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County Hall
Rhadyr
Usk
NP15 1GA

Friday 21st April 2023

Notice of meeting:

Planning Committee

Tuesday, 2nd May, 2023 at 2.00 pm
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with
remote attendance

AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 8
4.	To consider the following Planning Application reports from the Chief Officer, Communities and Place (copies attached):	
4.1.	Application DM/2022/00848 - Conversion of a former day centre to provide for 6 no. residential apartments, alongside the construction of a new building consisting of 9 no. residential apartments. Associated change of use from class D1 to C3, parking, widening of existing driveway and landscaping works. Boverton House Day Centre, Bulwark Road, Chepstow, NP16 5JE.	9 - 26
4.2.	Application DM/2022/01800 - Erection of a single span single arch curved bridge across the River Wye including landscaping on the east and west bank and public realm improvements. Land north of Wye Bridge, Monmouth.	27 - 44
4.3.	Application DM/2022/01831 - Improvements to the existing pedestrian and cycle connectivity across Castle Meadows by providing Active Travel compliant routes. Including the upgrade of existing routes, access points and the replacement of the existing footbridge over the River Gavenny. Land At Castle Meadows, Abergavenny, Monmouthshire.	45 - 84
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	

5.1.	Cefn Coed Farm, Nannys Lane, Kingcoed.	85 - 88
5.2.	Pathways, Vinegar Hill, Undy.	89 - 92

**Paul Matthews
Chief Executive**

MONMOUTHSHIRE COUNTY COUNCIL

THE CONSTITUTION OF THE PLANNING COMMITTEE IS AS FOLLOWS:

County Councillor Jill Bond	West End;	Welsh Labour/Llafur Cymru
County Councillor Fay Bromfield	Llangybi Fawr;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
County Councillor Jan Butler	Goetre Fawr;	Welsh Conservative Party
County Councillor Ben Callard	Llanfoist & Govilon;	Welsh Labour/Llafur Cymru
County Councillor John Crook	Magor East with Undy;	Welsh Labour/Llafur Cymru
County Councillor Tony Easson	Dewstow;	Welsh Labour/Llafur Cymru
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent Group
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party

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Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting (by 12 noon on Thursday 27th April 2023 – due to the May Day Bank Holiday) . Details regarding public speaking can be found within this agenda

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

This meeting may be viewed online by visiting the link below.

<https://democracy.monmouthshire.gov.uk/ieListMeetings.aspx?Committeed=141>

This will take you to the page relating to all Planning Committee meetings. Please click on the relevant Planning Committee meeting. You will then find the link to view the meeting on this page. Please click the link to view the meeting.

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 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

Building Sustainable and Resilient Communities

Objectives we are working towards

- Giving people the best possible start in life
- A thriving and connected county
- Maximise the Potential of the natural and built environment
- Lifelong well-being
- A future focused council

Our Values

Openness. We are open and honest. People have the chance to get involved in decisions that affect them, tell us what matters and do things for themselves/their communities. If we cannot do something to help, we'll say so; if it will take a while to get the answer we'll explain why; if we can't answer immediately we'll try to connect you to the people who can help – building trust and engagement is a key foundation.

Fairness. We provide fair chances, to help people and communities thrive. If something does not seem fair, we will listen and help explain why. We will always try to treat everyone fairly and consistently. We cannot always make everyone happy, but will commit to listening and explaining why we did what we did.

Flexibility. We will continue to change and be flexible to enable delivery of the most effective and efficient services. This means a genuine commitment to working with everyone to embrace new ways of working.

Teamwork. We will work with you and our partners to support and inspire everyone to get involved so we can achieve great things together. We don't see ourselves as the 'fixers' or problem-solvers, but we will make the best of the ideas, assets and resources available to make sure we do the things that most positively impact our people and places.

Kindness: We will show kindness to all those we work with putting the importance of relationships and the connections we have with one another at the heart of all interactions.

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.

Section 2(2) of the Planning (Wales) Act 2015 states that the planning function must be exercised, as part of carrying out sustainable development in accordance with the Well-being of Future Generations (Wales) Act 2015, for the purpose of ensuring that the development and use of land contribute to improving the economic, social, environmental and cultural well-being of Wales.

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.

Planning policy context

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

Monmouthshire's Local Development Plan (LDP) 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 a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. 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)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (revised version) (adopted July 2019)

- Renewable Energy and Energy Efficiency (adopted March 2016)
- Planning Advice Note on Wind Turbine Development Landscape and Visual Impact Assessment Requirements (adopted March 2016)
- Primary Shopping Frontages (adopted April 2016)
- Rural Conversions to a Residential or Tourism Use (Policies H4 and T2) Supplementary Planning Guidance November 2017
- Sustainable Tourism Accommodation Supplementary Guidance November 2017
- Affordable Housing Supplementary Guidance July 2019
- Infill Development Supplementary Guidance November 2019

National Planning Policy

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

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition10 (at time of publication)
- PPW Technical Advice Notes (TAN):
 - TAN 1: Joint Housing Land Availability Studies (2015)
 - 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 (2016)
 - TAN 13: Tourism (1997)
 - TAN 15: Development, flooding and coastal erosion (2021)
 - 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)
 - TAN 24: The Historic Environment (2017)
- 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 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. 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.

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 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 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.

Climate Emergency

In May 2019 Monmouthshire County Council declared a Climate Emergency with unanimous support from Councillors. The Cabinet Member for Infrastructure and Neighbourhood Services has been appointed as the member responsible for climate change and decarbonisation.

Tackling climate change is very important, because if the planet's temperature rises by 2°C there are risks of drought, flood and poverty, impacting on hundreds of millions of people. In Monmouthshire impacts that could happen include more extreme weather events (such as storms), water shortages, droughts, species loss and risk of flooding. Planning has a key role in addressing climate change through the promotion of sustainable development.

The Council has formulated a draft action plan which will be subject to Member approval and will form the Council's response to tackling this issue. Council decisions will need to take into account the agreed action plan.

Protocol on Public Speaking at Planning Committee

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

Who Can Speak

Community and Town Councils

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

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

Not to introduce information that is not:

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

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

Members of the Public

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

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

Speaking will be limited to applications where, by the deadline, letters of objection/support or signatures on a petition have been submitted to the Council from 5 or more separate households/organisations (in this context organisations would not include community or town councils or statutory consultees which have their own method of ensuring an appropriate application is considered at Committee) The deadline referred to above is 5pm on the day six clear working days prior to the Committee meeting. This will normally be 5pm on the Friday six clear working days before the Tuesday Planning Committee meeting. However, the deadline may be earlier, for example if there is a Bank Holiday Monday.

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

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

Applicants

Applicants or their appointed agents will have a right of response where members of the public or a community/town council, have registered to address committee in opposition to an application. This will also be via a pre-recorded video or in person at the Planning Committee meeting.

When is speaking permitted?

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

Registering Requests to Speak

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

Anyone wishing to speak must notify the Council's Democratic Services Officers of their request by calling 01633 644219 or by email to registertospeak@monmouthshire.gov.uk. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

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

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

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

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

Content of the Speeches

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

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

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

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

Procedure at the Planning Committee Meeting

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

- The 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.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting 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 submit a video of their response of up to 5 minutes in duration. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting up to 5 minutes in duration.
 - 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.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the

local member if a Member of Planning Committee. Officers will not take any further questions unless it is to advise Members about a procedural or legal issue, or where they consider Members are deviating from material planning considerations.

- Where an objector or supporter or applicant/agent community or 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's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- 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 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.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 4th April, 2023 at 2.00 pm**

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

County Councillors: Jill Bond, Fay Bromfield, Emma Bryn, Jan Butler,
Ben Callard, John Crook, Tony Easson, Steven Garratt,
Meirion Howells, Su McConnel, Jayne McKenna, Maureen Powell,
Sue Riley and Ann Webb

County Councillors Tony Kear and Angela Sandles attended the
meeting by invitation of the Chair.

OFFICERS IN ATTENDANCE:

Craig O'Connor	Head of Planning
Philip Thomas	Development Services Manager
Andrew Jones	Development Management Area Team Manager
Mark Davies	Highway Development Manager
Paige Moseley	Solicitor
Richard Williams	Democratic Services Officer

County Councillor Tony Easson left the meeting during consideration of application DM/2022/01042 and did not return. He therefore took no part in the voting for this application.

APOLOGIES:

None.

