was previously refused and there are no reasons why the grounds for the refusal have changed.

## **5.0 EVALUATION**

### **5.1 Principle of development**

5.1.1 The site lies within the main village of Llandogo within its designated development boundary as outlined in Policy S1 of the Local Development Plan (LDP). Policy H2 outlines that new residential development will be permitted within main villages subject to material planning considerations. The site is currently utilised as an orchard and for keeping chickens. It is an open piece of land surrounded by residential properties. The site is considered to be an infill plot and any development would occupy a relatively small gap between existing dwellings. The site is a plot of land that is considered to have enough space to accommodate the proposed detached cottage without resulting in there being an overdevelopment of the site. The proposed development would be sited within the physical form of the village and would not appear out of keeping with the pattern of development in the area. The submitted plans illustrate the proposed access, parking arrangements and private amenity space for the dwelling and outline that the dwelling would be adequately accessed off the existing rural lane having roadside parking and an adequately sized garden. The principle of siting the dwelling at the site is considered to be acceptable and the development would be in accordance with Policies S1 and H2 of the LDP.

### **5.2 Planning history and impact on the Conservation Area**

5.2.1 The proposed development of the site has previously been refused by the local planning authority (A36827 and M/5849) and an appeal was also dismissed by the Welsh Government (M/5849) for a dwelling at this site based on the impact that that development would have on the Conservation Area and highway safety considerations. Since these decisions were made it is considered that there has been a material change in the character and appearance of Llandogo. The village has had significant development over the last 15 years and many of the dwellings have been extensively extended. As a result the proposed traditional cottage type dwelling would not have an unacceptable visual impact on the area to warrant refusing the application. The previously refused planning applications proposed were materially different types of development and different access proposals to what is proposed within this application (a representation of the earlier scheme, considered unacceptable, will be included in the presentation for Members' information).

5.2.2 The Llandogo Conservation Area is derived from its informal and, on occasion, sporadic layout which has evolved over time with the piecemeal construction of houses on the hillside and periods of growth along the A466 Chepstow to

Monmouth Road. The proposed development would result in an area of open space being developed, however it would not significantly alter the character of the area to warrant refusing the application given the scale, form and design of the resultant traditionally designed cottage that would harmonise with the other dwellings in the historic area. The historic village character is made up of small cottages and modest houses scattered over the hillside and the proposed development aims to replicate this character with the development of a relatively small traditional cottage. The site lies within the more dense part of the village as outlined within the draft - Llandogo Conservation Area Appraisal and Management Proposal document (CAAMP). This document outlines that the houses in this area include “a plethora of building types from Victorian villas and modest stone cottages to farmhouses and modern infill houses and bungalows. The houses, largely built into the hillside, are predominantly two-storey.” The proposed relatively small simple cottage would be built into the falling landscape and would be constructed with sympathetic traditional materials to ensure that is appropriate for the historic area and harmonises with other dwellings in the area. As the CAAMP outlines, this area of Llandogo is denser than other areas in the village and therefore it is considered that this additional dwelling would be appropriate for this part of the village. The scale, form and design of the proposed cottage would be appropriate for the historic area and would not have an unacceptable impact on the character and appearance of the Conservation Area.

5.2.3 The Council’s Heritage Officer has reviewed the proposals and has no objection to the principle of the development and moreover, has stated that the traditional cottage proposed would not fail to preserve the special character of this part of Llandogo’s Conservation Area. The Heritage Officer made comments on the form and design of the proposals and the applicant has amended the scheme in accordance with this guidance. The proposed amended scheme is considered to be acceptable.

### 5.3 Visual impact

5.3.1 The visual impact of the proposed cottage dwelling is not considered to be harmful to the character and appearance of the locality. The dwelling is a simple stone cottage type building that would be built into the sloping landscape. It would be of a traditional form and scale and would be constructed with traditional natural materials. The dwellings in the area vary in scale, design and form and the proposed traditional cottage would harmonise well with the mix of dwellings. It would not appear visually intrusive. The plot is large and it is considered to be capable of accommodating the proposed dwelling without harming the historic conservation area and it would not be an overdevelopment of the site. The proposed development would be sited within the development boundary and built form of Llandogo and it is not considered that it would have a harmful impact on the natural beauty of the wider rural landscape which lies within the Wye Valley Area of Outstanding Natural Beauty.

5.3.2 The proposed cottage is considered to have an acceptable visual impact on the area that would not harm the appearance of the street scene or the wider

landscape in accordance with Policies S1, S13, S17, EP1, DES1, H2 and LC4 of the LDP.

#### 5.4 Residential amenity

5.4.1 The proposed dwelling would be sited in a gap within the built up part of Llandogo between Lion Cottage and Inglewood. As outlined within 5.1, 5.2 and 5.3 above, it is considered that the dwelling would not be visually intrusive and would integrate well with the existing mix of properties. It would not be an overdevelopment of the site. The proposed detached cottage would not overlook any party to an unacceptable level. The proposal would be built into the landscape and it would not have an overbearing impact on any other party. When standing at the site at the present time there is a certain element of overlooking between the site and Lion Cottage and this is the general arrangement within Llandogo given the topography of the area. The proposed dwelling would appear single storey at first floor level and as a result an appropriate boundary treatment could be developed at the site to protect the privacy of both those living in the dwelling and the occupiers of Lion Cottage.

5.4.2 The construction of a dwelling at the site is not considered to result in an unacceptable level of overlooking given the orientation of Lion Cottage and the proposed dwelling, as well as the topography of the site. The privacy levels at the resultant site are considered to be acceptable. The proposed window and door in the side elevation of the dwelling looking towards Lion Cottage would be obscured glazed to protect the privacy of the occupiers of Lion Cottage. The applicants have made these alterations to overcome some of the concerns of the neighbouring party. The proposed dwelling would not have an unacceptable impact on any party's residential amenity to warrant refusing the application and the development would be in accordance with the relevant Policies in the LDP.

#### 5.5 Highway safety and parking

5.5.1 The proposals seek consent to construct a lay-by car parking area adjacent to the rural highway by setting back the existing stone retaining wall by approximately 2.4m. The Highways Officer has reviewed the proposals and there are no objections to the principle of the development on highway safety grounds. The Highways Officer has raised concerns relating to the parking in terms of the dimensions of the lay-by and also concerns about the existing parking of Lion Cottage being compromised. The Officer has outlined that the width of the parking bay is 200mm short of what is advised in the Supplementary Planning Guidance (SPG), this is only slightly under the requirement and, on balance, the proposed width is considered to be acceptable in this traditional village setting where there have been regular compromises in relation to adopted access and parking standards. The Highways Officer also outlines concerns relating to the parking of both the proposed property and Lion Cottage. The applicant has outlined on the amended plan (Drwg. BP-2428/03 Rev E) that they could accommodate two car parking spaces on the majority of land they own which would meet the SPG requirement for the two bedroom dwelling. Lion Cottage currently utilised a section of the highway for parking purposes, although this piece of land forms

part of the public highway. The Local Planning Authority has not been made aware that this land is owned by Lion Cottage. The rights over the land and parking concerns would in any case be a private legal matter between the relevant parties. The applicant has amended the proposals to alter the accommodation within the proposed cottage and allow for space for two parking spaces for the new dwelling and two parking spaces for Lion Cottage; this is considered to provide both dwellings with an acceptable level of parking provision.

5.5.2 The proposed development would result in the creation of car parking spaces directly in front of the proposed dwelling on land within the applicant's ownership. A sufficient amount of parking provision would be provided for the dwelling and in terms of highway safety and parking the development is considered to be acceptable. Although local roads are narrow, the proposed development would not create a significant amount of additional traffic to the existing road network and would not cause unacceptable harm to highway safety and would be in accordance with Policy MV1 of the LDP.

## 5.6 Ecology

5.8.1 The Council's Biodiversity Officer outlined that a preliminary ecology survey would be required at the site to inform a decision. The survey was conducted and after reviewing the details of the survey the Biodiversity Officer has no adverse comments to the proposals subject to the proposed conditions being attached to any consent. The proposed development is not considered to have an unacceptable level of impact on wildlife interests at the site and is acceptable subject to the submission of a full method statement at the construction stage. The proposed development would be in accordance with Policy NE1 of the LDP which aims to protect wildlife interests.

## 5.7 Response to Community Council

5.6 The Council's Highway's Officer has reviewed the proposals and has not objected to the principle of the development and is of the view that the construction of one additional dwelling in this location would not result in significant detrimental harm to highway safety so as to warrant refusing the application. Moving the retaining stone wall would be a major engineering operation and it may result in the temporary closure of the road but this would have to be considered by the developer and contractors who conduct the work in association with the Highway Authority. The Local Planning Authority determines the principle of whether or not development is acceptable and not the practicalities of the construction phase. As outlined in sections 5.1 - 5.3 it is not considered that the development would fail to preserve the character or appearance of Llandogo's Conservation Area.

## 5.8 Response to third party comments

5.8.1 As outlined in sections 5.2 and 5.5 and confirmed by the Council's Highways Officer 'the increase of vehicles from one dwelling does increase the risk factor but would not be sustainable as a reason for refusal.' As outlined in section 5.5

the parking provision for the site is considered to be acceptable. As outlined in section 5.2 and 5.3 the development would preserve the character and appearance of Llandogo's Conservation Area. The form, scale and design of the proposed cottage would be appropriate for the area. The impact on residential amenity has been evaluated within section 5.4. The development is not considered to have an unacceptable level of impact on any other party to warrant refusing the application. There have been previous refusals of planning consent at the site; however as outlined in section 5.2, over time the character and appearance of the area has changed and the proposals within this application are materially different to the earlier schemes. It is concluded that the development would not have a significantly adverse impact on the character and appearance of the area to warrant refusing the application.

## **6.0 RECOMMENDATION: Approve**

### Conditions/Reasons

1. Standard 5 years in which to commence development
2. Development to be conducted in strict accordance with the submitted plans.
3. Samples of the proposed materials to be agreed in writing with the Local Planning Authority.
4. Notwithstanding the approved plans the boundary fence shall not be erected and the details for the boundary treatment shall be agreed in writing prior to the commencement of development. Permitted Development Rights for fencing and enclosures removed.
5. Permitted development rights to extend further shall be removed
6. Permeable materials for hard standing only.
7. The retaining wall shall be of natural stone only to match the existing arrangement.
8. As outlined on the hereby approved plans the side elevation windows in the first floor level shall be obscured glazed to Pilkington scale 3.
9. Foul water and surface water discharges shall be drained separately from the site.
10. No surface water shall be allowed to connect, either directly or indirectly, to the public sewerage system unless otherwise approved in writing by the Local Planning Authority.
11. Land drainage run off shall not be permitted to discharge, either directly or indirectly, into the public sewerage system.
12. No development shall take place including ground works or site clearance until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The method statement shall include, measures to safeguard biodiversity interests at the site including:
  - reptiles
  - dormice
  - nesting birds
  - badgers
  - hedgehogs

The content of the method statement shall include the:

- a) purpose and objectives for the proposed works in relation to protection of the above species and provision of mitigation;

- b) detailed designs and working methods necessary to achieve stated objectives;
- c) extent and location of proposed works shown on appropriate scale maps and plans;
- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) measures to avoid killing and injuring protected species during works,
- f) persons responsible for implementing the works;
- g) initial aftercare and long-term maintenance;

The works shall be carried out strictly in accordance with the approved details and shall be retained in that manner thereafter. Any deviation from the Method Statement shall be agreed with the Local Planning Authority prior to the commencement of that deviation.

13. 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 installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification
- b) measures to minimise light spill from glazed areas
- c) drawings setting out light spillage in key areas for bats based on technical specifications

The strategy must demonstrate that flight lines are not illuminated. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

14. Prior to the completion of development hereby approved, a plan showing details of nesting provision for birds and roosting provision for bats shall be submitted to the local authority for approval. The approved details shall be implemented before the new development hereby approved is first occupied.

### Informatives

Dwr Cymru Welsh Water

Party Wall Act

**BATS** - Please note that Bats are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) 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).

**NESTING BIRDS** – Please note that 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 bird species is between March and September.

**BADGERS** - Please note that Badgers are protected under the Protection of Badgers Act 1992. It is illegal to wilfully kill, injure, take, possess or cruelly ill-treat a badger, or attempt to do so; to intentionally or recklessly interfere with a

badger sett by damaging or destroying it; to obstruct access, or any entrance of, a badger sett and to disturb a badger when it is occupying a sett. To avoid breaking the law, follow the advice provided by the consultant ecologist and if work is within 30m of a sett consult with Natural Resources Wales.

**REPTILES** – Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately.

**DORMOUSE** - Please note that the hazel dormouse is protected under The Conservation of Habitats and Species (Amendment) Regulations 2012 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.



DC/2015/01260

**A CHANGE OF USE TO A WEDDING VENUE. DEMOLITION OF GARAGE WITHIN STABLE BLOCK AND EXTENSION BY ROOFING OVER AND ENCLOSING COURTYARD, ALTERATION OF STABLE AND COACH HOUSE BUILDINGS, CREATION OF NEW LINK BACK INTO EXISTING HOUSE**

**ST TEWDRIC'S HOUSE, MATHERN ROAD, CHEPSTOW NP16 6HX**

**RECOMMENDATION: APPROVE**

Case Officer: David Wong  
Date Registered: 02/11/2015

## **1.0 APPLICATION DETAILS**

This application relates to a change of use of St Tewdric's House (which is residential) and its outbuilding into a wedding venue. St Tewdric's is situated on the eastern side of Mathern Road to the north of Mathern village. The house is set in its own grounds, reached through a formal gated entrance.

The house is listed Grade II as are the stable block, the gate-piers, gates and the garden walls (which are all separately listed). The whole site is within the Mathern Conservation Area and adjacent to the Registered Park and Garden of Wyelands. The proposal is to create a wedding venue through the adaptation of the stable courtyard to house the new (reception) facilities and the existing lodge would become guest accommodation. The main house would also function as part of the wedding venue and would include guest accommodation, like the lodge. There would be five guest bedrooms in the main house and three in the lodge. As well as internal alterations/repair works, the key physical features of this application are:

- The erection of new roofing over the stable courtyard;
- A new physical link between the courtyard and the service wing of the house;
- The creation of a car parking facility, catering for some 50 cars; and
- The modification of the lower entrance.

## **2.0 RELEVANT PLANNING HISTORY**

No recent relevant planning history

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

S8  
S10  
S11  
S13  
S16  
S17

### Development Management Policies

DES1  
EP1  
MV1  
NE1  
RE6  
T2

## **4.0 REPRESENTATIONS**

### **4.1 Consultations Replies**

Mathern Community Council – Recommend refusal:

With a car parking facility for 50 cars no hours of operation for the facility is stated and 24 part time staff will be employed. Clearly, this proposal is a change of use of the property into a commercial/hospitality facility.

A significant number of local residents objected to the proposals.

The proposal would significantly increase vehicle movements along a minor narrow lane and increase the traffic volume through the village of Mathern.

There are numerous blind spots along Mathern Road and the worst blind spot is located between the existing entrance and the proposed exit gateway.

This is going to be a seven day facility. Therefore, noise pollution is also a significant concern from noise break out from the venue as well as late night traffic and visitors.

Mr and Mrs Thomas recently held a wedding party at the property and a coach got stuck in the narrow lane, obstructing it; the coach had to reverse back to the village of Mathern and then approach the property from the Chepstow direction. Fireworks were lit on that occasion at 11pm causing considerable disturbance to local residents. Complaints were made to the Police relating to these fireworks. Fireworks could be displayed throughout the year.

The proposal is likely to have a detrimental effect on the local bat population.

There is no objection to the internal alterations to the listed buildings.

The formation of a significant acoustic bund was a condition to protect the surrounding residential dwellings when planning permission was granted for a large industrial unit at Newhouse Farm Industrial Estate. This proposal, if granted, would cut straight through that precedent with the level of noise that would be generated at unsociable hours of the day.

The slip road to High Beech Lane could be stopped up meaning that no traffic from High Beech Lane will be allowed to either enter or leave the roundabout by this junction. If this is a possibility the consequential knock on effects to this area of Chepstow, Bulwark, the Bulwark Corner junction and Mathern are far reaching and significant.

MCC Building Control – No objection:

There is no objection to the proposal and the applicant should note Part B (Fire Safety), Part L (Conservation of Fuel and Power), Part H (Drainage Disposal) and Part M (Access to and Use of Buildings) are relevant. It is recommended that the existing outbuildings are subject of a structural appraisal to ensure their suitability for the proposed use.

MCC Public Rights of Way – No objection:

The applicant's attention should be drawn to Public Footpath no.6 in the community of Mathern which runs adjacent to the site of the proposed development.

Public Path no.6 must be kept open and free for use by the public at all times, alternatively, a legal diversion or stopping-up Order must be obtained, confirmed and implemented prior to any development affecting the Public Rights of Way taking place.

No barriers, structures or any other obstructions should be placed across the legal alignment of the path and any damage to its surface as a result of the development must be made good at the expense of the applicant.

Post construction any damage caused by private vehicular use to the surface of the footpath must be made good to at least footpath standards.

MCC Environmental Health (Noise) - Whilst there is the potential for disturbance at nearby residential properties from the proposed development, in particular from amplified music I am not in a position to substantiate a level of problems on which to base an objection. However given the potential for disturbance at nearby residential properties I would recommend that any granting of planning permission was subject to planning conditions.

MCC Environmental Health (Air Quality) - Based on the number of events the application proposes (40/year) with up to 150 guests and just under 50 parking places, it is unlikely that the development would increase traffic flows by more than 100 AADT within the nearby Chepstow Air Quality Management Area, or 500 AADT outside the AQMA. Therefore it is unlikely that an air quality impact assessment would be required.

Whilst I do not believe (based on the information submitted) that the development will have a significant impact on air quality, a relatively large increase in vehicle numbers on some small roads that are not capable of dealing with the numbers, (and that might create congestion at certain times of the day or week), could have a localised impact on air quality. It is very unlikely that there will be an exceedance of the national air quality objectives, but it might be perceived by local residents as high based on what they were exposed to before. This localised situation, however, would be avoided by consultation with the Highways Department to ensure local roads are capable of dealing with the increase in traffic.

MCC Ecology– Based on the current objective survey and assessment available, we have enough ecological information to make a lawful planning decision. Conditions and informative are requested.

Natural Resources Wales (NRW) – No objection to the above application as submitted, providing appropriately worded conditions securing the implementation of the mitigation measures set out in the bat report submitted with the application are included in any planning permission your authority is minded to grant.

Glamorgan Gwent Archaeological Trust – No objection; the proposal has an archaeological restraint. Therefore, a relevant condition is recommended.

MCC Tourism – Support:

Tourism is vital to Monmouthshire's economy in terms of employment and visitor spend, with tourism jobs accounting for at least 10.6%\* of all employment (<http://www.neighbourhood.statistics.gov.uk/HTMLDocs/Tourism/atlas.html>) and expenditure by visitors worth £173.15 million to Monmouthshire's economy in 2014 (Scarborough Tourism Economic Activity Monitor (STEAM)).

It's not known how much of this total revenue is generated by weddings but we do know that weddings are an important means of attracting new visitors to the county, who then become advocates for the destination. Visitors who enjoy a positive experience at a wedding are very likely to recommend the destination to other potential visitors and to come back themselves for a repeat visit. Word of mouth recommendations like this are increasingly valuable for destinations as user review sites grow in importance and traditional advertising is less trusted by consumers.

The businesses own marketing activities will also help raise the profile of the destination in the area's main markets in the UK and overseas, and it's likely that the destination will benefit from endorsement by its high profile owners.

According to <http://thebusiness.duedil.com/> the average cost of a wedding in the UK in 2015 was £22k generating £22.4 billion in turnover for related businesses. Profit was robust and growth remains promising. Increasingly couples are seeking unusual and exclusive venues which allow them to develop a unique and completely bespoke marriage / civil partnership experience. The proposed change of use for St Tewdric's House could help Monmouthshire realise the potential of this opportunity.

Visitor accommodation on-site is limited to six en-suite bedrooms which means that weddings held here are likely to generate demand for visitor accommodation in other establishments in Chepstow and Monmouthshire.

Just one wedding with 100 guests, with more than half travelling from outside the immediate area could reasonably lead to 30 plus off site room bookings. Thus, in addition to the revenue generated directly by the venue, there will be additional spend in other accommodation establishments in the area, and on food, drink and transport while guests are in the destination. By capitalising on increased interest in local food and drink, and developing relationships with local suppliers, this business could also potentially benefit a range of local food and drink businesses while delivering a more unique and culturally distinctive experience to the visitor.

While wedding tourism is typically seasonal in nature, there are opportunities to capitalise on Welsh culture to extend the season and distribute the benefits of tourism more evenly through the year, for example, by promoting weddings during January around St Dwynwen's Day (Wales' equivalent of St Valentine's).

#### 4.2 Neighbour Notification

There are 33 objections received and the objections are summarised below:

Areas within close proximity of the site can expect revellers throughout the day and night, seven days of the week.

The proposal will turn this part of Mathern into an air polluted, over used road, nuisance and noise 24 hours of the day.

A recently held wedding at the property was noisy with unexpected fireworks that frightened farm stock and domestic pets.

The proposal will cause noise pollution every weekend and the retractable roof will not provide sufficient noise protection.

The proposal will add an increased volume traffic to an already busy lane; not just the extra traffic on wedding days but deliveries and party planners, increasing the chances of traffic accident.

The creation of new jobs in the area is positive but it's in the wrong place for this type of business and no regard to the impact of local neighbours have been considered

The junction on Fair View is extremely dangerous and is not capable to cope with the increased traffic movement of the proposal

Mathern Road is a minor road and is not capable to cope with the anticipated traffic movement of the proposal

Local wildlife will be affected

The proposal will attract up to 150 people with a car park for 50 cars.

There are other better located venues suitable for weddings and other similar functions; this will be more noticeable during the summer months when the windows are likely to be opened.

The influence of alcohol will cause anti-social behaviour

Regular car movements and late night disco music is associated with this type of proposal.

St Tewdric's House is situated close to dwellinghouses

Previously a bund was erected between the industrial estate at Junction 2 of M48 and the nearby settlements as noise protection measure. Therefore, by allowing this proposal will breach this principle to ensuring quiet enjoyment of the nearby settlements.

There are other similar businesses in other parts of the county; there is no need for another wedding venue.

This application is for a wedding venue and there is no change of use within the development description.

Mathern is designated as a green wedge.

Fireworks, light, air and noise from discos and bands is likely to have a detrimental effect on the bat population and nesting birds.

St Tewdric's House is off a single narrow lane with numerous blind spots and is unlit. When the owners got married at St Tewdric's House last year, a large double decker bus tried to navigate along Mathern Road and was unsuccessful. No application has been made to Monmouthshire Highways Network management.

There is no soundproofing of the property; the single glazing windows and the retractable glass doors will have an impact on the sound levels in the area.

The increased volume of traffic in and out of the property will significantly impact upon the local infrastructure and result in many more accidents.

The access/exit of the site is on a bend and dangerous.

There are inaccuracies in the plans as the proposal is visible from the link road, Mathern Road, the footpaths and properties at Home Farm.

There are numerous footpaths in the area and cars are usually parked along the verges making vehicular access difficult.

There is no thought about the size and type of vehicles associated with this proposal.

This wedding venue will allow other functions to take place such as training days/events. Therefore, this property could become a seven day facility.

What road improvements are proposed at the T junction at Maple Avenue and Mathern Road?

Local residents should have been consulted about the proposed applications.

This is a listed residential property, not a commercial building and should stay that way.

There will be fireworks throughout the year

Is the property listed and has the Conservation Officer been consulted?

The conversion would increase the traffic volume, particularly late at night, with debris throw out from the vehicles.

The submitted Design & Access Statement is inadequate and in particular in the context of the setting of the buildings and the wider Mathern Conservation Area.

This development should have regard to the relevant Conservation Area Appraisal. Appraisal and Management Proposals have been carried out in relation to the Mathern Conservation Area by consultants appointed by the Council, CDN Planning and Forum Heritage Services (April 2015).

The Design & Access Statement does not address potential impacts on the landscaped setting within the grounds in detail. This fails to show potential effects on protected trees in the grounds and on the boundary of St Tewdric's House. Detailed drawings are therefore needed and if trees or their root structures are proposed to be affected a Tree Survey and Constraints Plan would be required.

The creation of an improved access to accommodate coach turning and achieve adequate visibility splays will require significant widening at this point, including the likely removal of a section of the boundary wall and possible impact on tree root systems. The curtilage of the lodge will be substantially reduced.

The boundary wall extending along the frontage of the Lodge which will be affected by widening works is regarded as a key feature in the Conservation Area and would merit consideration in this context.

The proposed means of access/egress at this location requires a detailed drawing which would establish the impact on the existing trees and structures, as well as confirming the acceptance of such an arrangement on highway grounds.

A full Transport Statement, incorporating sufficient details of the proposed access arrangements should form part of the necessary planning application documentation.

#### 4.3 Other Representations

- 4.3.1 David Davies MP – Some of the local residents are concerned that the plans to develop St Tewdric's House are inappropriate for, and will have a negative impact on the area. I would like to make you aware of these concerns and respectfully request they be considered carefully before any decision is made.

## 5.0 EVALUATION

### 5.1 The setting of a listed building and the effect on the appearance of the Mathern Conservation Area

- 5.1.1 The designs as now proposed have evolved through a long pre-application period of negotiation. One of the most significant physical elements of the proposal is the erection of new roofing over the stable courtyard; creating the dining/function space in an area where, overall, there would be less impact on the heritage asset. The attached garage at the stable building is a later addition and not of special interest and together offered some capacity for change. Therefore, it has been confirmed by the Council's Heritage Officer that the demolition of that structure is acceptable.
- 5.1.2 The new roofing for the dining/function area does not entirely obscure the stable block and the impact of this new roofing on the main listed building is considered acceptable as the listed building will still remain as the dominant feature within the ground.
- 5.1.3 It has been identified that the existing courtyard walls are in poor condition with some loss of masonry at the wall-head and some instability towards the south end. Therefore, some degree of rebuilding is therefore necessary. Part of the wall to the east has already been rebuilt. There is evidence that an opening formerly existed here giving justification to the proposal to create one as part of these works.
- 5.1.4 The vaulted store at the rear of the stable block will become a beer cellar on the lower ground floor and an external store on the ground floor, leading to a service area for rubbish bins. The original proposal was for a fence but officers considered this to be out of character and the amended drawings now show a masonry wall built up from the existing in a like for like manner. The masonry here is already in poor condition and in need of repair and there is evidence of previous areas of rebuilding. The proposed gates to access this service area are timber and can be conditioned to ensure the detailing and finish is appropriate.
- 5.1.5 A new physical link between the courtyard and the service wing of the house is proposed and is considered to be visually acceptable. Each end will be reduced so that they are stepped back to make the link secondary and the form of the original structures still readable.
- 5.1.6 Another element of the proposal is the creation of a car parking facility, catering for some 50 cars. It is acknowledged that the key landscape issue is around car parking which is proposed to be within the former walled garden. The Council's Heritage Officer has no objection to this element as the use of appropriate conditions can control this element and would ensure that the surfaces are appropriate.

- 5.1.7 In order to avoid alteration to the listed entrance gates and gate-piers the lower entrance is proposed to be modified to create a larger vehicle entrance/exit point. This will have no adverse impact on the heritage assets and protects the character of the main entrance. The Council's Heritage Officer has advised that the proposal will be of benefit to the heritage asset and to some extent is reversible. In addition, the application process has secured significant improvements to the overall design of the proposal.
- 5.1.8 It is acknowledged that St Tewdric's House is visible from nearby public vantage points. However, the building is set well back from local public roads and it is considered that the proposed design and scale of the proposal is acceptable, having the effect of preserving the character and appearance of this part of the Mathern Conservation Area. The works to the proposed access would be subservient and are considered to be acceptable. This development could refer to the emerging Mathern Conservation Area Appraisal. However, this carries little weight as it is not an adopted document as yet, although it is fair to say the works have been assessed by officers having regard to the character and setting of this part of the Conservation Area and having regard to the emerging Mathern Conservation Area Appraisal.

## 5.2 Highway matters

- 5.2.1 There are two points of access to the application site. The main and most easterly access to St. Tewdric's House is a gated access. The width of the gateway is 3.2m and is capable of accommodating one vehicle at a time. It is considered that the visibility from this access is restricted by the adjacent boundary walls. Therefore, it is proposed that this access be used as an entrance to the wedding venue only, with vehicles exiting via a secondary access located to the west.
- 5.2.2 The second access is located at the western end of the site, also off Mathern Road. At present the access has limited visibility due to its adjacent walls. It is proposed that this access point be improved to become 4m wide which will operate as the exit for the larger vehicles. As a result of the improvement, the internal route will be also be altered, creating a tighter radius, making the left-turn more difficult for larger vehicles; restricting the larger vehicles from travelling along the narrow road to Mathern village.
- 5.2.3 St Tewdric's House is off a single lane and is unlit, and there are numerous footpaths in the area. Cars could be parked along the verges making vehicular access difficult (because there is no parking restriction). Neighbours have indicated that when the owners got married at St Tewdric's House last year, a large double decker bus navigated along Mathern Road but was unsuccessful and had to reverse back to the village of Mathern as a result. However, effective forward journey planning can resolve this issue. In addition, the applicant will introduce a range of measures to minimise the impact of traffic generated by the proposed development and, in particular, to minimise the volume of additional traffic that will travel along the narrow sections of Mathern Road between Mathern and St. Tewdric's House.



5.2.4 The agent has submitted a Transport Statement in support of this application. A 7-day automatic traffic count (ATC) along with traffic speed survey have been undertaken on Mathern Road. The Highway Authority has been consulted; there is no highway objection to the proposed development on the basis that the proposed development, due to its nature, will involve light and sporadic vehicular movements to and from the site as opposed to high concentration levels during peak AM and PM hours. It is considered that there is sufficient capacity on the local highway network to accommodate these traffic movements to and from the site. Thus the proposed development would not be likely to exacerbate the existing road conditions to the detriment of highway safety.

### 5.3 Trees

5.3.1 Neighbour objections have been received with regard to the loss/disturbance of some of the existing trees within the application site. Within the scheme as proposed, none of the existing trees will be affected and as part of the application, it is proposed to plant more trees on site, particularly in relation to the proposed car parking provision. It is considered that this element can be controlled via a landscaping condition and the method of the installation of the protective fencing around the existing trees can be agreed on site with the Council's Tree Officer prior to development commencing.

### 5.4 Biodiversity

5.4.1 Neighbour objections have been received about fireworks, lighting, increased air pollution and noise resulting the proposal being likely to have a detrimental effect on the local bat population and nesting birds. Having consulted Natural Resources Wales and the Council's Ecologist, they have advised that there is enough ecological information to make a lawful planning decision and have no objection to the proposal subject to relevant conditions and informatives.

### 5.5 Archaeology

5.5.1 Glamorgan Gwent Archaeological Trust has no objection and has advised that no work should take place until the implementation of a programme of archaeological work in accordance with the standard condition. They also asked for appropriate building recording and analysis. Therefore, appropriate archaeological conditions will be imposed, should consent be granted

### 5.6 Air pollution

5.6.1 Some local residents are concerned that the proposal would turn this part of Mathern into an air polluted area, primarily, due to the increased traffic movements. Based on the number of events the application proposes (40 per year) with up to 150 guests and with 50 on-site parking places, the Council's Environmental Health specialist (in respect of air quality) advised that it is unlikely that the development would increase traffic flows by more than 100 AADT within the nearby Chepstow Air Quality Management Area, or 500 AADT

outside the AQMA. Therefore an air quality impact assessment would not be required in this instance.