1. Declarations of Interest

County Councillor Meirion Howells declared a personal and prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2018/01995, as he is a committee member of Usk Civic Society which had objected to the application. He therefore left the meeting taking no part in the discussion or voting thereon in respect of this application.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 7th February 2023 were confirmed and signed by the Chair.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held
in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote
attendance on Tuesday, 4th April, 2023 at 2.00 pm

3. **Application DM/2018/01995 - Outline application for a six dwelling residential development with primary access off Baron Street with some matters reserved. The Willows, 20 Baron Street, Usk, Monmouthshire, NP15 1AS**

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

This application had been presented to Planning Committee on 6th December 2022 with a recommendation for approval. The recommendation had been agreed by the Planning Committee subject to two additional conditions namely:

- Compliance with approved site levels (to manage flood issues).
- A Flood Action Plan to be submitted pursuant to the reserved matters.

Also, the resolution to approve had been subject to officers checking with Natural Resources Wales (NRW) that it had taken into account the impacts of flooding associated with the Olway Brook when assessing the flood information submitted by the applicant and that this matter be agreed via the Delegation Panel.

The Conservative local Member for Llanbadoc and Usk attended the meeting by invitation of the Chair and outlined the following information:

- Councillor Kear informed the Committee that he is the Chairman of Usk Civic Society. However, for the purpose of this planning application he has removed himself from any discussions within the Society regarding this matter.
- Following the Development Management Area Team Manager's presentation, the local Member confirmed his satisfaction and support for the application as local residents' concerns have been alleviated.

The applicant's agent, Nick Bowen, attended the meeting by invitation of the Chair and outlined the following points:

- There are in excess of 50 houses in Mill Street and Baron Street where the flood levels will reduce by up to 100mm as a result of this proposed development. Improvements are being made to the flood conveyance routes through the site.

It was proposed by County Councillor Jan Butler and seconded by County Councillor Su McConnel that application DM/2018/01995 be approved subject to the conditions outlined in the report and subject to two additional conditions namely:

- Compliance with approved site levels (to manage flood issues).
- A Flood Action Plan to be submitted pursuant to the reserved matters.

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Minutes of the meeting of Planning Committee held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 4th April, 2023 at 2.00 pm

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 DM/2018/01995 be approved subject to the conditions outlined in the report and subject to two additional conditions namely:

- Compliance with approved site levels (to manage flood issues).
- A Flood Action Plan to be submitted pursuant to the reserved matters.

4. Application DM/2022/01042 - Construction of 70 homes, sustainable drainage infrastructure, open space, internal roads, paths and parking areas, landscaping and associated plant and infrastructure. Land at Vinegar Hill, Undy, Monmouthshire

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

The local Member for Magor East with Undy, County Councillor Angela Sandles, attended the meeting by invitation of the Chair and outlined the following information:

- There is a history of objections to the development of this site going back to 2013.
- Outline Planning permission was granted in 2021.
- The Community Council had objected to the development.
- Complaints have been received from residents regarding the site relating to access, noise, drainage, traffic and the contractors.
- There is no area of open green space for walkers to access from any of the housing estates' vicinities.
- The field, known as Parcel B, was a community space that was used daily.
- Flora and fauna have changed over the years.
- The centre of the field has always been avoided as water does not drain from this area.
- There is limited access to the site.

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- The site is noisy being only 50 metres away from the M4 motorway with associated vehicle emissions.
- The surrounding area is densely populated with new build properties.
- The two local primary schools are full, there are no NHS dentists, and the GP surgery is overstretched.
- Traffic leaving either Dancing Hill or the Rockfield estates are already backed up the hills every weekday morning whilst leaving to go to work / school on their way to the B4245. It was considered that this matter would get worse, going forward, if the proposed development was approved.

The applicant's agent, Kate Coventry, attended the meeting by invitation of the Chair and outlined the following points:

- The report of the application is comprehensive outlining why the application should be approved.
- The site is allocated within the County Council's Local Development Plan (LDP).
- The site is located adjacent to the established built up area of Magor and Undy and connects the approved mixed-use scheme allocation at Rockfield Farm which is under construction and forms part of the connecting east – west link road.
- Planning Committee approved the hybrid application at its meeting in January 2022. Grant funding has now been received by the Cardiff Capital Region. Construction has commenced on site A with the first occupation expected in July 2023.
- There have been no objections raised from statutory consultees as outlined in the report of the application.
- The scheme will deliver 70 homes within Parcel B of the wider allocated site.
- The scheme, via grant funding, is able to deliver policy compliant 25% affordable housing to aid in the shortfall across the County.
- The scheme is designed around green infrastructure (GI) including key corridors running east to west and north to south across the parcel of land.
- The corridor has been maintained on site and has been enhanced which delivers a net gain in biodiversity on site. There is also a net gain in hedgerows and trees across the site with the scheme delivering a community orchard alongside public open space and a trim trail.

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- Car parking provision and highway safety has been given due consideration and there is no objection raised from the Highways Department. The applicant has worked with the Highways Officer throughout the course of the preparations and submission and determination of the application and they have designed a scheme which will provide safe travel across the local highway network and prevent inappropriate levels of traffic on unsuitable roads.
- This scheme enables the east – west link road to connect from Rockfield Farm through the site and onto Grange Road as required through policy.
- The Council's Drainage Officer has confirmed that the scheme has an appropriate drainage strategy. The requirement for the preparation of a sustainable drainage system (SuDS) was established after this site was allocated and did cause delays and viability issues on site. It should be recognised that these have all been overcome and the scheme is deliverable.
- This is the last remaining allocation in the Council's adopted Local Development Plan (LDP). It accords with national and local policy.
- The scheme will provide an important contribution to both market and affordable housing and is not subject to the phosphates constraint experienced elsewhere in the County.
- The developer is keen to deliver on this parcel of land as soon as possible.

Having considered the report of the application and the views expressed, the following points were noted:

- During the candidate site review for the Local Development Plan (LDP) this site was thoroughly examined, and it had been determined that no off-site mitigation was required on the B4245. The east – west link is in the gift of the Council to provide that road when that allocation comes forward with or without development. Positive conversations are being held with a number of developers regarding this matter with a view to a planning application being presented to Planning Committee in the future in respect of this site.
- The Authority currently has no LDP policy that requires photovoltaic panels to be installed on new properties. There is no policy nationally or locally to insist on photovoltaic panels being installed on the roofs of new properties. It is at the discretion of the developer regarding whether such panels are installed. The Council could consider this matter under future policies.
- With regard to proximity to shops and other facilities, it is a 10 – 15 minute walk to the centre of Magor which accords with the 15 minute town planning concept.
- With regard to affordable housing in the Severnside area, the current LDP requirement is 25%. Both Parcels A and B on the site accord with this policy requirement.

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- There has been funding for community facilities via these developments such as the building of the Community Hub on the three Fields Site. Parcel B itself will lever in almost £500,000 of off-site recreation to spend on facilities in the wider area.
- Surface water issues will be subject to SuDS Approving Body (SAB) approval. The SAB officer at pre-application stage had indicated that the scheme could drain satisfactorily and would not damage any third-party interest. It is likely that there would be betterment of the site when the SuDS features are installed as the site currently does not drain very well.
- A town centres first approach is being adopted across Wales.
- The development site field has been used for grazing but is not ecologically rich. There is an opportunity to plant more diverse species of plants with a view to attracting pollinators to the area. More hedgerows are to be planted to aid in enriching the ecology of the site.
- The footways on the site are set back from the carriageway edge into the junction with direct crossing points. This is to accommodate the SAB provision. The junction radii are very tight but still allow for service and refuse vehicles to access the site.
- Landscaping details will be signed off by a qualified landscape officer and will be appropriate for the area as well as being low maintenance.
- The density of the scheme relates to around 26 dwellings per hectare which is below current policy of 30 dwellings per hectare.
- The east – west link has a full pedestrian link for its entire length and has been designed with public transportation incorporated into it. The aim is to future proof the scheme. There are areas located on the plans to include bus stops, going forward.
- Street names can be looked at with a view to including Welsh street names with links to the cultural and historical nature of the area.
- S106 funding had provided £2000 per dwelling to deliver sustainable transport.
- The affordable housing units equate to eight one-bedroomed maisonettes, six two-bedroomed houses, three three-bedroomed houses and one four-bedroomed house and are pepper potted across the site.

The local Member for Magor East with Undy, County Councillor John Crook, also a Planning Committee Member, outlined the following points:

- The proposed development has been let down by poor infrastructure.