- 5.6.2 It is further advised that there may be an increase in vehicle numbers on some small roads that are not capable of dealing with the numbers, (and that might create congestion at certain times of the day or week), which could have a localised impact on air quality. However, it is very unlikely that there will be an exceedance of the national air quality objectives, but it might be perceived by local residents as high based on what they were exposed to before. This localised situation, however, should be avoided by consultation with the Highways Department to ensure local roads are capable of dealing with the increase in traffic. The Highways Department was consulted and there is no objection to the proposed development.

## 5.7 Noise pollution

- 5.7.1 Some local residents have concerns over noise impact potentially resulting from this proposal; it will be more noticeable during the summer months when the windows are likely to be opened at the venue and at nearby homes. It is acknowledged that this type of business would normally be associated with noise/music. Therefore, the Council's Environmental Health was consulted on this specific matter. As a result of the consultation, an acoustic report was conducted, based on sample ambient and background noise levels measured adjacent to the closest neighbouring residential receptors, as well as World Health Organisation sleep disturbance threshold figures. In addition, this report sets out further recommendations to minimise noise pollution beyond the buildings.
- 5.7.2 The Council's Environmental Health Department has advised that whilst there is the potential for disturbance at nearby residential properties from the proposed development, in particular from amplified music it is not in a position to substantiate a level of problems on which to base an objection. However given the potential for disturbance at nearby residential properties it is recommended that any granting of planning permission should be subject to the proposal being compliant with recommendations, including controlling the hours of operation and no music being played outside the venue at any time.
- 5.7.3 It is indicated by objectors that a wedding was held at St Tewdric's House last year which was noisy throughout the night and the unexpected fireworks frightened farm stock and domestic pets. It is understood that the Police and the Council's Environmental Health Department were contacted by some of the residents about this incident and it is being dealt with separately. In terms of the display of fireworks, there is separate, specific health and safety legislation that governs this i.e. The Health and Safety at Work etc., Act 1974 (HSW Act) and The firework Regulations 2004 and The Firework (Safety) (Amendment) Regulations 2004). However, in relation to the effect on local amenity which is a planning consideration, the frequency of such events would be very difficult to predict and control via planning conditions, given that not all weddings held at the site would involve the display of fireworks. It is considered that this would

be better addressed by statutory nuisance legislation or via the Police should regular complaint be justified.

## 5.8 Other issues

- 5.8.1 Some of the local residents are concerned that the areas within close proximity of the site can expect revellers throughout the day and night, seven days of the week. In addition, there is concern that the influence of alcohol will be likely to cause anti-social behaviour. This is conjecture, and if the site is responsibly managed these issues should not materialise. Furthermore, the supply of alcohol, playing of music and so on, at the site would need a licence and approval of this and subsequent reviews would be able to address concerns about anti-social behaviour emanating from the development.
- 5.8.2 Some local residents have suggested that there are more suitable and better located venues for weddings in the area. However, this is not a material consideration and the proposal submitted is considered on its merits.
- 5.8.3 Previously a bund was erected between the industrial estate at Junction 2 of M48 and the nearby settlements as a noise protection measure. Each application is treated on its merits as each case is different. One can judge that the scale of the two applications is different and not comparable. However, in this instance, the Council's Environment Health Department has no objection to the proposal and there will be suitable measures to mitigate noise impact. Thus, an objection on noise grounds is not considered reasonable.
- 5.8.4 Some objectors are concerned that they have not been consulted about the proposed applications. The application has been advertised in a local newspaper (due to the fact that St Tewdric's House is a listed building and is within a Conservation Area) and site notices were erected on the front gates of St Tewdric's House. Therefore, the Council has fulfilled the statutory requirements for the publicity of this planning application.
- 5.8.5 The submitted Design & Access Statement and the plans clearly identify that the application is for a change of use to a wedding venue. However, for clarity, a re-consultation exercise was carried out and the terms "A change of use to a wedding venue" were added to the development description. A new set of site notices were erected, all consultees were re-consulted and the proposal was re-advertised in the local newspaper.
- 5.8.6 A neighbour questioned if Mathern is designated as a green wedge? Under the current adopted Monmouthshire Local Development Plan, St Tewdric's House is not designated within the Green Wedge.
- 5.8.7 Some neighbours have expressed that once this application is allowed, this wedding venue will allow other functions to take place such as training days/events. This application relates to a specific use i.e. a wedding venue. Each use will be treated on its merits, although it is considered that whether the site is used as a wedding venue or for holding training events, the use of the site would be quite similar in nature. However, if permission is granted it is

recommended that the use of the site should be conditioned as a wedding venue only, as currently applied for. In the event the applicant wishes to amend/increase the scope of use of the site, this would be considered via a separate planning application.

5.8.8 Some neighbours have enquired as to what road improvements are proposed at the T junction at Maple Avenue and Mathern Road. This is a separate matter for the Highways Department to consider; there is no objection from the Council's Highways Department to this application.

#### 5.9 Response to the Representations of the Community/ Town Council

5.9.1 The Mathern Community Council objected to this application and their concerns are considered to be addressed in the previous paragraphs

### 6.0 **RECOMMENDATION: APPROVE**

#### Conditions

5 years in which to commence development.

Full compliance with the approved plans

Samples of materials to be agreed

This permission grants permission for a wedding venue only, and for no other use.

The recommendations of Acoustic Review Report 4062/AR1-Rev C - 17th December 2015 shall be fully complied with and compliance shall be certified in writing to the planning authority by an appropriately qualified acoustic consultant before the use of the venue commences.

The hours of operation shall be limited to: 09:00 to 01:00

Amplified music or performed music shall only be played inside buildings the venue between the hours of 11:00 and 00:00

No music shall be played outside any of the buildings at the venue at any time

None of the existing trees shall be felled. A soft and hard landscaping scheme shall be submitted to and approved in writing by the LPA

Implementation of landscaping condition

Details of the protection of the existing tree shall be submitted to and agreed by the Local Planning Authority prior to the development commencement.

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of

archaeological work in accordance with a written scheme of investigation which has been submitted by the applicant and approved in writing by the local planning authority.

No site works shall be undertaken until the implementation of an appropriate programme of building recording and analysis which shall have been agreed with the local planning authority before the programme is carried out; the programme shall be carried out by a specialist acceptable to the local planning authority and in accordance with an agreed written brief and specification.

The hereby permitted works shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead; or
- b) a statement in writing from the scheme ecologist to confirm that the specified activity/development will not require a licence based on legislative and ecological justification.

The bat roost mitigation and the existing vaulted cellar space, as illustrated on approved plans, shall be retained for bat roost use only. No commercial or domestic storage is permitted in these areas.

No works to or demolition of buildings or structures that may be used by breeding birds shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the building(s) for active birds' nests immediately before the work commences and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

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 installed on the building or in the curtilage until an appropriate lighting scheme has been submitted to the Local Planning Authority and approved in writing. The strategy shall include:

- a) lighting type, positioning and specification
- b) measures to minimise light spill from glazed areas
- c) drawings setting out light spillage in key areas for bats based on technical specifications

The strategy must demonstrate that the roost and key flightlines are not illuminated. The scheme shall be agreed in writing with the LPA and implemented in full.

No development shall take place until a biodiversity monitoring strategy has been submitted to, and approved in writing by the local planning authority.

The purpose of the strategy shall be to establish the effectiveness of the new roost features by locally occurring bat species. The scheme shall include inspections, activity season monitoring and assessment of the light lux levels

in relevant proximity to the roost, access points and flightlines. The content of the Strategy shall include the following:

- 1) Aims and objectives of monitoring
- 2) Timing and duration of monitoring
- 3) Responsible persons
- 4) Location of monitoring
- 5) Methods of data gathering
- 6) Review, publication of results and outcomes

A report describing the results of monitoring shall be submitted to the local planning authority at intervals identified in the strategy. The report shall also set out (where the results from monitoring show that conservation aims and objectives are not being met) how contingencies and/or remedial action will be identified, agreed with the local planning authority, and then implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The monitoring strategy will be implemented in accordance with the approved details.

### **Informatives**

BATS – Please note that Bats are protected under The Conservation of Habitats and Species (as amended) Regulations 2010 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.

We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2)e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats. Please note that the granting of planning permission does not negate the need to obtain a licence.

If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately.

Please note that 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 bird species is between March and September.

Please refer to the letter from Wales & West Utilities, dated 12/11/2015, received on the concurrent Listed Building Consent, DC/2015/01259, for more information.

**DC/2015/01542**

## **THE INSTALLATION OF A FREESTANDING 7M HIGH TOTEM SIGN**

**WESTGATE, LAND OFF MERTHYR ROAD, LLANFOIST**

### **RECOMMENDATION: REFUSE**

Case Officer: Kate Bingham

Date Registered: 16<sup>th</sup> December 2015

#### **1.0 APPLICATION DETAILS**

- 1.1 This is an application for express consent to display an advertisement in respect of a 7 metre high totem sign in association with a McDonalds drive through restaurant that was granted planning consent in November 2015. The proposed totem sign comprises a timber effect aluminium pole with an internally illuminated 'golden arch' on a khaki (dark green) background at the top (1.44m x 1.25m) together with an internally illuminated 'open 24 hours' sign (1.44m x 0.96m) and an internally illuminated 'drive-thru' sign below (1.44m x 0.63m). The signage is repeated on both sides of the proposed totem.
- 1.2 The site fronts the Heads of the Valleys Road and forms part of a wider 'commercial' development approved under outline consent DC/2008/00818 granted on 14th October 2010. Access to the site would be provided via a spine road serving the wider development site secured through Reserved Matters consent DC/2013/00266.
- 1.3 Fascia signs on the proposed building and various signs around it have also been granted express consent to display advertisements but a similar application for an 8m high totem sign was refused on the basis that the illuminated totem sign would, by reason of its elevated position and 24 hour illumination, create an intrusive vertical feature interrupting views into and out of the Brecon Beacons National Park to the detriment of the overall character of this area and the setting of the Blaenavon World Heritage site, contrary to Policies DES3, LC2 and LC3 of the adopted Monmouthshire Local Development Plan.
- 1.4 The single difference between the previously refused application for a totem and this application is the reduction in height of the sign by 1 metre. The previous original application was for a 12m high totem which was reduced to 8m prior to determination. It is perhaps worth noting therefore that the sign now proposed is 5 metres lower than that for which consent was originally sought.

#### **2.0 RELEVANT PLANNING HISTORY**

DC/2008/00818 - A) residential and commercial development (outline) B) Alterations and improvements to the existing highway network, improvements to the drainage network (detailed application) - approved 14/10/10

DC/2013/00266 - Approval of reserved matters relating to the access arrangements for the entire site, and full details of all reserved matters (layout, scale, external appearance, access and landscaping) relating to the residential element of the site, as permitted by outline planning permission DC/2008/00818; approved September 2013

DC/2013/00856 - Erection of 61 bedroom hotel (Class C1) and associated restaurant / public house (Class A3) plus associated access, car parking and landscaping - approved January 2014

DC/2013/00871 – Costa Coffee restaurant with drive-through facility; approved August 2015

DC/2014/00998 – Various signs associated with McDonald’s restaurant; approved 2015.

DC/2014/00999 – Fascia signs associated with McDonald’s restaurant; approved 2015.

DC/2014/01000 – Freestanding restaurant with associated drive-thru lane, car parking and landscaping; installation of 2 No. customer order display and canopy; approved. 2015.

DC/2014/01001 – Freestanding 8m high illuminated totem sign; refused 2015.

DC/2015/01428 – Discharge of landscaping condition from consent DC/2014/01000 (drive-through restaurant); ongoing.

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **3.1 Strategic Policies**

S13 – Landscape, Green Infrastructure and the Natural Environment  
S17 – Place Making and Design

#### **3.2 Development Management Policies**

DES3 – Advertisements  
LC2 – Blaenavon Industrial Landscape World Heritage Site  
LC3 – Brecon Beacons National Park

### **4.0 REPRESENTATIONS**

#### **4.1 Consultation Responses**

4.1.0 Torfaen County Borough Council (in relation to the World Heritage Site) – No comments received to date.

4.1.1 Brecon Beacons National Park Authority – Objects to the proposed development on grounds that the proposed restaurant and associated advertisement proposals would have a detrimental landscape and visual impact on both views into and out of the National Park to the detriment of its special qualities.

The application site is located in an elevated position, and at its nearest, is approximately 1km east of the Brecon Beacons National Park boundary. The Blaenavon World Heritage Site also partly shares the National Park’s boundary at this location. It is understood from the application documentation that the proposal is associated with the erection of a freestanding restaurant and associated advertisements. The National Park Authority has objected to previous applications at this site.



The information provided as part of the application is generally poor and limited detail has been provided in terms of the landscape and visual impact that this development would have despite its elevated position adjacent to the A465 and in close proximity to the Brecon Beacons National Park, and Blaenavon World Heritage Site. It is acknowledged that this proposal is located within a wider area that is designated within the Monmouthshire Local Development Plan for employment purposes. However, significant concerns are raised in relation to the landscape and visual impact of this development on the National Park based on the information submitted at present.

The Landscape and Character Assessment for the Brecon Beacons National Park (2012) seeks to identify specific landscape characteristics of the National Park and particularly seeks to inform means in which these landscape characteristics should be protected and/or enhanced. The application site is generally at its nearest to the Bloreng Hill and Slopes Landscape Character Area where the impact of surrounding settlements outside of the National Park is acknowledged and the need to reduce the visual impact of development on the National Park is highlighted.

Whilst it is understood that the proposal will result in the removal of existing unsightly buildings, concerns are raised in relation to the proposed restaurant in terms of its elevated siting and external lighting. In particular, it is considered that the proposal would interrupt views into and out of the National Park and would introduce a highly visible vertical feature and would also introduce a feature that would be highly visible at night to the detriment of the overall character of this area and the setting of the National Park and the area of the Blaenavon World Heritage site situated within. The proposal would, by reason of its elevated position, 24 hour illumination and a lack of landscaping, in the Authority's opinion, create an intrusive feature in the skyline interrupting views of the National Park to the detriment of its special qualities. The permitted restaurant and associated signage will be clearly visible from the A465 and the National Park Authority considers additional 7m high signage unnecessary.

Whilst the submission of additional information may allay some of the above concerns, at present based upon the information submitted, the Authority objects to the proposal as it would result in the introduction of an intrusive form of development in an elevated position, illuminated for a 24 hour period, with limited landscaping that would interrupt views into and out of the National Park to the detriment of its special qualities.

4.1.2 Llanfoist Community Council – recommends refusal. Please note the following comments/recommendations;

- The site/land is already elevated, therefore 7m is unnecessary.
- The recommendation of the council is that the height should be no higher than the roofline of the building.
- The site is on the edge of the BBNP who have a 'dark skies' policy and such powerful illumination would give unnecessary light pollution as well as being inappropriate so close to a World Heritage Site.

Please note that the Community Council wish to speak at Committee.

4.1.3 Welsh Government Transport Division – No comments received to date. Did not object to previous application for a higher totem.

4.1.4 Cadw – No comments received to date. Did not object to previous application for a higher totem.

4.1.5 MCC Green Infrastructure (GI) Team – Comments to follow as late correspondence.

#### 4.2 Neighbour Notification

4.2.1 Total of 21 representations received.

4.2.2 17 objections for the following reasons:

- Already have permission for multiple signs; totem is unnecessary.
- Scale of sign unnecessary for the location as the restaurant will be visible from the road anyway.
- BBNP have expressed considerable concerns about the signage that should be heeded.
- From the road the sign will always be seen against the Blorenge and not in keeping with this mountain landscape.
- Blot on the landscape when viewed from Abergavenny Castle.
- Light pollution.
- Totem sign will add to the eyesore already being created on this site.
- Visual vandalism.
- Sends out the wrong signal to tourists arriving in the town attracted by its reputation for good food.
- Application woefully lacking in any assessment of the local environment.
- Visible well beyond the sight of immediate road users for whom it is presumably designed.
- Already turned down, why does it have to be considered again?