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- The original outline approval was granted 15 years ago when this area and the village was different to the way it is today with less traffic.
- There is confusion regarding the property between the proposed site and the Rockfield Farm site regarding ownership of land and whether it is in private ownership or County Council ownership. In response, it was noted that some land is in the ownership of the County Council with two parcels of land in private ownership. Concern was expressed that the Authority is depending on another development for the road to link both sites. In response, it was noted that the east – west link is in the gift of the Council to provide that road when that allocation comes forward with or without development.
- In response to a question raised the Highways Officer stated that in determining this application that diverting traffic at Vinegar Hill would be safer than creating a crossroads. The traffic flows north of Vinegar Hill are minor in comparison to other traffic movements.
- In response to a question raised the Highways Officer stated that Grange Road is an historic road. In order to facilitate this development and ensure the safe passage of vehicles a priority narrowing utilising existing carriageway width available has been promoted, designed and modelled which will also provide a traffic calming measure for traffic accessing the east – west link via Grange Road.
- In response to a question regarding surface water running off Vinegar Hill onto dancing Hill, it was noted that SAB approval and SuDS provision is a very vigorous and robust provision with high standards for its delivery. It was considered that the local area would obtain a net gain from the introduction of SAB provision on this site in terms of surface water flows emanating from the fields and onto Vinegar Hill.
- Biodiversification and landscape and Green Infrastructure (GI) matters need to be addressed.

It was proposed by County Councillor M. Powell and seconded by County Councillor S. McConnel that application DM/2022/01042 be approved subject to the conditions outlined in the report.

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

For approval	-	11
Against approval	-	2
Abstentions	-	1

The proposition was carried.

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Minutes of the meeting of Planning Committee held in The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA with remote attendance on Tuesday, 4th April, 2023 at 2.00 pm

We resolved that application DM/2022/01042 be approved subject to the conditions outlined in the report.

5. FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:

5.1. Brookside shed, Llancayo Road, Gwehelog

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Brookside Shed, Llancayo Road, Gwehelog on 9th January 2023.

We noted that the appeal had been dismissed.

The meeting ended at 3.41 pm.

Application Number: DM/2022/00848

Proposal: Conversion of a former day centre to provide for 6 no. residential apartments, alongside the construction of a new building consisting of 9 no. residential apartments. Associated change of use from class D1 to C3, parking, widening of existing driveway and landscaping works

Address: Boverton House Day Centre, Bulwark Road, Chepstow, NP16 5JE

Applicant: BMJ International

Plans: Floor Plans - Existing 17/462/106 - ,
Floor Plans - Existing 17/462/107 - ,
Floor Plans - Existing 17/462/108 - ,
Existing Roof Plan 17/462/109 - ,
Floor Plans - Proposed 17/462/110 C - ,
Floor Plans - Proposed 17/462/111 D - ,
Floor Plans - Proposed 17/462/112 C - ,
Proposed Roof Plan 17/462/113 - ,
Elevations - Proposed 17/462/135 A - Rev A,
Elevations - Existing 17/462/136 - ,
Location Plan 17/462/136 - ,
Elevations - Proposed 17/462/136 A - ,
Site Sections 17/462/140 A - ,
Site Plan 20/565/101 - ,
Site Plan 20/565/105 D - ,
Floor Plans - Proposed 20/565/120 B - ,
Floor Plans - Proposed 20/565/121 B - ,
Floor Plans - Proposed 20/565/122 B - ,
Proposed Roof Plan 20/565/123 - ,
Landscaping Plan RF-107-001 A - Rev A,
Landscaping Plan RF-107-200 - ,
Topographical Survey SAAC.17.022 - ,
Bat Survey - , Other ME STRATEGY - STAGE 2 REPORT - ,
Other PLANNING STATEMENT - ,
Other PLANTING SCHEDULE - ,
Other PRELIMINARY ECOLOGICAL APPRAISAL - ,
Other SAP CALCULATIONS - ,
Other SITE CARBON REDUCTION LETTER - ,
Other TECHNICAL NOTE 001 REVISION C DRAINAGE.. - ,
Other TECHNICAL NOTE 01 - ,
Tree Survey - ,
Other VEGETATION MAINTENANCE AND MANAGEMENT SCHEDULE - ,
Other VEGETATION MAINTENANCE AND MANAGEMENT SCHEDULEOVER
20 YEARS (5 YEAR PERIOD ACTIV - ,

RECOMMENDATION: Approve subject to a S106 Legal Agreement

Case Officer: Ms Kate Young

Date Valid: 01.07.2022

This application is presented to Planning Committee as objections have been received from five or more addresses

1.0 APPLICATION DETAILS

1.1 Site Description

Boverton House is a detached three storey building, set in site substantial grounds measuring approximately 0.35ha. It is located on Bulwark Road, close to the junction with the A48. There is an existing vehicular access from Bulwark Road into the site. The building, dating from the late 19th century, is constructed from grey rubble stone and yellow ashlar, with a number of more modern extensions. The site is bound by a stone perimeter wall at the boundary to Bulwark Road. The current site consists of Boverton House in the northern section, a substantial car park to the south of the house and mature vegetation on the northern, southern and western boundaries. The remainder of the site consists of sloped grass and vegetation towards Bulwark Road to the east and to the neighbouring properties to the west. The site is well landscaped and contains several mature trees located both around the perimeter and in close proximity to the site boundary. The site does not contain trees covered by a Tree Protection Order (TPO), though off-site trees beyond the southern boundary are subject to a TPO.

Boverton House was previously owned and used as a day centre by Monmouthshire County Council, and in 2016 was identified by the Council as surplus to requirements and suitable for potential redevelopment. The property was subsequently sold in 2020. The site is located within the Chepstow Development boundary and is surrounded by residential properties. It is located within the Chepstow Conservation Area (in character area 9 of the Conservation Area Appraisal) and is specifically mentioned within the Appraisal as a building making a particularly positive contribution to the character of the area but is not listed. The adjoining property to the south, Gwentlands, is a Grade II listed building.

1.2 Value Added

Planning officers have negotiated with the developers to ensure that a financial contribution for affordable housing in the local area is secured.

1.3 Proposal Description

The proposed development consists of the conversion of Boverton House into 6 residential apartments. The modern extensions would be re-rendered but no other external alterations would be made. The application also seeks the erection of a new three-storey block of 9 no. apartments on the site of the existing car park. The new build apartment block will be stepped down the slope in comparison to Boverton House.

The existing boundary trees will be retained and vehicle and pedestrian access to the site will be achieved through the existing access point at Bulwark Road which will be widened by 2m to improve the access for residents and emergency service vehicles. The existing wall will be swept up the driveway to align with the altered road access. The existing access will be resurfaced and the existing gate refurbished. In total 21 car parking spaces will be provided within the site, and 20% of these will have EV charging points. The proposed new build incorporates renewable energy sources with photovoltaic panels on the roof and air source heat pumps.

The proposal was subject to a formal Pre-Application Consultation in accordance with the requirements of Section 61Z of the Town and Country Planning Act 1990. The public consultation strategy principally comprised web-based engagement with the local community and specialist consultees, through the establishment of a proposal website as well as notification via site notice and letter/accompanying leaflet. The report is formally submitted as part of this planning application.

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
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DM/2019/00929	Development proposal is for change of use from Business to Residential purpose.	Withdrawn	11.05.2020
DM/2022/00848	Conversion of a former day centre to provide for 6 no. residential apartments, alongside the construction of a new building consisting of 9 no. residential apartments. Associated change of use from class D1 to C3, parking, widening of existing driveway and landscaping works	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S2 LDP Housing Provision
S4 LDP Affordable Housing Provision
S12 LDP Efficient Resource Use and Flood Risk
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S16 LDP Transport
S17 LDP Place Making and Design

Development Management Policies

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
H4 LDP Conversion/Rehabilitation of Buildings in the Open Countryside for Residential Use
SD2 LDP Sustainable Construction and Energy Efficiency
SD4 LDP Sustainable Drainage
NE1 LDP Nature Conservation and Development
EP1 LDP Amenity and Environmental Protection
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design Considerations
HE1 LDP Development in Conservation Areas
HE2 LDP Alterations to Unlisted Buildings in Conservation Areas

Supplementary Planning Guidance

Affordable Housing SPG July 2019:
<https://www.monmouthshire.gov.uk/app/uploads/2019/09/Final-Adopted-SPG-July-2019.pdf>

Infill Development SPG November 2019:
<https://www.monmouthshire.gov.uk/app/uploads/2020/02/Appendix-2-Infill-Development-SPG-Latest-Version-for-Final-Adoption-2020-Dave-adjustments-00000002.pdf>

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

Chepstow Conservation Area Appraisal (March 2016):
<http://www.monmouthshire.gov.uk/planning-policy/supplementary-planning-guidance/chepstow-conservation-area-appraisal>

Monmouthshire Parking Standards (January 2013)

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Chepstow Town Council – no response received.