4.2.3 4 letters of support for the following reasons:

- What about the pylons that have always been such a beautiful welcome to Wales?
- There will be a Premier Inn, Costa and Brewers Fayre all with similar signs on the site.
- There used to be a Peugeot sign in the same area that didn't seem to bother anyone.
- Lets move on and get the site completed.

#### 4.3 Other Representations

4.3.1 Abergavenny and District Civic Society – objects to the proposal.

This application follows the refusal of an 8m high totem sign. The height of that proposal has been reduced from 12m before the Committee considered it. The application for a reduction of height by another 1m suggests that the applicants have not accepted the message that the authority considered an illuminated totem sign to be both excessive advertising and visually unacceptable. The previous evaluation of DC/2014/01001 and the reasons for refusal for an 8m high totem sign apply equally to one that is 1m shorter. It is especially relevant that the totem would stand apart from the restaurant building and therefore be particularly prominent from the north-east, silhouetted against the Blorenge.

4.3.2 SEWBREC Search Results – Various species of bats recorded foraging/commuting and Great Crested Newts within the vicinity of the site.

#### 4.4 Local Member Representations

Local Member Cllr Hickman – objects. This is a step too far. About 30 signs have already been given permission for this restaurant, I am also sure that the ‘M’ sign will be on the road signage directing traffic to the area. The position of the restaurant is raised well above the carriageway enabling customers to seek it out without the need to add a further 7 metres blot on the landscape directly in front of the Bloreng mountain. McDonalds have permission for the restaurant, now they should try to do the decent thing and not ruin the area any more than needs be!

## 5.0 EVALUATION

### 5.1 Principle of Development

Local Development Plan Policy DES3 deals specifically with advertisements;

Proposals for advertisements will only be permitted where:

- a) having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) if located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) if located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) if located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

The proposed totem sign would, by design, be visible from a wider area which includes the Brecon Beacons National Park (BBNP) and the Blaenavon Industrial Landscape World Heritage Site (BILWHS). The proposed sign should also therefore be considered under LDP policies LC2 and LC3 that refer to these areas.

### 5.2 Visual Amenity and Impact on Brecon Beacons National Park and World Heritage Site

5.2.1 With regards to criterion (a) of Policy DES3, the use of the building as a drive through restaurant clearly requires some signage and therefore illuminated fascia signs as well as welcome/goodbye signs together with various non-illuminated small directional signage have already been granted express consent. There is currently no other signage in the area except at the entrance to Westgate Yard which is some distance to the west of the application site although there is an extant consent for a Premier Inn, Brewers Fayre and Costa Coffee unit on the adjacent site which will inevitably have some associated signage (although no applications for advertisement consent have been submitted to date). Any applications for signage on the adjacent site would have to be considered on their own merits having regard to the McDonalds site.

5.2.2 Criterion (b) of Policy DES3 requires that advertisements do not detract from the rural setting when located in the open countryside. Given that this site is allocated for office and industrial use in the LDP, it is considered that this criterion does not strictly apply. However, it is considered that due to the visibility of the proposed totem, it will detract from the wider area which is open countryside and is designated for its special qualities. Policy LC3 relating to development within the vicinity of the BBNP states that *‘development that would cause unacceptable harm to the qualities that justify the*

*designation of the Brecon Beacons National Park or its setting will not be permitted'* and it is noted that in their objection, the National Park Authority have referred specifically to the proposed totem on the basis that it would introduce an intrusive vertical feature in the skyline that will interrupt views into and out of the National Park to the detriment of the overall character of the area as well as the BILWHS which is afforded protection under Policy LC2. Monmouthshire planning officers agree with this assessment and consider that the proposed totem would cause unacceptable harm to the qualities that justify the designation of both the BBNP and the BILWHS. The reduction in height by 1 metre will have a limited effect on the impact of the sign due to the elevated position of the proposed totem sign and the open nature of the site.

Criterion (c) of Policy DES3 refers to advertisements in conservation areas only. This site is not in a conservation area.

Criterion (d) of Policy DES3 requires that in the open countryside illumination is only appropriate to uses that reasonably expect to trade at night. Although as described above, the application site is not in open countryside, the restaurant clearly expects to trade at night. Other signs within applications DC/2014/00998 and 00999, some of which would be illuminated, would reasonably provide potential customers with the information they need to find and use the restaurant without the need for the more intrusive totem sign that would cause harm to the wider landscape.

The planting required under the earlier Section 106 Agreement and that to be implemented by McDonalds will help to soften the proposed building over time but given the proposed location of the totem within the elevated site and the fact that by its very nature the sign is designed to be visible outside the site to a wide area, it is not considered that landscaping would mitigate the adverse visual impact in this case.

### 5.3 Residential Amenity

The proposed totem sign has been sited to afford maximum visibility from the A465 (T) in order to attract passing trade. As a result it will also be prominent when viewed from the Barratts development beyond. However, given that the site is separated from the application site by the A465 (T) and two slip roads, all of which would be well-lit during the evenings and night time, it is not considered that the illumination of the proposed sign would be likely to cause a nuisance to occupiers at night. The closest of the new Persimmon homes currently being constructed to the south on the site will be some 140 metres from the site and the sign is proposed on the north-western edge of the site so the illumination is unlikely to cause a nuisance to any of these properties.

### 5.4 Biodiversity

The site is not recorded as a foraging area or commuting route for bats that are the only species recorded within the vicinity of the site that are sensitive to light.

## 6.0 **RECOMMENDATION: REFUSE**

### Reason(s) for Refusal:

1. The proposed illuminated totem sign would, by reason of its elevated position and 24 hour illumination, create an intrusive vertical feature interrupting views into and out of the Brecon Beacons National Park to the detriment of the overall character of this area and the setting of the Blaenavon World Heritage site, contrary to Policies DES3, LC2 and LC3 of the adopted Monmouthshire Local Development Plan.

**DC/2016/00107**

**DEVELOPMENT OF 3,340 SQ M OF COMMERCIAL (B1 & B8) FLOORSPACE, STORAGE YARD, PARKING AND DEMOLITION OF EXISTING FARM BUILDINGS.**

**LAND AT WONASTOW ROAD, MONMOUTH, NP25 5JA**

**RECOMMENDATION: APPROVE**

Case Officer: Jo Draper

Date Registered: 02.02.16

## **1.0 APPLICATION DETAILS**

1.1 The application site covers 3.72 hectares. This application proposes to construct a new commercial building for Siltbuster with associated car parking to be served direct from the new access road (that has been approved under DC/2015/00226) to serve the adjoining residential development. This access will also serve an open storage area for kit/equipment to the east and north of the site. It is proposed to develop the majority of the area within the red line boundary, although the area immediately adjacent to the northern boundary is identified for future B1 use only (this would be subject to a future planning application).

1.2 This northern part of the site is currently used temporarily as a storage area for Siltbuster's kit/ equipment, and access to that site is from the farm track that runs from Wonastow Road to the east of Model Farm. Siltbuster received temporary consent for an aggregate hard standing to create an area suitable for storage and distribution within the proposed development site. This temporary planning permission was necessary as the company had to vacate their old storage yard by the end of September 2015.

1.3 The proposed site layout provides a building with a footprint of 2325 sq. metres within an overall site area of 37170sq.m. The proposed building measures 75m in length and 30m in width, and the entrance feature projects out by a further 6m, the height of the building measures just over 10m to the top of the curved roof. The building comprises a two storey B1 office element (2070 sq. m) located at the south west end of the building and a double height B8 warehouse element (1270 sq. m) occupying the north-eastern end. The size of the proposed building size has been the result of the accommodation requirements of Siltbuster and space requirements for their expanding business allowing for further future growth.

1.4 The site layout provides parking space provision for 98 cars. There are 14 covered cycle spaces provided immediately adjacent to the staff entrance location. The site entrance and internal site access road splits the site into building location on one side and staff parking on the other, visitor parking is proposed to the front of the building.

1.5 The existing temporary site storage area in the northern part of the application site is to be sub-divided with the eastern part of that area accommodating the storage area and the western part accommodating a future B1 development that is to be served by the car parking and access proposed as part of this development. The storage area will accommodate Siltbuster's equipment; this is based on a unit ranging from a domestic skip size to a maximum shipping container module size (a standard shipping container is 12.2m long by 2.6m high and 2.5m wider). The container units may be required to be double stacked within the warehouse.

1.6 The proposed new Siltbuster's headquarters has been designed following extensive pre-application discussions. The building has a number of key features that are listed below:

- A curved roof standing seam metal - reflecting a modern agricultural 'Dutch barn' shape
- An office element to the front of the site with detailed glazing and solar shading features
- A combination of materials used including glass, timber and climbing planters on mesh
- There is clear entrance to the building with an atrium and flat roof projecting out to the front and side defining the entrance point. This element is finished with a sedum roof; the building is to be set 1.0m to 1.5m below the nearby access road so a clear vantage point can be achieved of the sedum roof and the first floor of the proposed building
- The design features a palette of materials of modern high quality profiled cladding panels and metal roofing, aluminium doors and windows, vertical and horizontal timber Brise soleil shading and areas of sedum roofing.

1.7 It is proposed to demolish the existing agricultural buildings (which has biodiversity implications) and provide a new building to accommodate a bat roost in a suitable location to compensate for the loss of this roost.

1.8 A comprehensive landscaping scheme has been provided. The proposal includes the translocation and re-enforcement of hedgerows to provide a more workable storage area to the rear of the site. In association with the translocation of a north-south hedgerow, an open watercourse that runs adjacent to the hedgerow is to be culverted. Supporting ecological information has been submitted with this application. In addition to the trees approved as part of the access road application (DC/2015/00226) trees will be introduced throughout the site.

1.9 It is proposed to soften the viewpoint of the proposed development from the properties in the new residential site with trees planted around the northern and western perimeter; this is supplemented with small earth bunds 1m in height to be planted as part of this buffer to mitigate against the impact of the commercial site to the neighbouring residential site. Additional trees and native hedgerows are also proposed amongst the staff parking areas with larger landscaped areas of the site to be grassed, with areas of mown and unmown grass to define uses. The existing mature hedgerow that forms the southern boundary is to be retained and reinforced. The short boundary adjacent to Model Farm facing Wonastow Road is to be bolstered with additional planting. The proposed storage area has been set well back from the highway and runs broadly in line with the rear garden boundary of Model Farm. A further layer of planting is proposed along this boundary to provide further screening of the storage area from Wonastow Road.

1.10 The parking surface areas are to be treated in two ways, the roadways and storage yard are to be treated with a gravel finish. The parking bays are to be grassed with Golpla which is a grass and gravel reinforcement system (Golpla is a rigid high quality recycled plastic grass reinforcement and erosion control system; this retains gravel infill and provides a well-drained, high traction erosion resistant parking surface and operates full tree root protection. The main internal tarmac access road will drain to storm drains and will discharge into the provided surface water system connection point while the office visitor parking section is proposed in block pavements (Marshall 'Priora' permeable paving solution).

1.11 With regard to boundary materials, a Green 2.4m high V Mesh perimeter fence would be located around the northern and eastern boundary, enclosing the functional part of the site which (with the exception of the boundary adjacent to the new residential footpath) is largely not in the public domain. This fencing will enclose the storage area and the drainage pond. This is supplemented also by shrubs on a 1m high bund with tree planting throughout this boundary. The supporting information states that this was selected for its low visual impact (compared with palisade fencing) whilst remaining secure.

1.12 There is an acoustic fence proposed with a close boarded timber fence (typically 2m high panels) along the western boundary with the residential development and to the north

east boundary of Model Farm. In both cases the acoustic fence is supplemented by a landscaping belt.

1.13 Supporting information has been submitted with this application that includes a method statement identifying how the storage areas are to be managed. The storage areas have been subdivided into logical zones which relate to the all items of equipment stored including the equipment that is typically stored for long periods (this is held on site for months and once off site is generally hired out over a longer term - six months plus) to the type of kit that is sent off site and returns more frequently, almost on a daily basis. The zones closest to the main sensitive receptor for this site, Model Farm, will have the kit that is less frequently used and accessed, whilst the more frequently-used kit that is accessed on a daily basis is concentrated in the zones at the furthest point from this neighbouring property. This also coincides with the phasing of the storage yard as this will become available over a period of three phases, again the zone closest to Model Farm being the area that comes into use at Stage 3 which will be when the landscaping and noise protection measures have been fully implemented.

1.14 Operationally the use of the storage area is intermittent and responds directly to demand which is not continuous and therefore not subject to continual movements of plant. Once plant is returned this is washed in a wash bay located near to the site of the existing farm buildings which are centrally located. This comprises of two pressure washers being used on a continual basis.

1.15 Further information includes hours of operation; it has been set out that zones 7, 8 and 9 which are the three zones in closest proximity to Model Farm will be restricted to operational hours of 07:30h to 18:30h Monday to Fridays and no work will operate in these areas during the weekends or bank holidays.

1.16 Whilst the application does not relate to a form of highly vulnerable development the site is partially located in Zone C1 floodplain. Criterion (g) of Policy SAH4 relates to development within the flood zone noting no development shall take place unless a flood consequences assessment is carried out and demonstrates that the consequences of flooding in this area is acceptable. Further information has been submitted with a drainage strategy and a Flood Consequences Assessment.

1.17 There is an attenuation pond proposed to serve this development situated to the north east of the site. This forms part of the Green Infrastructure proposals.

1.18 The site is located within the Wonastow Road allocated Mixed Use Residential and Employment site as designated in Local Development Plan Policy SAH4. Criterion (c) of Policy SAH4 relates specifically to the provision of 6.5 hectares of serviced land for high quality industrial and business development (Use Class B1). There is an outline consent for the entire site including the residential development that further secures this use with 20% B8 use. This application was previously submitted as a Reserved Matters application, this was changed to the current full planning application as the proposal could not work in accordance with the provisions of the outline planning consent, the reasons for which are as follows:

- The Reserved Matters application sought to retain the storage area in its existing temporary permission. The storage yard has been moved further to the east of the site away from the western boundary to the recently approved residential development (Barratt/Taylor Wimpey) to reduce conflict. This has resulted in the translocation of hedgerows that does not accord with the strategic landscaping plans which form part of the outline consent.
- The level of B8 use necessary for this company to work exceeds the 20% B8.
- Drainage does not strictly accord with the drainage plan with an existing watercourse to be culverted to the east of the site.

## 1.19 Background on Company

Siltbuster was established 10 years ago working in the construction industry, since then it has established a position as a leading water treatment solution provider across three core markets. They currently employ 49 people, with over 50% of the employees holding degrees, doctorates or chartered status. Siltbuster provides highly skilled jobs. The Siltbuster Group comprises of three key divisions:

- i) Siltbuster Ltd, which provides rapidly deployable water treatment solutions for the construction industry
- ii) Siltbuster Process Solutions which provides process plants for potable (drinking) and waste water treatment for the Industrial and Municipal Water Markets.
- iii) Gritbuster which provides material washing and recycling systems to waste processors.

Historically Siltbuster has served the UK Market, but is increasingly working overseas and has exported equipment to over 32 countries worldwide, either directly or through distributors in Europe, Scandinavia, Australia and New Zealand.

Siltbuster currently has two sites on Wonastow Road West, but these are at capacity and need to relocate to larger premises to allow the business to grow to its full potential. This was further complicated by the loss of the lease of their largest storage site on the estate resulting in an increased urgency for the planned development in view of the temporary storage arrangements granted lasting only one year.