MCC Highways - No objection.

The immediate local highway network Bulwark Road and the A48 is capable of accommodating the proposed development.

This is a sustainable location.

The alterations to the access will be a significant improvement.

Parking provision and its layout is critical for any development, any shortfall in parking provision on any site must not result in the displacement of resident's vehicles onto the immediate local network.

Welsh Water - No objection.

Requests that a drainage scheme is secured by condition.

MCC Heritage Officer - No objection subject to conditions.

NRW - No objection but a bat licence will be required.

Based on submitted ecology report, we do not consider that the development is likely to be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in its natural range.

MCC Ecology - No objection subject to conditions.

MCC Landscape/ Green Infrastructure Officer - No objection subject to conditions.

The proposal is acceptable from a Landscape and GI perspective. Further clarity with regard to the aftercare and maintenance of the existing and proposed GI through the site would be welcome. This can be provided prior to determination or as a condition of approval.

MCC Tree Officer - No objection.

All trees are located around the edges of the site, or immediately adjacent to the site boundary on neighbouring third party land. A comprehensive tree survey report and an arboricultural method statement have been submitted.

Lead Local Flood Authority and SuDS Approval Body - No objection.

The application has now demonstrated a means of surface water discharge via infiltration with details to be confirmed through the SAB process. NRW Flood Risk Mapping shows the site to be at no particular risk of flooding from surface water or main river.

MCC Transport Planning and Policy Officer - This has no public transport implications. There is an existing bus service adjacent to the site.

5.2 Neighbour Notification

Letters received from five addresses.

Insufficient parking

The area does not need more flats, small family homes should be provided.

Welcome the conversion of Boverton House but would have preferred it to become a family home without the additional new build flats

The revised design to be visually much more appropriate and in keeping with the 19th-century villas in the area

There should be no additional parking outside the site

Welcome the bicycle racks but as this area is so hilly electric charging facilities for bikes should be considered

More and faster EV charging points

The residents of Gwentlands would like to have included the requirement to reinstate the boundary wall between the two properties

Loss of outlook and view of the river

Will compromise our security, privacy and current peaceful environment

Increase in traffic

Insufficient drainage in the area

Tree trimming will reduce privacy

Boundary walls will need to be improved

Communal bin storage has not been identified

The three-storey building will result in a loss of privacy

The windows on the new build are too large

There are many unsold flats in Chepstow

The drainage proposal is unclear

Do not agree with an additional 9 apartment block but suggest a smaller block and fewer apartments to reduce negative environmental impact and traffic congestion and be more in keeping within this conservation area

Neighbour's Beech Tree has not been referred to

Increased parking on Bulwark Road will add to existing congestion.

5.3 Other Representations

None Received

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

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

6.0 EVALUATION

6.1 Principle of Development

PPW11, paragraph 4.2.23, states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. Policy S1 of the LDP says that the main focus for new housing development will be within the main towns of which Chepstow is one. Policy H1 of the LDP allows for residential conversion within development boundaries, subject to detailed planning considerations. Policy S9 of the LDP does allow for the conversion of properties into flats within development boundaries provided that certain criteria are met. The principle of both new residential development and conversion to residential use is acceptable in principle in this location.

6.2 Sustainability

6.2.1 Good Design

Conversion of Existing Building.

The site is within the Chepstow Conservation area, identified in the Conservation Area Appraisal as character area 9: Hardwick Hill Environs. Boverton House has architectural merit, in Gothic revival style, as noted in the area appraisal, and forms part of a cohesive group of large Georgian houses relating to the development of the town and its past 18th and 19th Century prosperity. Gardens, mature trees including prominent line of copper beech, outbuildings walls and gates all contribute to the group's essential character setting. Boverton House's intrinsic value includes a three-bay late 19th Century house which continues the theme of large buildings set in landscaped grounds and stands out due to its use of grey rock-faced stone and yellow ashlar. The applicant's Design & Access Statement (DAS) highlighted the significance of the view and setting of the property as viewed from Bulwark Road. The proposal provides opportunities to address architectural alteration associated with the main building to enhance the existing property in its current form which is welcome. The retention of views to the principal elevation of Boverton House from Bulwark Road have been highlighted and will not be obscured. The conversion of the existing building involves very little external alteration. The existing lift tower and single-storey extension will be painted in a colour to match the stonework of the main house. A new window will be added to the front elevation and the front door will be replaced with a new one. A new roof light will be added to the front elevation and two small dormers to the rear. The design of the existing building will be retained and some of the details will be enhanced.

The New Build Apartment Block.

The new 9 apartment annex is set to the south of the main house on a former parking area within the curtilage of Boverton House, near to south boundaries, entrance and to Bulwark Road. The annex would be contemporary in design but reflects some elements of the main house's architectural features and be of a similar scale and mass, using materials with the resonance of colour and texture of the main building. Although the view of Boverton House from Bulwark Road is partially retained, the northern edge and eastern elevation of the proposed new annex does not overly impact on the character of the setting of the main house as viewed from the main road. The north, west and south elevations of the proposed new annex show a structure that is designed to integrate with the landform and remain subservient to the main building. The design is sympathetic to the existing built form, mass and architectural context. The new build apartments are designed to a similar scale as Boverton House. The new block is two and a half storeys, the second floor built into the pitched roof space, referencing the design of Boverton House. The design and finishing materials are however more contemporary with clean lines so as to appear modest and subservient in style compared to Boverton House.

Overall the proposal accords with the objectives of Policy DES1 of the LDP, as it will provide a high quality sustainable design that respects to local character of the area.

6.2.2 Place Making

Policy DES1 of the LDP requires that the development contributes to a sense of place while its intensity is compatible with existing uses. The proposal involves retaining the existing building where it will contribute to preserving the character of this part of the Conservation Area. This important building will be brought back into beneficial use. The proposal also involves the erection of a new apartment block. This would be contemporary in design, while the form and scale would respect the character of the existing buildings seen from Bulwark Road, most notably Boverton House itself and Gwentlands. The new block would be finished in buff grey brick, reconstituted stone with stone detailing. This will reflect the colour and detailing of Boverton House. The finishing materials are considered to be acceptable and accord with the objectives of policies DES1 and HE1 of the LDP. PPW 11 says that good design is fundamental to creating sustainable places where people want to live, work and socialise. The special character of an area should be central to its design. In this case the design is of a high quality and does reflect the character of the area, the conversion and the new build will significantly improve the visual appearance of the area and will positively contribute to the sense of place.

6.2.3 Green Infrastructure and Landscape

The site is within the suburbs of Chepstow, off Bulwark Road. The site is set back from the main road on elevating topography consisting of an approximately 9m level change, the frontage of mortared stone walls with driveway leading to Boverton House. The house is set within grounds of mature trees, mixed shrubs, hedge and grassland. From a Landscape and GI perspective the DAS highlights that all of the mature trees to the perimeter and vegetation to the front of the site are to be retained, with improvements to biodiversity habitat and the front entrance gate and access to be modified but still retaining streetscape character. The grounds would be landscaped for both residents' use and landscape / GI value as well as opportunities to manage surface water through appropriate SuDS.

The Planting Plan submitted provides a broad layout in terms of zonal activity and identifies the locations of the three proposed trees supported by the planting schedule. It is noted that the native species enhancement proposed to areas C - F which are primarily boundary area enhancements to existing retained vegetative structure consisting of two plant species i.e. hazel and soft shield fern. This is acceptable but the inclusion of additional native species to improve diversity, screening density and flowering/ fruiting period in the selection for areas on the western boundary such as *Crataegus monogyna*, *rosa canina* and *prunus spinosa* would also be welcome. The establishment and after care schedules are acceptable from a landscape maintenance perspective. Further clarity is required to demonstrate aftercare of the SuDS features as well as existing trees and GI. This can be provided prior to determination or as a condition of approval should the application progress, in the form of a GI management plan which will also clearly define roles and responsibilities for inspection and aftercare.

The proposal is acceptable from a Landscape and GI perspective and the Landscape GI officer has offered no objections. Further clarity with regard to the aftercare and maintenance of the existing and proposed GI though the site would be welcome and can be covered via condition.