Daily operations in the warehousing and yard areas primarily consist of new product development, equipment preparation (cleaning and testing) prior to dispatch. All heavy fabrication is subcontracted out to local fabricators in the Monmouthshire/S Wales area with the units delivered to Monmouth for final fit out and assembly. The yard teams typically operate Monday to Friday between 8am and 6pm with minimal work outside these hours.

Office and engineering staff represent approximately 70% of employees which are typically involved in mechanical engineering, product design, and technical support, sales and marketing. Research product development represents a significant number of these roles with the Siltbuster Group preparing and submitting a dozen patent applications and spending over £500,000 per annum on research and development

Siltbuster is the UK's leading authority on water treatment, silt pollution prevention, wet waste and prevention of waterborne pollution from construction sites. Siltbuster offers an unrivalled range of solutions, technologies and practical solution for the construction and environmental remediation industry to deal with all aspects of silt management and waterborne pollution prevention and control. An implication of Siltbuster offering an extensive and specialised mobile hire fleet of water treatment equipment (to provide solutions that exceeds environmental legislation) is that significant storage area is required which is provided as part of this application.

This site provides the dedicated single site from which to operate effectively and from which to continue to expand and develop their product line for their services throughout the UK, Europe and now in the global market. It is proposed that Siltbuster will move entirely to this new site freeing up their existing building for a local employer who is due to move into the site this summer.

The brief is to provide the Siltbuster group with a new headquarters building to accommodate the company as existing and to allow for future expansion. The building should be befitting of a company Headquarters whilst also providing the storage and support required. Subject to this development proceeding, the forecasts for growth result in the number of employees doubling to over 100 in the next five years.

1.20 This application has been advertised as a major application.

## 2.0 RELEVANT PLANNING HISTORY



DC/2013/00368

Outline application for up to 370 dwellings and 6.5 hectares of employment (B1 and B8) and associated infrastructure with all matters reserved except for access.

Approved 19.12.'14

DC/2015/00226

Construct a new access road and footpath improvements.

Approved 12.08. 15

DC/2015/00390 (Taylor Wimpey)

Approval of all matters reserved except for access. Outline application approval reference DC/2013/00368

Approved 17.11.15

DC/2015/00392 (Barratt)

Approval of all matters reserved except for access. Outline application approval reference DC/2013/00368

Approved 17.11.15

DC/2015/00672

Temporary application for the construction of aggregate hard standing and fencing to create an area suitable for B8 use (storage and distribution) and access.

Approved 04/08.15

DC/2015/01116

Reserved matters addressing appearance, scale layout and landscaping for part of the employment land

Withdrawn

## **2.0 NATIONAL PLANNING GUIDANCE**

Chapter 7 Economic Development Paragraph 7.1.3

“The planning system should support economic and employment growth alongside social and environmental considerations within the context of sustainable development. To this end the planning system, including planning policies, should aim to ensure that the growth of output and employment in wales as a whole is not constrained by a shortage of land for economic uses”

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### Strategic Policies

Policy SAH4: Wonastow Road, Monmouth

The site is located within the Wonastow Road allocated Mixed Use Residential and Employment site. Criterion (c) of Policy SAH4 relates specifically to the provision of 6.5 hectares of serviced land for high quality industrial and business development (Use Class B1). Criterion (g) of Policy SAH4 relates to development within the flood zone noting no development shall take place unless a flood consequences assessment is carried out and demonstrates that the consequences of flooding in this area is acceptable.

Policy S8: Enterprise and Economy : Development proposals that seek to deliver the Council's vision for sustainable economic growth will be permitted.

Policy SD3: Flood Risk: Less vulnerable built development will be permitted within defined settlements or on sites allocated for such uses including employment. Development proposals within a flood plain will be require 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, and design and landscaping.
- d) The development does not interfere with the ability of the NRW or other bodies to carry out flood control works or maintenance
- e) The nature conservation interest of the water source corridor is protected and where practicable enhanced

Policy S9: Employment Sites Provision :Provision will be made for a suitable range and choice of sites for industrial and business development ( B1,B2 and B8) this includes around 5-6 hectares at each of the main towns including Monmouth.

Policy S13: Landscape Green Infrastructure and the Natural Environment

Policy S16: Transport

### Development Management Policies

Policy MV1: Proposed development and Highway Considerations

Policy EP1: Amenity and Environmental Protection

Policy DES1: General Design Considerations

Policy NE1: Nature Conservation and Development

## **4.0 REPRESENTATIONS**

### 5.1 Consultations Replies

Monmouth Town Council: Refuse

Flood Consequences Assessment is inadequate

Natural Resources Wales:

Flooding: Further information is required from the applicant regarding the proposed regrading and re-profiling of part of the site around the attenuation pond prior to determination. (The current FCA has not assessed or discussed the potential for increasing flood risk elsewhere as a result of the ground regrading and re-profiling around the proposed attenuation pond. The attenuation pond is located in the extreme 1 in 1000 year event outline) .This information is currently being submitted by the applicant and addressed by NRW and will be reported as late correspondence.

The FCA has established the following predicted flood levels:

- 1 in 100 year plus climate change: 18.69m AOD
- 1 in 1000 year: 19.92m AOD

These levels have been compared to the existing ground level of the site and areas within the vicinity of the site to assess the flood risk in detail. With existing minimum site levels of 19.43m AOD, the site is predicted to be flood free in the 1 in 100 year plus climate change event. There is a freeboard of 0.74m in this event, when the ground levels and flood levels are compared. This demonstrates that the development site is in line with the guidance set out in A1.14 of TAN 15.

During the predicted 1 in 1000 year flood event, the FCA demonstrates that the development site will be inundated with a maximum flood depth of 0.49m. This flooding is predicted to occur on the eastern boundary of the site with the majority of the site having a ground level above 19.43m AOD. This depth of flooding is within the tolerable limits set out in A1.15 of TAN 15.

The FCA further states that the finished floor level of the proposed buildings is a minimum of 21m AOD. Therefore, during the extreme 1 in 1000 year event the buildings will not experience any flooding.

Ecology:

- *Siltbuster Site, Land at Wonastow Road, Monmouth. Update Dormouse & Hedgerow Method Statement.* Dated January 2016 by Abbey Sanders Ecology;
- *'Siltbuster Site, Land at Wonastow Road, Monmouth. Update Bat & Nesting Bird Assessment & Method Statement.'* Dated January 2016 by Abbey Sanders Ecology;
- *'Green Infrastructure Management Plan: Siltbuster UK Ltd, Monmouth. Monmouthshire Council Application Ref: DC/2016/00107.'* Document Reference No. 15-48-R01 Rev C. Dated January 2016 by The Richards Partnership;
- *'Construction Environmental Management Plan. Siltbuster Ltd Site, Wonastow Road, Monmouth.'* Dated January 2016 by DLP Planning Ltd Bristol;
- *'Lighting Design Strategy. Siltbuster Ltd Site, Wonastow Road, Monmouth.'* Dated January 2016 by DLP Planning Ltd, Bristol, and;
- Drawing no.'s 15-48-PL-201, 15-48-PL-202 and 15-48-PL-203 Rev E: Landscape Planting Plans Sheets 1-3.

We welcome the submission of the above reports and drawings and note that evidence of bats and dormouse (both European Protected Species) have been recorded on site.

#### Dormouse

We welcome the submission of the 'update dormouse and hedgerow method statement' dated January 2016 by Abbey Sanders Ecology referred to above and note that evidence of dormice was recorded during nest tubes checks on the application site. Surveys undertaken in relation to the adjacent housing application site also recorded the presence of dormice.

We welcome the principles of the mitigation measures outlined within Section 6.0: 'Conclusions and Method Statement' to ensure the provision, and retention, of suitable dormouse habitat on site. We further note, however, that reference is also made to mitigation measures to be employed across the adjacent 'Land at Wonastow Road' application site. We advise, therefore, that a comprehensive dormouse mitigation strategy for the site is produced and submitted to your Authority. Condition recommended accordingly.

#### Bats

We welcome the submission of the 'update bat and nesting bird assessment and method statement' dated January 2016 by Abbey Sanders Ecology referred to above and note that evidence of use bats (droppings) was recorded from each workshop. The droppings are reported as old and mixed in with debris and cobwebs. We further note that 'several' (less than 10) butterfly wings were found within workshop 1, although no further evidence of bats (droppings) were found. The report concludes that the wings may represent predation by spiders.

Whilst we agree with the report's conclusion that these buildings are not currently considered to be bat roosts, future use by bats cannot be discounted. We recommend, therefore, that pre-demolition surveys for bats are carried out. If bats, or evidence of use by bats is found, it may be necessary to undertake the works under licence. Condition recommended accordingly.

#### Green Infrastructure

We note the general principles outlined within the submitted Green Infrastructure Management Plan, however, in its current form, it contains insufficient information to ensure that appropriate management will be carried out, is achievable and, can be easily implemented by the management company/developer and, enforced by your Authority.

We therefore advise that a revised Green Infrastructure Management Plan is produced which reflects the mitigation measures contained within the dormouse mitigation strategy to be submitted to your Authority.

Planning conditions are proposed to secure the submission, agreement and implementation of protected species mitigation measures.

#### Land Drainage

It is proposed to discharge surface water runoff to open watercourse; the applicant will be required to apply for Land Drainage Consent from Natural Resources Wales. The 'Indicative Drainage Layout – February 2016' and 'Drainage Strategy Compliance Statement – November 2015' both state a discharge rate of 5l/s/ha as per NRW requirements. No agreement for the discharge rate of surface water has been agreed for this site to date and will need to be looked at in isolation to the adjacent residential development quoted.

NRW Internal Drainage District requirements for discharge rates are as follows:

- Rates for storm water runoff discharged from the site to replicate or achieve a reduction from the 'greenfield' response of the site over a range of storm probabilities, accompanied by the required On-site Storage designed for the 1 in 100 year storm event.
- For the range of annual flow rate probabilities, up to and including the 1% annual probability (1 in 100 year storm event) the developed rate of run-off discharged from the site into a Viewed Reen or ordinary watercourse shall be no greater than the undeveloped rate of run-off for the same event.
- The potential effect of future climate change shall be taken into account by increasing the rainfall depth by 30% for computing storage volumes.

The proposed use of a storage pond, designed for the 100 year + 30% climate change storm event, and controlled discharge, to greenfield rate or lower, by means of a hydrobrake or similar, are in line with NRW requirements. The proposed betterment to the area offer by increasing pond depths by 300mm and restricting runoff to Qbar along with the potential use of impermeable surface finishes as a mean of reducing runoff and attenuating flow is supported. The proposed emergency overflow/spillway from the attenuation pond must not prevent the pond from achieving its design requirements detailed above.

Monmouthshire Green Infrastructure Team (including Landscape, Ecology and Trees):

Strategic Landscaping was agreed at the outline phase with the aspiration of allowing connectivity from east to west across the site and provide robust habitats for key species. The new application seeks to revise this approval with translocation of hedgerows and provide screening planting which will also function as woodland habitat as well as provide opportunities in the SUDs, car parking and office building with permeable surfaces and a sedum roof.

Ecologically, the green infrastructure proposals for the site must function to bolster and protect the existing hedgerow network and trees thus protecting dormouse habitat and the foraging/commuting habitat for bats whilst improving biodiversity habitats for other species. With regard to landscape the scheme should seek to provide strategic landscape buffers that offer visual separation between the industrial development, housing site and the allotments, consolidate green corridors whilst ensuring the entrance to the housing estate is not dominated by the presence of the industrial development.

The Design and Access Statement has identified site constraints and opportunities but not put this into context with the GI principals. The GI masterplan needs to be updated to reflect the design principals following the 6 key GI checklist. There needs to be a better integration between the Design and Access Statement and the Green Infrastructure approach. A condition covering this requirement is recommended.

There are lots of positive aspects included in the GI Management Plan in particular the monitoring of change and welcome the proposed reviews and recognition of trends which are likely to lead to a variation of management. However further information is required to include all the opportunities identified through the above process and to integrate how and what new development will contribute to the management plan. A condition is recommended to cover this issue requiring an updated GI Management Plan to be submitted to reflect the changes proposed. The GI Management Plan will need to be revisited to more closely reflect the requirements of the original outline condition with additional information required to ensure the plan covers all Green Infrastructure assets and provides a robust framework for delivery. Relevant planning conditions are recommended accordingly. It is also recommended that the GI Masterplan and the Landscape Planting Plan be amended to reflect the Landscape Plan. Again relevant conditions are proposed accordingly.

Detailed feedback has been given to the applicants following the most recent submission, with regard to the proposed landscape plans, revised plans are being submitted in readiness for planning committee addressing the following landscape issues:

- Landscape plan – planting buffer to be incorporated by continuing it along the western and northern boundary of the SUDS area. There will be more variety in the buffer planting, changing the current uniform planting arrangement and creating corners with edges strengthened to create copses/ wooded sections.
- The translocated hedges to be strengthened significantly with additional native planting both sides and tree planting incorporated – to help create a break up development areas.
- The hedge to the north of Model house to be reinforced with a 3-5 m planting belt within which the acoustic fencing should be incorporated.
- Wash down area details to be provided
- Wildflower grassland mixes to replace meadow mixes or a combination to provide interest and diversity of pollinators.
- South eastern boundary alongside proposed Siltbuster building to be reinforced comprising a belt of native woodland planting to help mitigate the impact of the building.
- Replacement/or combination of amenity and meadow grassland areas with wildflower meadow mixes to the front and side of the Siltbuster building.
- Further planting added to car park end sections

With regard to trees, the application is missing important information. The Landscape Layout shows two retained trees neither of which are identified but both of which are protected by a TPO. The first is a multi-stemmed Goat Willow to the east of the existing access, very close to which it is intended to demolish existing buildings. Further information is required for tree protection. The second is an Oak in the south-western corner of the site where it is intended to install an acoustic fence within the root protection area. In order to address this it is recommended that a relevant condition requiring an arboricultural method statement and scaled tree protection plan in accordance with BS5837:2012 'Trees in relation to Design, Demolition and Construction – Recommendations' for the retained trees at the site.

In terms of ecology based on the current objective survey and assessment available, there is enough ecological information to make a lawful planning decision.

A number of documents have been produced to enable assessment of the application at Wonastow Road:

- Update Bat & Nesting Bird Assessment & Method Statement prepared by Abbey Sanders Ecology, January 2016
- Update Dormouse & Hedgerow Method Statement prepared by Abbey Sanders Ecology, January 2016
- CONSTRUCTION ENVIRONMENTAL MANAGEMENT PLAN, Siltbuster Ltd Site, Wonastow Road, Monmouth Prepared by DLP Planning Ltd., January 2016.
- Green Infrastructure Management Plan: Siltbuster UK Ltd. Prepared by The Richards Partnership, January 2016
- Lighting Design Strategy, Siltbuster Ltd Site, Wonastow Road, Monmouth Prepared by DLP Planning Ltd., January 2016

A reassessment of bat roost potential based on the details of the new application has been undertaken. The outline application and previous scheme identified retention of the buildings and had only undertaken minimal but precautionary assessment of the site. I am satisfied, after closely considering the buildings, that the 2016 assessment is reasonable and it is concluded that the buildings are not active bat roosts. The buildings do however provide opportunities for roosting and the removal of the buildings therefore removes this potential for future use. Bat roosting opportunities (enhancements) for crevice dwelling bats will be provided in the form of boxes on the Siltbuster building. Whilst for lesser horseshoes, which have been recorded using the wider site, a modest night roost structure will be included on the site in accordance with the lesser horseshoe conservation handbook. A relevant condition

securing this provision together with ongoing monitoring and maintenance should be covered by planning condition in the GI Management Plan.

Changes from the approved outline for this area of the site have triggered a need to re-consider impacts on dormouse, badgers and the hedgerows particularly in relation to the requirement to translocate two established hedgerows. Reference is made in the assessment to the methods outlined in the Dormouse addendum for the DC/2013/00368 planning application. Mitigation has been outlined in the Update Dormouse & Hedgerow Method Statement however, as a licence and accompanying method statement will be required, it is advised that planning conditions are used to secure these. A licence will be needed from Natural Resources Wales in order to implement the permission. The Local Planning Authority will need to consider and record the Three European Protected Species Tests before determining the application. NRW will need to confirm that they are satisfied that the Favourable Conservation Status of Dormouse will not be adversely affected prior to the decision on the application. Translocated hedgerows must be considerably supplemented with additional planting, planning condition recommended to secure and maintain this.

A Lighting Design Strategy has been provided which clearly indicates the areas where illumination will be used (western field around building and car park) and where dark corridors which will benefit biodiversity will be maintained (hedgerows, boundary trees, storage yard, attenuation pond, existing track). No lighting specification is included or depiction of the extent of lighting in the western field. Therefore, a planning condition for this is recommended.

Monmouthshire Environmental Health Officer: I have considered this application having regard to the information provided to support it and on site discussion with the applicant and planning officer.

Whilst I have no reason to substantiate an objection to the proposed development there are concerns that unless on site activities are correctly managed there is the potential for complaints to be made particularly in relation to noise if permission is granted.

To assist in managing and controlling these concerns I would recommend that should permission be granted conditions are attached to any consent including:

- Hours of working particularly in noise sensitive areas of the site which are shown on plans to support the application should be restricted to between 07:30 and 18:30.
- Measures to control noise from on-site activity, for example the acoustic fencing should be implemented as agreed with the Local Planning Authority which is as shown on the final plans for the site.

Monmouthshire Planning Policy:

The site is located within the Monmouth Town Development Boundary, in an area allocated in Policy SAH4 as a mixed use site for residential and employment development. This application relates specifically to approximately half (3.25ha) of the overall employment part of the allocation, which accounts for 6.5ha of the SAH4 site in total.

While SAH4 criterion (c) relates solely to B1 development, it is noted that the outline application (DC/2013/00368) has allowed 20% B8 use on site. It seems likely that the proposed application will result in this proportion being exceeded, although the 66 highly skilled jobs created, relocation of the current workforce through the expansion of the existing local company etc. are supported by Strategic Policies S8 and S9 in principle.

Overarching Policies EP1 and DES1 should also be considered relating to general development considerations to ensure a high quality development and environment for residents within the Wonastow Road site. Criterion (d) of DES1 specifically relates to the levels of privacy and amenity of occupiers of neighbouring properties, Policy EP1 also refers to local amenity and impact of development. While the housing site is not yet built the amenity of future occupiers will be a relevant consideration in assessing compliance with Policy EP1.

Policies MV1 and MV2 relating respectively to proposed developments and highway considerations and sustainable transport access. The application form and Design and Access Statement refer to a total of 98 car parking spaces and 14 cycle spaces.

Strategic Policy S13 and Policy G11 relating to Green Infrastructure must be considered. The GI management plan submitted as part of the wider SAH4 site should also be referred to, to

ensure conformity. It is nevertheless noted a revised Green Infrastructure management plan has been submitted with this application and that a few changes have been made to ensure residential amenity is protected. The storage area has been moved which has consequently resulted in the need to translocate hedgerows from elsewhere on the site, it is noted this will help strengthen the screening between the residential and employment uses.

A small portion of the site is located in Zone C1 floodplain, at the time of adoption this related to approximately 0.14ha. The TAN15 flood maps were updated in January 2015, the Zone C1 floodplain in this location expanded slightly, a larger area of approximately 0.5ha is now within the application site. Policy SD3 is therefore of relevance, however, the proposed development does not relate to a form of highly vulnerable development and there is consequently no conflict with Policy SD3 relating to Flood Risk subject to compliance with criterion (a) to (e) of the policy. It must also be considered whether criterion (g) of Policy SAH4 relating to flood zone has also been satisfied, the submission of a FCA to support the application is welcomed. It should be noted that the LDP incorrectly refers to Zone C2 instead of Zone C1 in criterion (g) of Policy SAH4, this was not picked up until after the production of the LDP. Finally, it is noted the application form like the previous application (DC/2015/01116) refers to a 'commercial' (B1 and B8) use. Reference to a B1 and B8 use would be the preferred term to avoid any potential conflict in future.

Monmouthshire Highways Officer: No objection subject to relevant conditions being imposed. The principles of the development are well established with the previous planning approvals and there is no reason to object to the proposal on highway grounds. The internal layout affords appropriate levels of on-site parking and servicing. I would recommend that conditions are attached to any planning decision to safeguard the use and safety of the highway and the new roads to be constructed to ensure that a safe and substantial means of access is available to serve the development that is subject to this application.

Monmouthshire Economic Development Officer:

Siltbuster has been situated in its current site since 2004, it has now outgrown its premises. I have been working with them since July 2014 to find new premises for their business in the Monmouth area. We have been unable to identify suitable existing premises locally and therefore must look at new build opportunities. This site which is the subject of this planning application is the only suitable site that has been identified in the Monmouth area. It is vital that the company can secure new premises to continue their growth.

Welsh Water: Recommend conditions relating to foul drainage.

## 5.2 Neighbour Notification

Representations received as part of the DC/2015/01116 application which was withdrawn have been brought forward to this application.

To date one letter of support has been received from a local business.

- It should be celebrated that Siltbuster has decided to remain in Monmouth and continue to expand.

## 5.3 Other Representations

David Davies MP: whilst I cannot favour an application I am sure the Council will agree that Siltbuster Ltd is an extremely impressive company and an asset to the local trade community in Monmouth. It is commendable that the company has chosen to remain in Monmouth rather than expand elsewhere and I hope everything is being done to determine the application quickly and the company is given every assistance to grow in Monmouth.

Nick Ramsay AM I have been in contact with the company over the last few months regarding financial support to develop and expand the business. I wish to add my support to this planning application that will enable the company to consolidate on one site and expand operations enabling it to achieve its development plans for the future.

Monmouth and District Chamber of Trade and Commerce: It's a great vote of confidence that Siltbuster has chosen to stay in Monmouth rather than expand elsewhere. They are one of a few local businesses that have grown in the last 10 years from small beginnings into a successful company with 49 skilled employees. The proposed location provides easy access from the A40 for large goods vehicles to service the site, is suitably landscaped and has adequate parking provision. The proposal by Siltbuster is likely to attract further businesses to the unused parts of the site. The larger site will safeguard existing jobs and allow new jobs to be created in the future.

## **5.0 EVALUATION**

The main issues that arise with this application is the following:

1. Principle of development
2. Economic Development Implications
3. Neighbour Amenity
4. Visual Amenity
5. Flooding
6. Green Infrastructure
7. Biodiversity (The Three Tests)

### **6.1 Principle of Development**

6.1.1 This proposal is strictly speaking, not in full accordance with planning policy, as the relevant policy that applies to this site is Policy SAH4 which restricts the employment aspect to a B1 use. However the outline planning approval DC/201/00368 (which was for 370 dwellings and 6.5 hectares of employment B1 and B8 and associated infrastructure with all matters reserved except for access) included the provision of 20% of the employment site being used for B8 to enable the site to become more deliverable. In this case the proposal is looking to take up approximately 4 hectares of the 6.5 hectares that are available; in employment terms the proposal comprises 2325 sq. m (their existing premises is 1672 sq. metres of office and warehouse. The proposal represents a 62% B1 and 38% B8 use of floor space.

6.1.2 There are 49 jobs being safeguarded (20 of which are PhD level or above), and as a result of this proposed development there is a forecasted significant increase in employment with an additional 66 new jobs being potentially created many with a high skill level (degree or higher). It is accepted that this is a genuine proposal for the expansion of what is a highly skilled important local business, the relocation of which will safeguard the existing workforce, allow the prospect of a significant increase in jobs, and free up existing employment land for a chain of committed further development. It is understood that Monmouthshire's Economic Development Team is strongly supportive, as are the Welsh Government given Siltbuster's track record and export performance.

6.1.3 In this case therefore the principle of relocation can be supported subject to detailed concerns which are addressed below, namely it is imperative that significant efforts are made in the layout, design and landscaping of the scheme, as the entrance to the housing site and the remaining 2 hectares of employment should see only high quality B1 development. The application needs to ensure a land take up that does not prejudice an efficient layout of the



remainder of the employment land allocation. In this case the site has opened up the opportunity for a further employer to occupy a B1 only site in the north-west of the application site. Also the area to the south of the site fronting onto Wonastow Road within the blue line of the application site will become available to a further employment provider in the future. The proposed layout does not compromise the provision of either of these sites coming forward in the future. The detailed issues of design, layout, landscaping noise etc., are addressed in turn below.

## 6.2 Economic Development Implications

6.2.1 Paragraph 1.19 has provided a resume of the history of the applicant and how successful its growth has been over the last 10 years. The business's record and employee credentials verifies that this is a highly skilled workforce that has grown in number as the business has expanded and has now become the UK's leading authority on water treatment, silt pollution prevention, wet waste and prevention of waterborne pollution from construction sites, whilst their group which comprises three divisions has a rapidly growing European and Global market. The proposed development is crucial to this company being allowed to expand and keep pace with its growth rates resulting in the potential for an additional 66 skilled employees being employed whilst safeguarding the existing 49 jobs.

6.2.2 There are a number of issues that has resulted in them urgently needing to occupy the application site. These are as follows:

- i) Siltbuster currently has two sites on Wonastow Road West, these are at capacity and the business needs to relocate to larger premises to allow it to grow to its full potential. This was further complicated by the loss of the lease of the largest storage site on the estate resulting in an increased urgency for the planned development in view of the temporary storage arrangements granted lasting only one year. The temporary storage area has consent until September 2016.
- ii) There are businesses on standby ready to occupy the buildings that Siltbuster vacates; there is requirement for Siltbuster to have vacated its site in the summer.
- iii) There are no suitable alternative locations in Monmouth, so a new build development in close proximity to the existing premises has been identified as the only way to keep the company operating within Monmouth.

6.2.3 There are significant economic benefits achieved from Siltbuster occupying this site, in this context the proposal fully complies with National Guidance and LDP Policy S8.

## 6.3 Visual Amenity

6.3.1 As addressed above in paragraph 6.1, it is imperative given the combined uses of this site that significant efforts are made in the proposal to provide a high quality frontage on this prominent site leading into the new residential area. What is in the public domain should represent a high quality B1 use with the open storage area needing to be located unobtrusively to the rear and controlled carefully to protect neighbour amenity. The storage area would have to be screened by mature landscaping to ensure there are no vantage points of the less visually attractive aspects of this use. The Design and Access Statement sets out the brief for the project:

*“ the requirement to provide a new headquarters building incorporating offices, research and development provision, workshop areas and storage facilities both internal and external gives rise to the design dichotomy requirements of a high quality office environment, tempered by the traditionally aesthetic requirements of an enclosed warehouse space, as a single building volume, to be addressed within the design solution”*

6.3.2 Viewpoints of the site will be principally across the open field to the south of the site currently undeveloped and part of the allocated employment site. There will be clear views from the approach road into the residential site. The proposed new building is situated centrally within its plot while the large scale storage area that Siltbuster requires for its varied hire equipment would be located in the area with the least visual impact.

6.3.3 The site is seen as a greenfield site that will be passed by all residents of the proposed residential development – thus, a standard industrial unit or faceless office building would not be appropriate for this site. The use of high quality materials is seen as imperative to a successful design solution. As stated in the Design & Access Statement “a contemporary building provides a less visually intrusive solution than one making weak and failed attempts to follow standard typologies and precedents”.

6.3.4 Within the site the scale of the building is reduced at the entrance area to a section of single storey in order to ensure minimal impact of the building when viewed from the access road. The overall impact of the building is managed by breaking down the continuous built form into distinguishable separate elements with the use of differing but complimentary materials. The choice of a curved roof helps particularly when viewed from external vantage points.

6.3.5 Whilst there are no predominant architectural features in the vicinity, the proposals utilise a palette of modern high quality profiled cladding panels and metal roofing, aluminium doors and windows, vertical and horizontal timber Brise soleil shading and areas of sedum roofing, that overall provide a high quality corporate finish to the building. Furthermore, as the site levels result in the building being 1m to 1.5m lower than the road level, this enables the proposed building to sit lower in the surroundings and reduce its impact on the area whilst allowing the building to be visible to visitor. The signage (which will be subject to a separate application) at first floor level would be closer to eye level.

6.3.6 The proposed layout provides a clear hierarchy of space with the main site: vehicular access / egress and parking provision being easily accessed from the public realm; this in turn is isolated from the private realm of storage, maintenance and despatch spaces whilst also being interlinked. All public areas are clearly visible from the main vantage points into the site from the highway, while the storage, despatch and workshop areas located within a secure compound are out of general view. The only potential public viewpoint of the compound is from Wonastow Road to the south of the site adjacent to Model farmhouse. In this case the equipment would be set well back into the site and would be screened by bolstering the existing landscape belt adjacent to the highway and the further landscape belt proposed to form the boundary of the storage area. There is no clear vantage point of the site from this aspect that would detract significantly from the visual amenity of the surrounding area.

6.3.7 The proposed scheme has succeeded by virtue of the layout, comprehensive landscaping, sensitive surface materials and innovative high quality building design in delivering the high quality B1 frontage that was required, whilst at the same time locating the more unsightly (but essential) aspects of the proposal away from any public vantage points. The proposed development, subject to the relevant green infrastructure conditions being accommodated, will make a significant contribution to the visual amenity of the area and has set the bar high in terms of the design expectations for the future employment users that occupy the remaining part of the site.

#### 6.4 Neighbour Amenity

6.4.1 There are two main receptors of this site, the first is Model Farm which sits in isolation to the south of the site, and the second is the new residential development site that runs to

the north and west of the application site. In both cases the two issues that have a potential impact on neighbour amenity are visual intrusion and noise.

6.4.2 With regard to Model Farm, the storage area has, with recent amendments, moved in closer proximity to this key receptor. However, the storage area is to the north-east of this dwelling but the main rear aspect of Model Farmhouse is north-west away from the storage area. There are also a number of outbuildings that run along the eastern boundary of Model Farmhouse that provide a physical barrier between the side of the property and the start of the storage area. Whilst there is no right of a view over land not in a person's ownership there can be an over-bearing impact that can result in a given building or use within close proximity to a receptor having a significant impact upon their residential amenity. In this case the storage area is set to the side, a new acoustic fence and a strong landscape buffer is proposed to soften the aspect of the storage area, and cumulatively these features serve to minimise any potentially significant overbearing impact that arises from the proposed use of this site.

6.4.3 With regard to noise, a noise assessment has been undertaken using measurements and calculations taken from the current temporary use of the storage yard. The storage yard has been sub-divided into zoned areas with the least used kit/equipment to be situated in the three zones closest to Model Farm. It is also proposed that these zones are restricted to hours of operation of 07:30 to 18:30 Mondays to Fridays only. The Council's Environmental Health section has been consulted on this application, and the conclusion is that subject to a suitable siting of the acoustic fence (following consultation with Environmental Health the acoustic fence has been repositioned adjacent to Model Farmhouse's north-eastern boundary) and appropriate management of the storage area in relation to hours of operation, there is no objection to the proposal. Furthermore, it is proposed as part of this scheme to close off the existing access immediately adjacent to Model Farmhouse. This farm track currently serves the temporary storage yard; the access will remain open to provide access to Model Farmhouse only while all traffic movements along the eastern boundary of this property will cease. Indeed given that this previously served a farm with the associated traffic movements using this access this will represent an improvement with regard to noise and disturbance that arises from the use of this track. In conclusion, subject to the imposition of relevant conditions requiring the implementation of the noise mitigation measures including the acoustic fence and landscaping, the proposal does not have a significant adverse impact upon the neighbouring occupier of Model Farmhouse.