6.2.4 Energy

In accordance with Policy SD2, the Proposed Development offers substantial CO2 reductions compared to the existing baseline. As detailed within the supporting Carbon Reduction Letter, the Proposed Development achieves a 78% saving through fabric efficiencies and through the installation of renewable energy and energy efficient systems. Such a reduction compares favourably to the current Part L minimum standard (8%) and the updated regulatory standard (37%) due to come into force in November 2022.

6.3 Historic Environment

The proposal is located within the Chepstow Conservation Area. Boverton House is of architectural merit, in the style of Gothic revival, as identified in the area appraisal. This forms part of a cohesive

group of large Georgian houses relating to the development of the town and its past 18th and 19th Century prosperity. Gardens, mature trees including prominent line of copper beech, outbuildings walls and gates all contribute to the group's essential character setting. The site is very prominent when viewed from Bulwark Road. Previous comments highlighted concerns with the proposed dormer window to the eastern elevation of Boverton House; this has been replaced with a rooflight which is considered to have a lesser impact and is welcomed, subject to details of it being flush fitted. The new timber window to the lift tower and new door are not detailed so more information needs to be provided, to ensure their design is in keeping and this can be conditioned. The proposal does have the potential to impact on the setting of Gwentlands House and Gate Piers which are Grade II listed. However, it is considered that due to their location and screening as a result of established vegetation on site, that the proposal will not have a detrimental impact on the setting of these listed buildings.

The proposal preserves the character of this part of the Chepstow Conservation Area and will have no serious adverse effect on views and vistas into or out of the Conservation Area. Following negotiations the scale and finishing materials are appropriate. The details of the proposed works respect the proportions, materials and construction of existing buildings in the area. The proposal therefore accords with the objectives of policies HE1 and HE2 as they preserve the character of the Conservation Area.

6.4 Biodiversity

A Preliminary Ecological Appraisal with Preliminary Roost Assessment and a Bat Survey Report has been submitted as part of the application. An extended Phase 1 Habitat survey undertaken in August 2021 by Focus Environmental Consultants identified habitats within the site, including buildings, modified grassland, bare ground, scrubland, hedgerows, line of trees, introduced shrub and individual trees. Habitats within the site are considered appropriate to provide suitable commuting, foraging and nesting opportunities for bats, nesting birds, hedgehog, reptiles and common amphibians. The walkover surveys followed standard survey guidelines. A precautionary working approach will be followed regarding birds, reptiles, amphibians and hedgehog as detailed within the ecology report.

The submitted Bat Survey and Mitigation Strategy has been assessed as having moderate potential for roosting bats, and previous surveys at the property undertaken in 2017 had identified the presence of summer roosts for small numbers of pipistrelle bats. Two emergence surveys were undertaken and have confirmed the presence of summer day roosts used by small numbers of bats and commuting bats. The emergence surveys were undertaken as per standard practice. This level of survey effort and assessment is considered proportionate to the nature and scale of the application, and MCC Ecologists agree with the conclusions. The proposed works would not be impacting directly upon the bat roosts identified within the property; a development licence from Natural Resources Wales is not required for the works to continue, although a method statement must be followed to minimise impacts on bats.

As stated in the ecology report, at least two in-built or wall-mounted bat boxes, suitable for crevice dwelling bat species must be installed within the post-development site at suitable locations and heights. Additionally, access tiles for bats could be incorporated into the new structure. As recommended in the ecology report, all lighting must be PIR operated, baffled and low level to prevent light spill that might otherwise affect bat activity in and around the impacted buildings. It is recommended that a condition for a lighting plan (see conditions – below) is included on any consent granted.

Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

Enhancement measures have been recommended within the ecology reports to include;

- Installation of bird nesting boxes onto trees within the site or onto the walls of the existing and new building
- Incorporation of 'hedgehog highways' by leaving a gap in fences and walls within the site
- Creation of refuge habitat for amphibians, reptiles and small mammals using logs, deadwood and brash

These measures are acceptable, and to secure compliance with these enhancements, they are shown on the site plan. The proposal accords with the objectives of Policy NE1 of the LDP and the enhancements are proportionate to the scale of the proposal.

6.5 Impact on Amenity

The site is located within a residential area surrounded by existing residential properties. To the north of the site is St Govan's, which is set at a much lower level. The principle windows of St Govan's face east and west. It is the side elevation of the existing Boverton House which faces north towards the side elevation of St Govan's. There will be a few minor changes to the north elevation of Boverton House as a result of this proposal. These changes are blocking up the existing door way, providing a new dormer window at third floor level and building a new wall between the existing two single storey wings to create a private courtyard. The dormer window will look straight over the roof of St. Govan's due to the significant difference in height. The proposed screen wall will come no closer to the common boundary, than the existing house. To the west of the site are the more modern dwellings of Gwentlands Close, these are set at a slightly higher level than application site. It is their back gardens that abut the site and there is stone wall with timber fences behind that form the common boundary. It is no 14 Gwentlands Close that faces towards the Rear of Boverton House, it has a rear garden of approximately 17 metres and there is about 24 metres between the rear elevation of no 14 Gwentlands Close and the rear elevation of Boverton House.

Numbers 8, 10 and 12 Gwentlands Close will face the west elevation of the new apartment block. These three properties have rear gardens that range in length from approximately 15 metres to over 25 metres. These properties are set at a higher level than the application site. The new apartment block will be set over 10 metres away from the common boundary and the mature vegetation along the boundary will be retained. To the south of the site is Gwentlands which is set in substantial grounds. It is the side elevation of the new apartment that faces onto the garden area of Gwentlands. There are no windows on the south elevation of the proposed new apartment block.

Part 7.1 of the Infill Development Supplementary Guidance looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

- a. whether the plot would have adequate privacy to habitable rooms and private garden space
- b. whether a new house(s) on the plot would affect the privacy of neighbours
- c. whether a new house(s) on the plot would affect the host dwelling.

In this case the plot is of sufficient size to accommodate the new apartment block and all the necessary amenity and parking provision without impacting on neighbouring amenity. Given the orientation, relative levels and distances to the common boundaries the proposed development will not lead to a significant loss of privacy for the existing occupiers of the surrounding properties. The proposal accords with the Council's normal privacy standards for new development and conversion. The layout of the proposal accords with the objectives of LDP policies DES1 and EP1 in terms of respecting the amenity of the occupiers of existing neighbouring residential properties. The proposal also accords with the specific privacy distances outlined in the adopted SPG on Infill Development.

6.6 Highways

6.6.1 Sustainable Transport Hierarchy

PPW11 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is located close to the centre of Chepstow within easy walking distance to all the amenities and facilities in the Town Centre. The site is also within easy walking distance of good public

transport links including the bus and railway stations. There is a bus stop located less than 50m from the main entrance of the site. This site occupies one of the most sustainable locations in the County and the occupiers of these dwellings will be less reliant on the car to go about their daily business. The proposal includes a covered cycle store that can house up to 15 bicycles.

6.6.2 Access / Highway Safety

Boverton House is in Bulwark and benefits from an existing vehicular and pedestrian access off Bulwark Road, a classified road. In the vicinity of the access Bulwark Road is subject to a 20mph speed limit reinforced by traffic calming measures and is subject to traffic regulation orders prohibiting vehicle parking on the main road in the vicinity of Boverton House. The Highway Authority has considered the application's supporting information particularly the proposed site layout drawings and the technical note 01 dated May 2022, and considers that the immediate local highway network, Bulwark Road and the A48, is capable of accommodating the proposed development. The location provides direct access to the County's strategic highway network, the A48, A466 and the M48.

The proposed alterations to the means of access as detailed on Drawing No. 20/565/105 rev D Proposed Site Plan, namely the localised widening of the access drive and entrance onto Bulwark Road are considered acceptable and capable of accommodating the vehicle movements associated with a development of this size and scale. The widening of the drive enables 2 cars to pass as well as providing access to emergency services and day to day service vehicles as well as significantly improving forward visibility for users of the drive. No changes to the footway vehicular crossing on Bulwark Road are envisaged. Generally, the Highway Authority actively encourages developments in excess of 5 dwellings to be adopted and subsequently designed and built in accordance with the Welsh Government's Common Standards for Residential, Industrial and Commercial Estate Roads. The means of access and internal layout will not be considered for adoption as a self-contained development because the arrangement will probably be managed by an appointed management company to maintain the shared private drive on behalf of the residents. The proposed access arrangements comply with the objectives of Policy MV1 of the LDP with regards to highway safety.