6.4.4 With regard to the future residential development, it is principally the dwellings that back directly onto the common boundary with the proposed car park and the new B1 site that are potentially affected. The car park has been designed to minimise headlights entering the rear of properties, the car park is broken up by landscaping with a significant landscape belt situated adjacent to the boundary. There are five properties that have a direct rear aspect across the site to what will be a future B1 use, however this detail is not to be considered as part of this application and there is no control over when this site will be developed. Once it does become developed, it will (subject to a suitably designed scheme) provide a physical barrier between the residential development and the storage yard to the east, although in the meantime it is important that the measures undertaken ensure that there will no adverse impact upon neighbour amenity whilst this area remains undeveloped. In this case the acoustic fence supplemented with a strong planting buffer along the immediate common boundary in addition to the new planted boundary to the storage area will soften the visual impact of the proposed use and prevent any significant over-bearing impact.

6.4.5 With regard to noise, the boundary treatments proposed coupled with the satisfactory separating distance and the existing background uses from the Wonastow Industrial Estate to the east will result in this development not having a significant adverse impact in this case during the daytime hours. It is necessary however that the central storage zones (Zones 1 and 2) closest to the boundary are controlled in terms of timing to prevent the use of this area

during very unsocial hours when the background noise is significantly lower. A relevant condition is recommended accordingly.

## 6.5 Flooding

6.5.1 There are two issues to consider namely land drainage and the Flood Consequences Assessment.

6.5.2 An 'Indicative Drainage Layout – February 2016' and 'Drainage Strategy Compliance Statement, and Flood Consequences Assessment has been submitted with this application. Natural Resources Wales has been the key consultative body on this matter. As outlined in their consultation response, with the exception of the additional information that is outstanding regarding the proposed regrading and re-profiling of part of the site around the attenuation pond (which is being addressed and the findings will be reported as late correspondence), the recommendations of the Flood Consequences Assessment (as identified in detail under the NRW consultation response under Paragraph 5.1) is in line with the guidance set out in TAN 15. The finished floor level of the proposed buildings is a minimum of 21m AOD and hence during the extreme 1 in 1000 year event the buildings will not experience any flooding.

6.5.2 It is proposed to discharge surface water runoff to an open watercourse and so the applicant will be required to apply for Land Drainage Consent from Natural Resources Wales. The technical requirements for compliance will be addressed as part of the land drainage consent. However no objection has been offered in principle to the proposed mechanism provided for dealing with this issue which features the proposed use of a storage pond, designed for the 100 year + 30% climate change storm event, and controlled discharge, to greenfield rate or lower, by means of a hydrobrake or similar, according with NRW requirements. The proposed betterment to the area offered by increasing pond depths by 300mm and restricting runoff to  $Q_{bar}$ , along with the potential use of impermeable surface finishes as a mean of reducing runoff and attenuating flow, is supported. It is important that the proposed emergency overflow/spillway from the attenuation pond must not prevent the pond from achieving its design requirements. This will be subject to the technical assessment that is considered separately by NRW as part of the land drainage consent. For the purposes of this application (subject to the outstanding information being agreed), the details provided are accepted and supported and comply with relevant planning policy.

## 6.6 Green infrastructure

6.6.1 An essential and integral part of ensuring this development meets the requirement to deliver a high quality development within this site and retain a rural sense of place is to embrace and incorporate green infrastructure within the design and layout of this site. This application has altered the scheme that was allowed at the outline phase, in that the connectivity that was achieved from east to west across the site has been revised with translocation of hedgerows and screen planting which function as woodland habitat. There have been opportunities delivered in the Sustainable Urban Drainage Systems, car parking and in the design and treatment of the office building with permeable surfaces, green walls and a sedum roof.

6.6.2 The proposed landscape scheme requires further work and the applicant has responded to this by providing a revised landscape plan ready for Planning Committee that achieves what is required to ensure that the landscape design retains the rural sense of place. Ecologically, the green infrastructure proposals for the site now function to bolster and protect the existing hedgerow network and trees, thus protecting dormouse habitat and the foraging/commuting habitat for bats whilst improving biodiversity habitats for other species. The proposed landscape scheme now provides the strategic landscape buffers that offer visual separation between the industrial development, housing site and the allotments,

consolidating green corridors and ensuring the entrance to the adjacent residential development is not dominated by the presence of the industrial development. The retention and strengthening of the majority of hedgerows allows the building to sit as part of the landscape, retaining the character and amenity that exist on site. The additional trees planted on the boundary enhance the sense of place and amenity of the residential properties set against the boundary.

6.6.3 As with the adjacent residential site Green Infrastructure has driven the layout and design of this site including the design of the building, alterations have led to further enhancements in the site which have mitigated against the less visually attractive elements of the proposals, whilst also being a crucial factor in delivering the high quality frontage within the public domain. What is imperative is that the mechanism for ensuring that they are implemented effectively and managed thereafter in accordance with the given objectives is provided, and there are conditions recommended accordingly to secure this.

## 6.7 Biodiversity

### 6.7.1 European Protected Species – Three Tests

In consideration of this application, European Protected Species (bats / dormice) will be affected by the development and it has been established that a derogation licence from Natural Resources Wales will be required to implement the consent. Monmouthshire County Council as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2010 (as amended) and to the fact that derogations are only allowed where the three tests set out in Article 16 of the Habitats Directive are met. The three tests have been considered in consultation with NRW and the Council's Biodiversity and Ecology Officers as follows:

(i) The derogation is in the interests of public health and public 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 application site forms part of an allocated strategic site comprising residential and employment development. The economic benefits of this development as addressed in paragraphs 6.1 and 6.2 above are crucial in making this strategic site work; this requirement is satisfied.

(ii) There is no satisfactory alternative

There are no other allocated areas in Monmouth that provide the space and access that this business requires to expand.

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned as a favourable conservation status in their natural range.

Natural Resources Wales has been consulted on this application and has not objected to this proposal subject to relevant conditions being imposed. In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard for the advice of Natural Resources Wales and the Council's own Biodiversity Officers, it is recommended that planning conditions are used to secure the following:

- Compliance with the submitted mitigation/method statement
- Condition for a detailed method statement
- Scheme of mitigation
- Condition to see evidence of licence

## 6.8 Response to the Representations of the Community/ Town Council

The concerns regarding the inadequacy of the Flood Consequences Assessment is addressed in Paragraph 6.5 above.

## 6.0 RECOMMENDATION: APPROVE

### Conditions

1. Time Condition – five years in which to commence development.
2. Plans Compliance condition
3. Details of boundary materials including that of the acoustic fence and palisade fence shall be submitted and agreed with the Local Planning Authority prior to development commencing on site. To be implemented in accordance with agreed details.
4. Submission of programme of works relating to the timing of boundary materials and acoustic fence to be erected. To work in accordance with the CEMP, CMP and GI Management Plan.
5. Use restriction with no less than 60% of the floor space of the building, hereby approved, to be B1 use only.
6. Area shown for B1 use only shall be used for this use only.
7. Prior to the commencement of development, a scheme of pre-construction surveys of the site for protected species shall be submitted for approval in writing. This scheme shall include bat survey of any buildings/trees to be removed in implementation of the approval. The approved scheme shall be implemented in full.
  - Notwithstanding the details submitted within the approved documents, full details of both hard and soft landscape works for the area to the east of the Siltbuster car park and building should be provided (areas zoned within the GI Masterplan). These shall be submitted within 2 months of the date of the planning permission being issued for the written approval of the local authority. These details should support and provide further detail of the aims and objectives for the area to the east of the Siltbuster building and car park (zoned areas identified in the GI masterplan). Details of form and extent of, any supplementary planting to retained and/or newly planted/translocated material, including measures to safeguard habitats from adjacent buildings and structures shall be included. Details shall include [for example]:-
    - proposed finished levels or contours;
    - means of enclosure;
    - car parking layouts;
    - other vehicle and pedestrian access and circulation areas;
    - hard surfacing materials;
    - minor artefacts and structures (e.g. refuse or other storage units, signs, ,lighting, floodlighting and cctv installations etc.);
    - Existing vegetation.
    - Proposed Landscape /GI mitigation to include soft landscape details specifically; planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities.
8. Not later than 2 months following the approval notice being issued details of earthworks shall be submitted to and approved by the Local Planning Authority. These details shall include

the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

9. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction.
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

11. A Green Infrastructure Management Strategy Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement or occupation of the development. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be managed.
- b) Trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- g) Details of the body or organization responsible for implementation of the plan.
- h) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

12. No occupation of the development until a scheme of bat and bird enhancements has been submitted to the LPA and approved in writing. The agreed scheme shall be implemented in full.

13. No development shall take place including ground works or site clearance until a Protected Species Method Statement (dormouse) has been submitted to and approved in writing by the local planning authority. The content of the method statement shall build upon the principles in Update Dormouse & Hedgerow Method Statement prepared by Abbey Sanders Ecology, January 2016 and shall further include:

- a) purpose and objectives for the proposed works in relation to protection of dormouse and provision of dormouse mitigation;
- b) detailed designs and working methods necessary to achieve stated objectives;
- c) extent and location of proposed works shown on appropriate scale maps and plans;

- d) timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) measures to avoid killing and injuring dormice during works,
  - f) persons responsible for implementing the works;
  - g) initial aftercare and long-term maintenance;
  - h) monitoring schedule and details of remedial measures which will be implemented should monitoring demonstrate a decline in population or distribution of dormouse;
- The works shall be carried out strictly in accordance with the approved details.

14. The hereby permitted works shall not in any circumstances commence unless the local planning authority has been provided with either:

- a) a copy of the licence issued by Natural Resources Wales pursuant to Regulation 53 of The Conservation of Habitats and Species Regulations 2010 authorizing the specified activity / development to go ahead; or
- b) a statement in writing from the scheme ecologist to confirm that the specified activity/development will not require a licence based on legislative and ecological justification.

15. 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 installed at the application site until an appropriate lighting specification plan has been submitted to the Local Planning Authority and approved in writing. The specification plan shall include:

- a) lighting type, positioning, direction and specification
- b) drawings setting out light spillage in key areas for bats and dormouse e.g. hedgerows and trees based on technical specifications

The strategy must demonstrate that the hedgerows and screen planting are not illuminated to allow dark corridors for dormouse, bats and other wildlife to persist. The scheme should address the construction and operational phase; include measures to monitor lux levels; and include remedial action to be undertaken where problems are identified by the monitoring scheme. The scheme shall be agreed in writing with the Local Planning Authority and implemented in full.

16. No construction or demolition is to take place until there has been submitted to the local planning authority and agreed in writing, an arboricultural method statement and scaled tree protection plan in accordance with BS5837:2012 Trees in relation to Design, Demolition and Construction – Recommendations for the retained trees at the site.

17. No construction or demolition is to take place until there has been submitted to the local planning authority and agreed in writing, an arboricultural method statement and scaled tree protection plan in accordance with BS5837:2012 Trees in relation to Design, Demolition and Construction – Recommendations for the retained trees at the site.

18. No development shall commence until the new junction and access road required to be constructed pursuant to a section 278 Agreement has been constructed to at least binder course level and a compliant street lighting system is in operation.

19. Prior to the commencement of any works a Construction Traffic Management Plan shall be submitted to and approved in writing with the Local Planning Authority.

20. No development shall take place, including any works of site clearance, until a Construction Method Statement has been submitted and approved in writing by the Local Planning Authority to provide for;

- The means of access into the site for all construction traffic
- The parking of vehicles for site operatives and visitors
- The management of vehicular and pedestrian traffic
- loading and unloading of plant and materials
- storage of plant and materials used in constructing the development
- wheel washing facilities



- measures to control the emission of dust and dirt during construction

21. The temporary means of access approved under DC/2015/00672 will not be permitted to be used for the purpose of gaining access to the development site for the purpose of constructing the development nor for the delivery of plant and materials.

25. Movement and operation of plant and machinery within Zones 7, 8 and 9 as shown on plan reference [to be added] shall only take place between the hours of 07:30 to 18:30 Monday to Friday; there shall be no movement or operation at all at weekends or public holidays. Movement and operation of plant and machinery within Zones 1 and 2 shall be restricted to between 06:30 to 20:30 Monday to Friday and 09:00 to 18:00 weekends and public holidays, and not at all at other times.

26. No development shall commence on site until a scheme for foul sewage that shows how the site will satisfactorily accommodate the foul water discharge from the site, to be submitted and approved by the Local Planning Authority. The building shall not be occupied until this has been implemented in accordance with the approved details and thereafter no foul water, surface water or land drainage shall be allowed to connect directly or indirectly into the public sewerage system.

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## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 19/01/16

**gan Alwyn B Nixon BSc(Hons) MRTPI**  
**Arolygydd a benodir gan Weinidogion Cymru**  
**Dyddiad:9/2/16**

## Appeal Decision

Site visit made on 19/01/16

**by Alwyn B Nixon BSc(Hons) MRTPI**  
**an Inspector appointed by the Welsh Ministers**  
**Date:9/2/16**

**Appeal Ref: APP/E6840/H/15/3139922**

**Site address: The Two Rivers, Hilltop, Newport Road, Chepstow NP16 5BT**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under Regulation 15 of the Town and Country Planning (Control of Advertisements) Regulations 1992 against a refusal to grant express consent.
- The appeal is made by Marston's PLC against the decision of Monmouthshire County Council.
- The application Ref DC/2015/00821, dated 1 July 2015, was refused by notice dated 29 October 2015.
- The advertisements proposed are 2 internally illuminated wall signs of folded aluminium acrylic & vinyl in blue, black and white, dimensions: Sign A 1.3m x 1.3m x 0.1m and Sign B 2.5m x 2.5m x 0.1m; and 1 internally illuminated totem sign (Sign D) of folded aluminium acrylic & vinyl in blue, black and white of dimension 3.5m x 1.0m x 0.325m.

## Decision

1. The appeal is allowed and express consent is granted for 2 internally illuminated wall signs of folded aluminium acrylic & vinyl in blue, black and white, dimensions: Sign A 1.3m x 1.3m x 0.1m and Sign B 2.5m x 2.5m x 0.1m; and 1 internally illuminated totem sign (Sign D) of folded aluminium acrylic & vinyl in blue, black and white of dimension 3.5m x 1.0m x 0.325m, in accordance with application Ref DC/2015/00821 dated 1 July 2015 as subsequently amended to exclude an internally illuminated wall sign on the south west elevation (Sign C), for a period of five years from the date of this decision and subject to the standard conditions set out in the Regulations and the following additional condition:

The consent relates only to Signs A, B and D shown on the submitted site plan. Signs A, B and D shall be displayed in accordance with the details on the submitted drawings (site plan and drawings 113234/A) and application.

## Procedural Matter

2. Before being determined by the Council the application was amended to remove Sign C. In the light of this I have imposed the additional condition above, to properly define the consent now granted.

## Main Issue

3. The main issue is the effect of the proposed development on amenity.

## Reasons

4. The advertisement regulations and guidance in Technical Advice Note 7 Outdoor Advertisement Control provide for control of the display of advertisements in the interests of amenity and public safety. The Council's reason for refusal refers solely to matters of amenity. The relevant highway authority has raised no objections from a highway safety perspective and there are no other public safety issues. Policies in the Monmouthshire County Council Local Development Plan (LDP) require, amongst other things, that advertisements do not cause unacceptable clutter and that development has regard to local amenity, including that of neighbouring occupiers.
5. The appeal site fronts the main A48 route through Chepstow. The site was previously occupied by a larger hotel building but has been recently redeveloped to accommodate the present hotel lodge building and adjacent pub restaurant building. The site's commercial nature is reflected in existing signage associated with the pub restaurant, external lighting and parking areas around the buildings. Nearby development is mostly residential; however, a Countrywide retail store and petrol filling station adjoin the other side of the road a short way to the south west. The locality thus has something of a mixed character, with significant levels of activity.
6. Sign A is modestly proportioned and would be affixed to a small gable on the north east elevation of the hotel lodge, facing across the parking area in front of the pub restaurant towards the highway approach from the east. Sign B would be high on the main gable of the hotel lodge, facing directly towards the A48. Whilst larger than sign A, I do not consider its size excessive in relation to this elevation. The proposed totem sign would be positioned at the south west corner of the building, with the display facing along the highway approaches.
7. Taken together, the three signs would not be excessive or produce an effect of visual clutter. Notwithstanding their size, the impact of the illumination would be relatively subdued, since much of their surface areas comprise dark background. I consider that the signs relate acceptably to the scale of the building and reasonably reflect the need to clearly advertise the presence of the hotel lodge facility to approaching drivers whilst respecting the character and appearance of the locality. The totem sign, at 3.5m in height, would have much less impact in the street scene than the nearby petrol filling station totem, which is approximately 6m high. Whilst there are residential properties close to the site, including Larkfield House directly across the A48, the signs would not have any adverse effect on the living conditions of occupants of these properties.
8. Overall, I conclude that the proposed signs would not give rise to visual clutter. They would satisfactorily complement the buildings on the site and their use, and would not harm the character and appearance of the locality or the amenity of neighbouring residential occupiers. Consequently there would be no harm to this "gateway" approach to Chepstow town centre. As such, the proposals would not harm amenity, and would accord with LDP policies DES3 and EP1.
9. For the reasons given, and having taken account of all matters raised, I allow the appeal.