6.6.3 Parking

The adopted Monmouthshire Parking standards require one car parking spaces per bedroom up to a maximum of three per unit. In this case 25 spaces would be required, however 21 off street parking spaces are being proposed. Therefore the provision falls below the Council's adopted standards. The applicant has submitted additional information as detailed in the Technical Note 01 dated May 2022 Proposed Parking Provision 4.12 - 4.20. The Highway Authority considers that parking provision and its layout is critical for any development and ensures that any shortfall in parking provision on any site does not result in the displacement of residents' vehicles onto the immediate local network. However, it is acknowledged that the development is located in what is considered the County's most sustainable and accessible town with the proposed development being located in a sustainable location and within walking and cycling distance of the town's amenities and attractions and the bus and rail station. Welsh Government is now encouraging less dependence on private cars. It can be argued that given this is such a sustainable location there could be a relaxation on parking provision on site. In this context, the Highway Authority has offered no objection.

6.7 Affordable Housing

Policy S4 states that, In main towns as identified in Policy S1, (which includes Chepstow), sites with a capacity for 5 or more dwellings will make provision (subject to an appropriate viability assessment) for 35% of the total number of dwellings on the site to be affordable. In this respect the application proposes 15 dwellings.

The Affordable Housing Supplementary Planning Guidance (SPG) July 2019. Part A.1 para ii of the SPG states that, 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). Therefore 5 dwellings would be required to be provided on site. However, following discussions with the developer it was claimed

that the development would not be viable with on-site provision. PA4 iii of the SPG states that Affordable housing should be provided on-site (unless there are exceptional circumstances that justify off-site provision, as considered in paragraph 5.10 of this SPG).

An independent assessment of the Viability Assessment by Consultant Andrew Burrows was commissioned which confirmed that;

- a) it is neither viable, nor particularly practical, for the proposed development to deliver *any* affordable housing on-site; but that
- b) it is viable for the development to make a financial contribution of £68,779 towards the provision of affordable housing off-site.

The assessment also considered the practical issues of providing on site provision. Given there are two buildings, the existing Boverton House and the proposed new building, both buildings would include more than 5 units that would result in a mixed tenure apartment scheme. This arrangement would not be supported by Registered Social Landlords (RSLs) given the implications with ongoing management. RSLs were canvassed by the Council's Social Housing Officer and no RSL was interested in managing units in this manner on this site. Therefore, on site provision is not only financially not viable but also undeliverable.

Despite this, an affordable housing contribution needs to be provided through the development and so consideration is given to an off-site contribution. The amount of financial contribution is based on the floor area floor area and the calculation contained in Appendix 3 of the Affordable Housing SPG.

Financial Contribution = Internal Floor Area (m²)x CS Rate x 58%.
11 Units (988.2 sqm x £120 x58% = £68,779.

Given the Viability Assessment, verified by an independent assessor, suggests that no on site contribution is viable, the provision of £68,779 is considered to be appropriate and the applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement to secure this. Therefore it is considered that the proposal accords with Policy S4 of the LDP.

6.8 Flooding

The site is not in a designated Flood Zone as designated by the DAM maps of TAN15 or the emerging draft TAN15. NRW Flood Risk Mapping shows the site to be at no particular risk of flooding from surface water or main river. The MCC database of previous flood events does not record any flood events or any drainage or flood assets in close proximity to the site. There are no objections on flooding grounds from the Lead Local Flood Authority.

6.9 Drainage

6.9.1 Foul Drainage

The foul water will connect to a mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer. Welsh Water have offered no objection but request a condition that a drainage scheme for the site is submitted to and approved in writing by the local planning authority to prevent hydraulic overloading of the public sewerage system.

6.9.2 Surface Water Drainage

The applicant has indicated that surface water discharge will be by way of a soakaway, and the site appears of sufficient size to accommodate this. The application has now demonstrated a means of surface water discharge via infiltration with details to be confirmed through the SAB process. The SAB approving body has no objection to the proposal. The scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and approval by the SuDS Approving Body (SAB) prior to any construction work commencing.

6.10 Phosphates

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

6.11 Planning Obligations

A financial contribution £68,779 is required to contribute to affordable housing in the local area.

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

The neighbours are concerned that there will be insufficient car parking provision within the site. It has been explained in the main body of the report that while the proposal has 4 fewer spaces than the adopted Monmouthshire Parking Standards would require, given this is such a sustainable location there could be a relaxation on parking provision on the site. The Highway Authority have offered no objection and Welsh Government is now encouraging less dependence on private cars. Planning officers consider that 21 parking spaces is sufficient for a development of this scale.

A bike store is being provided within the site but at this present time there is no policy to support a requirement for electric charging points for bicycles. Provision of 20% of the total parking dedicated for electric vehicle charging points promotes the uptake of ultra-low emission vehicles and makes a positive contribution towards combatting climate change. The proposal will result in an increase in traffic over and above what may be generated by the established D1 use of the site but the Highway Authority is satisfied that the immediate local highway network, Bulwark Road and the A48, is capable of accommodating the proposed development.

Local residents have suggested that they would rather see small family homes on the site, however the merits of alternative proposals do not form part of the consideration of the proposals applied for as part of this application. In addition, the size of Boverton House means that it is unlikely to be converted into a single residential dwelling.

Local residents would also like to see the stone boundary wall reinstated however planning officers consider that the current boundary treatments along with the existing vegetation provide sufficient screening along the common boundary. Loss of outlook and views of the river are not a material planning consideration as established through relevant case law.

In relation to amenity and privacy, officers have paid careful consideration to the amenity of existing local residents in the surrounding properties and found that the proposal accords with the specific privacy distances outlined in the adopted SPG on Infill Development. Given the distance between the existing and the proposed properties and the intervening vegetation, the proposed new windows on the new apartment block are not considered overly large and will not cause a significant loss of privacy to the neighbouring properties.

The local residents say that the drainage proposal is unclear. The foul drainage will discharge to a main sewer. Welsh Water have offered no objection but requested a drainage strategy to be submitted. The surface water discharge will be by way of a soakaway; the applicant has now demonstrated a means of surface water discharge via infiltration with details to be confirmed through the SAB process. Planning officers believe that sufficient drainage information has been submitted in order to determine the planning application.

A communal bin and recycling store is shown on the proposed layout plan to be located behind Boverton House. It will be well screened and centrally located. Waste collection will be managed on site by a private management company.

Concerns were raised in relation to trees on the adjacent site, however, works proposed to the neighbour's Beech Tree do not form part of this application.

Concerns have been raised in relation to scale and mass. Given the context of the site with Boverton House being three storey and the dwellings behind being set at a higher level, a new apartment block of three storeys is considered acceptable.

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

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

6.14 Conclusion

The principle of both new residential development and conversion to residential is acceptable in principle in this location. PPW 11 supports new residential development within settlement boundaries in sustainable locations. Policy S1 of the LDP says that the main focus for new housing development will be within the main towns of which Chepstow is one. Policy H1 and S9 of the LDP allows for residential conversion within development boundaries, subject to detailed planning considerations.

The design of the existing building will be retained and some of the details will be enhanced. The new build apartment block is contemporary in design but reflecting elements of the main house's architectural features, it is of a similar scale and mass using materials with a resonance of colour and texture of the main building. Overall the proposal accords with the objectives of Policy DES1 of the LDP. The design of the proposal is also respectful of the prevailing character of the area and would contribute towards a sense of place. The proposal accords with the objectives of policies HE1 and HE2 as they preserve the character and appearance of the Conservation Area.

The proposal is acceptable from a Landscape and GI perspective. Ecology surveys and a Bat Mitigation strategy was submitted with the application and MCC ecologists agree with the conclusions. Biodiversity enhancements are being provided; the proposal accords with the objectives of Policy NE1 of the LDP as the enhancements are proportional to the scale of the proposal.

The proposal accords with the Council's normal privacy standards for new development and conversion. The layout of the proposal accords with the objectives of LDP policies DES1 and EP1 in terms of respecting the amenity of amenity of the occupiers of existing neighbouring residential properties.

This site occupies one of the most sustainable locations in the County and the occupiers of these dwellings will be less reliant on the car to go about their daily business. The immediate local highway network of Bulwark Road and the A48 is capable of accommodating the proposed development. The proposed alterations to the means of access are welcome and will enable 2 cars to pass as well as providing access for emergency services. The proposal has 4 fewer car parking spaces than the adopted Monmouthshire Parking Standards would normally require, but given this is such a sustainable location a relaxation on parking provision on the site is fully justified. The Highway Authority has offered no objection and Welsh Government is now encouraging less dependence on private cars.

In line with policy S4 of the LDP a financial contribution of £68,779 will be secured through a S106 agreement to provide for affordable housing in the local area; it is neither viable, nor practical, for the proposed development to deliver any affordable housing on-site.

The proposal is policy compliant in all respects and therefore is recommended for approval subject to conditions.

7.0 RECOMMENDATION: APPROVE

Subject to a 106 Legal Agreement requiring a financial contribution £68,779 to contribute to affordable housing in the local area.

S106 Heads of Terms

If the S106 Agreement is not signed within 6 months of the Planning Committee's resolution then delegated powers be granted to officers to refuse the application.

Conditions :

1 5 YEAR

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

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

2 COMPLIANCE WITH PLANS

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

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

3 DRAINAGE SCHEME

No development shall commence until a drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The scheme shall provide for the disposal of foul water. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the development and no further foul water shall be allowed to connect directly or indirectly with the public sewerage system.

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

4 CAR PARK MANAGEMENT PLAN

Before development commences a Car Park Management Plan detailing car park space allocation and locations as well as provision for kerbside collection of waste and recyclables shall be submitted to and approved in writing by the Local Planning Authority. The scheme as approved shall be complied with in perpetuity.

REASON: In the interest of Highway Safety and to ensure compliance with LDP Policy MV1.

5 WALL FINISHING MATERIALS

A representative sample of the proposed material of the new garden wall and gate and the finishing materials of the new apartment building shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be carried out in accordance with the approved details prior to the development being brought into use.

REASON: To safeguard the character and appearance of the Chepstow Conservation Area in accordance with policy HE1 of the LDP.

6 1:10 SECTION DETAILS

Details of the proposed new timber window and door to the lift tower to a minimum scale of 1:10 including elevations, vertical and horizontal sections with larger scale details to sufficiently describe the proposed units, shall be submitted to and approved in writing by the Local Planning Authority prior to commencement of development. The development shall be carried out in accordance with the approved details prior to the development being brought into use.

REASON: To safeguard the character and appearance of the Conservation Area .

7 COMPLIANCE WITH ECOLOGY SURVEY

The development shall be carried out in strict accordance with the methods detailed in Section 1 (Recommendations) of the approved 'Bat Survey Report - Boverton House for BMJ International by Focus Environmental Consultants, dated March 2022' and Section 1 (Recommendations) of the approved 'Preliminary Ecological Appraisal with Preliminary Roost Assessment (inc. Third-Party Data Search) - Boverton House for BMJ International by Focus Environmental Consultants, dated March 2022'. Evidence of compliance with the plans in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension.

Reason: To ensure adequate safeguards for species of principle importance for conservation and to ensure compliance with LDP policy NE1.

8 CONSTRUCTION METHOD STATEMENT

No development, demolition, earth moving shall take place or material or machinery brought onto the site until a protected species (bats) construction method statement has been submitted to and approved in writing by the local planning authority.

The purposes of the method statement shall be:

1. To provide details of how buildings will be demolished; and
2. To provide measures to reduce impacts on commuting/foraging bats during the demolition/construction phase.

The content of the method statement shall include, as a minimum the:

- a) purpose and objectives for the proposed works in relation to protection of bats;
- b) detailed working methods necessary to achieve stated objectives;
- c) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- d) Persons responsible for implementing the works.

The Construction Method Statement shall thereafter be implemented in full.

Reason: Safeguarding of species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

9 NET BENEFIT

Prior to commencement of any construction works a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include bat and bird roosting provision and habitat enhancements as detailed in "Preliminary Ecological Appraisal with Preliminary Roost Assessment (inc. Third-Party Data Search) - Boverton House for BMJ International by Focus Environmental Consultants, dated March 2022" identifying location, positioning and specification shall be provided. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

Reason: To provide biodiversity net benefit and ensure compliance with PPW 11, the Environment (Wales) Act 2016 and LDP Policy NE1.

10 PD RIGHTS

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 plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the LPA.

Reason: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and LDP policies EP3 and NE1

11 LANDSCAPE WORKS IMPLEMENTATION

All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved, unless the Local Planning Authority gives its written consent to any variation.

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

12 GI MANAGEMENT CONDITION

A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development.

The content of the Management Plan shall include the following;

a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.

a. Boundary buffers

b. Green corridors

c. Strategic landscaping and SuDS features that include soft landscaping

d. Ecological enhancements

b) Opportunities for enhancement to be incorporated

a. Management of treed and planted boundaries for GI and biodiversity

b. Maintain habitat connectivity through the site for species

c) Trends and constraints on site that might influence management of above features.

d) Aims and objectives of management.

e) Appropriate management options for achieving aims and objectives.

f) Prescriptions for management actions.

g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty year period).

h) Details of the body or organization responsible for implementation of the plan.

i) 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 as appropriate. 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.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016)

13 TREE PROTECTION

The applicant or their agent will notify the Local Planning Authority of the full establishment of the tree protection measures, so that the MCC tree consultant can inspect the tree protection measures BEFORE the commencement of any site clearance, demolition, or construction work takes place.

No retained tree shall be cut down, uprooted, destroyed, pruned, cut or damaged in any manner other than in accordance with the approved plans and particulars, without the prior written approval of the local planning authority.

a) If any retained tree is cut down, uprooted or destroyed or dies another tree shall be planted at the same place and that tree shall be of such size and species and planted at such time as may be specified in writing by the local planning authority,.

b) No fires shall be lit within 15 metres of the nearest point of the canopy of any retained tree.

c) No equipment, machinery or structure shall be attached to or supported by a retained tree.

d) No mixing of cement or use of other contaminating materials or substances shall take place within, or close enough to, a root protection area that seepage or displacement could cause them to enter a root protection area.

e) No alterations or variations to the approved works or tree protection schemes shall be made without prior written consent of the local planning authority.

Reason: In order that the Planning Authority has an opportunity to ensure that the Tree Protection has been adequately established in accordance with the Tree Protection Plan

14 ARBORICULTURAL SITE SUPERVISION

The Arboricultural Method Statement and tree protection plan submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed below, by a suitably qualified Arboriculturalist.

A project Arboriculturalist shall be appointed to provide a watching brief of the following stages of the project, plus any other deemed necessary:

o Frequency of site supervision visits to be agreed in writing with the LPA tree officer prior to any works commencing on site.

o Notification in writing of the appointed project arboriculturalist for approval by the LPA.

o Supervision of the required remedial tree surgery works as set out the Arboricultural Survey document May 2022.

o Supervision of the installation of the approved tree protection fencing as per the Tree Protection Plan (drawing no. 2342-P-12, dated April 2022) prior to any works commencing on site.

o Regular monitoring of the tree protection fencing during the construction works

o Supervision of any works required within the root protection areas, particularly excavations and removal of hard surfacing / structures.

o Supervision of any alteration to or temporary removal of the protective fencing

o Provision of regular site progress reports with photographs to the Council's tree officer as pdf's by email

o Attend any site meetings as deemed necessary with regards to the proposed works and any tree issues that arise

Reason: Required to safeguard and enhance the character and amenity of the site and locality and to avoid any irreversible damage to retained trees.

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Application Number: DM/2022/01800

Proposal: Erection of a single span single arch curved bridge across the River Wye including landscaping on the east and west bank and public realm improvements

Address: Land north of Wye Bridge, Monmouth

Applicant: Mr Hywel Price

Plans: Ecological Impact Assessment (EclA) - GC3227-CAP-74-XX-RP-L-0007 - P02, Product Brief - RL348 LED - , Tree Survey and Constraints Report - , Arboricultural Impact Assessment - , Arboricultural Method Statement - , Fish Habitat Survey Report - WYE-CAP-74-XX-RP-L-0003 - P01, Appropriate Assessment - WYE-CAP-74-XX-RP-L-005 - P01, Wye Active Travel Flood Consequence Assessment - CS100460_RP_FCA_P01 - P03, Flood Consequence Assessment Covering Note - , Additional Flood Data - CS100460_L01 - , Environmental Colour Assessment - P01, Approval in Principle - WYE-CAP-7000-XX-RP-S-7101 - P01, Otter Survey report - GC3227-CAP-74-XX-RP-L-0004 - P01, Landscape and Ecological Management Plan - P01, WYE-WSP-LPN-XX-DR-P-0001 - P01, WYE-WSP-LPN-XX-DR-P-0002 - P01, WYE-WSP-LPN-XX-DR-P-0003 - P01, WYE-WSP-LPN-XX-DR-P-0004 - P01, WYE-WSP-LPN-XX-DR-P-0005 - P01, WYE-WSP-LPN-XX-DR-P-0006 - P01, WYE-WSP-LPN-XX-DR-P-0007 - P01, WYE-WSP-LPN-XX-DR-P-0008 - P01, WYE-WSP-LPN-XX-DR-P-0011 - P01, WYE-GLH-00-XX-DR-L-0001 - P01, WYE-GLH-00-XX-DR-L-0002 - P01, WYE-GLH-00-XX-DR-L-0003 - P01, WYE-CAP-SGN-XX-DR-S-0003 - P01, WYE-CAP-SGN-XX-DR-E-1301 - P01, GA1104-B - B, Preliminary Ecological Appraisal (PEA) Report - GC3227-CAP-74-XX-RP-L-0002 - P02, Landscape and Visual Impact Assessment - GH/006488 - , Habitats Regulations (HRA) Stage 2: WYE-CAP-74-XX-RP-L-0005 - P01, Ground Investigation Report - , Green Infrastructure Assessment - P01, Dormouse Survey Report - WYE-CAP-0074-XX-RP-L-0006 - P01, Archaeological Desk-Based Assessment - Report No. 237 - , Bat Survey Report - WYE-CAP-74-XX-RP-L-0001 - P01, Street Lighting - WYE-WSP-SGN-XX-DR-E-1301 - P01,