*Alwyn B Nixon*

**Inspector**

## Penderfyniad ar yr Apêl

Ymweliad â safle a wnaed ar 05/01/16

gan Nicola Gulley MA MRTPI

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 08/02/2016

## Appeal Decision

Site visit made on 05/01/16

by Nicola Gulley MA MRTPI

an Inspector appointed by the Welsh Ministers

Date: 08/02/2016

**Appeal Ref: APP/E6840/A/15/3135372**

**Site address: Land adjacent to No. 1 Greenfield, Caldicot, Monmouthshire, NP26 4NB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Monmouthshire Housing Association against the decision of Monmouthshire County Council.
- The application Ref DC/2015/00671, dated 29 May 2015, was refused by notice dated 2 July 2015.
- The application sought planning permission for residential development comprising two, one bedroom flats without complying with a condition attached to planning permission Ref DC/2013/868, dated 14 January 2014.
- The condition in dispute is No 6 which states that: The three car parking spaces for the existing dwelling no. 1 Greenfield shall have a minimum dimensions of 7.8 metres x 6 metres from the back edge of the footway as shown on drawing no. 1337-SK-1 Rev A and shall be retained in perpetuity.
- The reason given for the condition is: To ensure provision is made for the parking of vehicles.

### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. Planning permission for the construction of 2 no. flats on the land adjacent to No. 1 Greenfield, Caldicot was granted, under application ref DC/2013/00868, in January 2014. I shall refer to this site as the 'adjacent land' in the remainder of my decision.

### Main Issue

3. The effect of removing the condition on highway safety.

### Reasons

4. The appeal site comprises a traditional semi-detached dwelling situated near to the entrance of Greenfields and close to the junction with the busy main road of Sandy

Lane. The site is located in a narrow cul-de-sac which, at the time of my site visit, accommodated 6 no. pairs of semi-detached dwellings each served by a private drive. The position of the vehicular access points for these dwellings and the narrow width of the estate road means that there is no provision for on street parking within the cul-de-sac.

5. Policy MV1 of the adopted Monmouthshire Local Development Plan (LDP) (2014) seeks to ensure that development proposals provide satisfactory levels of car parking and meet the requirements of the adopted parking standards. The development proposes the removal of Condition No. 6 of the planning permission ref DC/2013/00868, so there is no requirement to provide car parking within the appeal site. However, I noted that at the time of my site visit 2 no. parking spaces had been laid out within the front curtilage of the appeal site. The appellant contends that Condition No. 6 does not comply with the requirements of Welsh Government (WO) Circular 16/2014 – The Use of Planning Conditions for Development Management, because it seeks to resolve the existing deficiency in parking provision at the appeal site and in applying the requirements of the adopted Monmouthshire Parking Standards (2013) the Council should have taken account of the sustainable location of the appeal site and reduced the number of spaces required.
6. On the basis of the evidence presented, it appears that at the time the planning application for the adjacent land was made: it was being used to provide off street parking for the occupants of the appeal site; the development of the adjacent land would have resulted in the loss of this parking provision; there were no proposals to compensate for the loss of this parking; and, it was the Council's view, that the displaced vehicles would exacerbate the on street parking problems at Greenfield. Guidance in relation to the use of conditions is set out in WO Circular 16/2014 which requires that conditions are necessary; relevant to planning; relevant to the development; enforceable; precise; and reasonable. In these circumstances, I consider that the imposition of a condition requiring the provision of car parking within the curtilage of the appeal site was relevant to the development and necessary in order to mitigate against the impact of the loss of parking within the locality. As a consequence I consider that Condition No. 6 complies with the tests set out in WO Circular 16/2014.
7. With regard to the number of parking spaces, the Council's Parking Standards require the provision of 1 no. parking space per bedroom dwelling up to a maximum of 3 no. spaces. However, the standards allow for this requirement to be reduced following the consideration of factors such as the accessibility and frequency of public transport, proximity of walking and cycling routes and the availability of on street parking in the locality. In this instance, whilst I accept that the appeal site is located close to Sandy Lane which has a regular bus service, and has good pedestrian links with the town centre. I nevertheless, consider that any reduction in the amount of car parking at the appeal site would result in vehicles parking on the estate road and obstructing the free flow of traffic in the cul-de-sac. Moreover, because of the direct access to Greenfield from Sandy Lane, I consider that any obstruction in the cul-de-sac would cause drivers intending to egress at this point to wait on the carriageway for the access to clear. In doing so, impeding the free flow of traffic on the busy main road and unacceptably increasing the risk of accidents on the highway.
8. For the above reasons, I consider that the development would have a harmful effect on highway safety and as such is contrary to LDP Policy MV1 and the approved Parking Standards (2013).

9. In reaching my decision I have had regard to all the matters raised. However, none of these factors are sufficient to alter my overall conclusions.
10. For the reasons outlined above, I conclude that the appeal should be dismissed.

*Nicola Gulley*

**INSPECTOR**

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## Penderfyniad ar yr Apêl

Gwrandawriad a gynhaliwyd ar 02/02/16  
Ymweliad â safle a wnaed ar 01/02/16

**gan Anthony Thickett BA (Hons) BTP  
Dip RSA MRTPI**

**Arolygydd a benodir gan Weinidogion Cymru**

**Dyddiad: 11/02/16**

## Appeal Decision

Hearing held on 02/02/16  
Site visit made on 01/02/16

**by Anthony Thickett BA (Hons) BTP Dip  
RSA MRTPI**

**an Inspector appointed by the Welsh Ministers**

**Date: 11/02/16**

**Appeal Ref: APP/E6840/A/15/3124713**

**Site address: Tyr Berllan, Llangwym, Usk, NP15 1HB**

**The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr & Mrs D Anstey against the decision of Monmouthshire County Council.
- The application Ref DC/2014/01163, dated 1 October 2014, was permitted by notice dated 23 June 2015.
- The application sought planning permission for an agricultural workers' dwelling without complying with condition 5 of outline planning permission Ref A26974, dated 7 August 1986.
- The condition in dispute is No. 1 which states that:  
*The occupancy of the dwelling shall be restricted to those:*
  - a. *solely or mainly working or last working on a rural enterprise in the locality where there is/was a defined functional need; or if it can be demonstrated that there are no such eligible occupiers, to those:*
  - b. *who would be eligible for consideration for affordable housing under the local authority's housing policies; or if it can be demonstrated that there are no persons eligible for occupation under either (a) or (b);*
  - c. *widows, widowers or civil partners of the above and any resident dependants*
- The reason given for the condition is:  
*To ensure that the dwelling is kept available to meet the housing needs of rural workers and local people in need of affordable housing.*

## Decision

1. The appeal is allowed and the planning permission Ref DC/2014/01163 for an agricultural workers' dwelling without complying with condition 5 of planning permission Ref A26974, dated 7 August 1986 at Tyr Berllan, Llangwym, Usk, NP15 1HB granted on 23 June 2015 is varied by deleting condition 1.

## Background

2. The dwelling to which this appeal relates was granted outline planning permission in 1986 subject to a condition which limited occupancy to someone employed or last employed in agriculture (condition 5 of A26974). I heard that the same condition was placed on the subsequent reserved matters approval (condition 5 of A31210). In 2012 the Council issued a Certificate of Existing Use or Development which certified that the applicants had demonstrated that the dwelling had been occupied in breach of

the occupancy condition for more than 10 years (DC/2012/00518). Notwithstanding the terms of the certificate, the conditions remained on both the outline planning permission and the reserved matters approval, hence the application to remove the condition which has resulted in this appeal.

3. Condition 5 of outline planning permission A26974 said: *'The occupation of the dwelling shall be limited to a person solely or mainly employed, or last employed in agriculture as defined in Section 290(1) of the Town and Country Planning Act 1971 or in forestry (including any dependents of such persons residing with him) or a widow or widower of such a person'*. Whilst the Council granted permission for the variation of condition 5, in doing so it imposed condition 1 as set out above. It is this condition which is at issue.

### **Procedural Matter**

4. The description of development given on the application form sets out condition 5 of A26974. The Council's description on the decision notice is: *'Removal of condition 5 of planning permission A26974'*. I consider that the description I have used in the heading and decision above better reflects the proposal and I do not consider that using this description prejudices the interest of any party.

### **Main Issues**

5. The main issues are:
  - whether condition 1 of planning permission DC/2014/01163 complies with the advice in Circular 16/14 *'The Use of Planning Conditions for Development Management'* and,
  - whether the removal of condition 1 of planning permission DC/2014/01163 complies with national and local policies designed to protect the countryside.

### **Reasons**

#### *Circular 16/14*

6. Circular 16/14 sets out 6 tests for planning conditions; these are that conditions should be necessary, relevant to planning, relevant to the development to be permitted, enforceable, precise and reasonable in all other respects. Paragraph 3.2 of the Circular advises that, in considering whether a condition is necessary, decision makers should ask themselves, amongst other things, whether it would be expedient to enforce against a breach of the condition.
7. At the Hearing the Council accepted that the effect of the Certificate was that the Council could not take enforcement action against occupancy of the dwelling by someone not employed or not last employed in agriculture. Although it has replaced the original condition with the modern version which refers to workers employed by a rural enterprise, the Council also conceded at the Hearing that the effect of the Certificate is that it cannot enforce against the occupancy of the dwelling by the appellants nor can they enforce compliance should they sell to a person not working or who did not last work on a rural enterprise.
8. The Council argue that the condition may bite again should the dwelling be occupied by someone working or who last worked on a rural enterprise or if the dwelling became vacant for a period. The Council was not able to specify how long that period should be but certainly not the usual brief vacancy between a seller leaving and a vendor moving in. Whether this is right or not is a moot point in my view as the

Council accepts that, in the circumstances of this case, it could not enforce compliance with condition 1 of planning permission DC/2014/01163 should the appellants sell their property to someone who does not qualify under the terms of the condition.

9. The Council argue that imposing the condition complies with the advice in Technical Advice Note 6 '*Planning for Sustainable Rural Communities*' (TAN 6) but regard must be had to particular circumstances of each case and the advice in Circular 14/16. In this case the condition cannot be enforced and should not have been imposed. Consequently, the appeal succeeds and I need go no further<sup>1</sup>. However, I will address the second main issue.

### *Countryside policy*

10. Tyr Berllan lies in an isolated location within the open countryside wherein new housing is strictly controlled and there is no dispute that it was necessary to impose the original occupancy condition. Policy S1 of the Monmouth Local Development Plan 2011 -2021, adopted February 2014 (LDP) states that in the open countryside new dwellings will be restricted to, amongst other things, dwellings necessary for agriculture, forestry or other appropriate rural enterprises. The appellants argue that there is no demand from agricultural workers for their house and so the occupancy condition should be lifted as it is no longer justified. The LDP is silent with regard to how applications to remove agricultural occupancy conditions should be determined but policy and guidance can be found in Planning Policy Wales (PPW), TAN 6 and its companion Practice Guidance Note '*Rural Enterprise Dwellings*'.
11. With regard to need, the Practice Guidance says that where it is proposed to remove an occupancy condition it will be necessary to demonstrate that there is no longer a rural enterprise need for the dwelling or a local affordable housing need in the area. It goes on to say that in order to demonstrate this, the property should be advertised for at least 12 months in a manner that compliant purchasers or tenants would be aware of it and at a price which reflects the occupancy restriction. The Practice Guidance advises that traditionally agricultural dwellings have been marketed at 70 to 75% of their open market value.
12. The dwelling has been on the market since July 2013. It has not been advertised in local newspapers or specialist farming publications and I agree with the Council that it would have been helpful had this been done. However, from what I have seen and heard, I am satisfied that the on-line marketing carried out is sufficient to show that the property would have come to the attention of any persons able to satisfy the terms of the occupancy condition who may have been interested or needed a house in the locality.
13. The property has been marketed with a guide price of £425,000. The appellant's estate agent stated at the Hearing that the price of comparable properties (size and proximity to the M4/A449) without a tie is between £620,000 to £680,000. The guide price of £425,000 represents a discount of between 62 to 68% of the open market value. The Council commissioned a valuation report which valued the house at £500,000. The author states that she had regard to sales evidence within the locality and surrounding area but no details are provided of the types or locations of the properties considered.

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<sup>1</sup> As an aside it should also be noted that the condition used in this case does not reflect the latest guidance in the Practice Guidance note '*Rural Enterprise Dwellings*' (paragraph 8.12)

14. The lack of information with regard to whether the properties used by the Council's consultant were comparable in size or location limits the weight I can give to that valuation. The Council point to a similar sized house in the area being priced at £425,000. However, I heard at the Hearing that that house is not as well located with regard to transport links, an important determinant of market value. The appellant's agent demonstrated a sound knowledge of the local market and I find her evidence to be more persuasive. Consequently, I am satisfied that the guide price of £425,000 properly reflects the occupancy restriction and that the marketing exercise has demonstrated that there is no demand for this property from a rural enterprise worker.
15. The Practice Guidance advises applicants to seek assistance from the local planning authority with regard to affordability criteria. I heard that the Council has a long waiting list for affordable housing. However, although the dwelling could provide accommodation for a large family, the Council accepted at the Hearing that no assessment has been made as to whether the house would be suitable in terms of its location. The Council also conceded that the house is unlikely to be attractive to a registered provider of affordable housing.
16. I acknowledge that the aim of national policy is to retain rural enterprise dwellings as affordable dwellings but in this case it appears highly unlikely that the dwelling would be suitable to satisfy a local need. I conclude therefore, that the removal of condition 1 of planning permission DC/2014/01163 complies with national and local policies designed to protect the countryside.

### **Conclusions**

17. The Council argue that the number of applications it has received for rural enterprise dwellings over the last few years points to a demand for such accommodation. It is also concerned that allowing this appeal and removing the occupancy restriction would threaten its ability to retain its stock of rural enterprise dwellings. I have neither seen nor heard anything to suggest that the appeal dwelling would have been suitable to serve another enterprise (and the marketing evidence suggests not). Further, I have reached my conclusions based on the specific circumstances of this case. Those being the accepted implications of the Certificate of Existing Lawful Use or Development and the marketing evidence referred to above.
18. For the reason given above and having regard to all matters raised, I conclude that the appeal should be allowed.

*Anthony Thickett*

Inspector

## **APPEARANCES**

### FOR THE APPELLANT:

S Griffiths	RCA Generation
J Mundy	Elstons
S Anstey	Tyr Berllan
D Anstey	Tyr Berllan

### FOR THE LOCAL PLANNING AUTHORITY:

K Young	Monmouthshire County Council
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### Documents submitted at the Hearing

- 1 Summary of Nicholson v Secretary of State for the Environment and Maldon District Council (Admin 14/8/1997)
- 2 DVS Valuation Report

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