RECOMMENDATION: APPROVE

Case Officer: David Wong
Date Valid: 18.12.2022

This application is submitted by Monmouthshire County Council and has unresolved objections. Therefore, it is presented to Planning Committee for determination

1.0 APPLICATION DETAILS

1.1 Site Description and Proposal

1.1.1 The site in question is partially inside the Monmouth settlement boundary to the south of the River Wye and bridging the River Wye north of the historic Cadw registered Wye Bridge, the principal entrance to Monmouth from the south and east.

1.1.2 It is located within the registered historical landscape of The Lower Wye Valley. The River Wye is designated as a Site of Special Scientific Interest (SSSI) and the site boundary includes mature trees and established river edge vegetation. The site is within flood zone C2 and the phosphorous sensitive area of the Wye Valley Catchment.

1.1.3 The current travel route for pedestrians and cyclists from Wyesham into Monmouth Town Centre is via the Wye Bridge, utilising the narrow footpath located next to the carriageway and then via a subway under the A40. The supporting information advises that this active travel route is heavily utilised with an estimated 1,424 pedestrians and 130 cyclist journeys per day.

1.1.4 The application provides details that the Wye Bridge is heavily congested with vehicular traffic resulting in conflict between the user groups and is thus a busy environment for pedestrians and cyclists. This proposal was developed to address the issues of safety across the existing bridge. As part of the development process, a number of options were developed for consideration.

1.1.5 A new single-span, suspended arch bridge 70m upstream of the existing Wye Bridge was chosen, connecting with the existing pathway and cycle networks on banks and the A466. The bridge to span the river would be 70m in length by 4.13m in width, be 37.7m AOD and also be made up of approach routes and landscaping.

1.1.6 The submitted information shows that the proposed development has followed the Welsh Transport Appraisal Guidance (WelTAG) Stages 1-3 to determine the best option for the proposed bridge design and location, and various consultation exercises were conducted throughout the development stages with both stakeholders and the public.

1.1.7 An Environmental Impact Assessment (EIA) is not required in this instance as the proposed footprint is below 1 hectare. The proposed footprint measures 0.78ha which includes the area of the curved deck span (over the Wye), ramps leading to the deck on either side of the River Wye, and all onward connections to the highway at A466/Riverside Park or the A40 and landscaped areas.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/01800	Erection of a single span single arch curved bridge across the River Wye including landscaping on the east and west bank and public realm improvements.	Pending Determination	
DM/2022/01615	EIA Screening Request - Erection of a Single Span Single Arch Curved Bridge across the River Wye including landscaping on the north and south bank and public realm improvements.		14.12.2022 EIA not required

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP3 LDP Lighting
HE1 LDP Development in Conservation Areas
GI1 LDP Green Infrastructure
LC4 LDP Wye Valley AONB
LC5 LDP Protection and Enhancement of Landscape Character
MV1 LDP Proposed Developments and Highway Considerations
MV2 LDP Sustainable Transport Access
MV3 LDP Public Rights of Way
NE1 LDP Nature Conservation and Development
SD4 LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

Technical Advice Notes

TAN24 Historic Environment

5.0 REPRESENTATIONS

5.1 Consultation Replies

Monmouth Town Council - Approve with conditions:

1. For an additional bat survey to be carried out with a focus on the North side of the bridge and to include the qualifications of the surveyors as per the legal requirements;
2. For the application to be considered by the biodiversity department of Monmouthshire County Council.

Natural Resources Wales (NRW) - No objection but concerns have been identified. While we are of the opinion that the proposals are unlikely to adversely impact the protected species found to be, or likely to be, present at the development site, provided that the mitigation/compensation/avoidance measures within the submitted documents are implemented in full, we wish to note that the language within the ecological reports is not currently enforceable, containing words such as "should", "may be", and "where possible". We advise that either amended survey reports containing firm instructions using constructs such as "must", "shall" or "will", or a new document combining all species and habitat mitigation/compensation/safeguarding proposals written in enforceable language, will need to be submitted to the Monmouthshire County Council prior to determination of the application.

We also advise that a condition regarding protected sites should be attached to any planning permission granted and the document identified (i.e. A CEMP should be submitted to ensure necessary management measures are agreed prior to commencement of development or phase of development or specified activity and implemented for the protection of the environment during construction, including the Fish Habitat Survey Report) should be included in the approved plans and documents condition on the decision notice.

The planning application proposes erection of a single span bridge across the River Wye and the site is within flood zone C2. We have no objection on flood risk grounds and recommended that you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. The report concludes that there will be no adverse or significant effect on the integrity of the River Wye SAC provided the avoidance and mitigation measures are implemented. It further went on to conclude that there will be no adverse or significant effect on the integrity of both the Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Sites SAC provided the avoidance and mitigation measures are fully implemented.

Based on the evidence in this report, we are satisfied a conclusion of no adverse effect on site integrity for the River Wye SAC, Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Sites SAC can be drawn, subject to the avoidance and mitigation measures stipulated being secured to any planning consent the LPA is minded to grant. We have considered this as a shadow HRA until further notified by the planning authority. It is good practice for the planning authority, as Competent Authority, to prepare their own HRA prior to determination.

Welsh Government (Trunk Roads) - In order to maintain the safety and free flow of trunk road traffic, no development shall commence until a Construction Traffic Management Plan (TMP) has been submitted to and approved by both the Local Planning Authority in consultation with Welsh Government (Transport), as highway authority for the Trunk Road Network (TRN). The Active Travel lead has highlighted a number of matters for consideration such as futureproofing the bridge, whether or not the proposed ramp complies with ATAG, details of the cycle parking, the bollards spacing and the landing lengths.

Dwr Cymru Welsh Water - The operational works including the construction of foundations and new abutments are located directly on top of or in close proximity to both public sewers and water mains. In its current form, we cannot support this proposal and encourage the applicant contact us so we can discuss the proposal and explore options that can accommodate all assets and their required protection zones.

Cadw - No objection to the proposed development in respect of the scheduled monuments, registered historic parks and gardens or the registered historic landscape.

MCC Heritage - Concerns have been identified. However, as the proposed bridge is 70m upstream from the existing, the landing points of the bridge are distinct from the existing bridge and so, despite being close, do not interfere with the historic bridge and are read as a separate entity. The design of the proposed bridge is a contrast to the existing and is clearly a modern addition to the town. The immediate setting of the bridge and associated listed buildings of Monmouth School is not physically interfered with and remains intact, the proposed bridge will form part of the open setting of the bridge to the north, however this is not considered to sever this connection of the bridge and the town. In addition, it is not considered that the proposed bridge would have detrimental impact on any special features of the listed buildings and remains a physically and visually distinct development. It is considered that there is a missed opportunity to design a high-quality bridge that better compliments the setting of the listed building and is less

visually dominant. However, it is also acknowledged that there are other restrictions over flooding and ecology that have to be taken into consideration. Further clarifications of the details and finishing materials of the proposals are requested.

MCC Environmental Health - No objection. There would likely be a negative impact on air quality during construction; therefore a planning condition requiring an appropriate construction management plan to eliminate or minimise/control emissions would be necessary. Of particular concern would be the School Rowing Club and Riverside Park.

MCC Landscape/GI - The application for a proposed erection of a single span single arch curved bridge across the River Wye including landscaping on the east and west bank and public realm improvements is broadly acceptable from a Landscape and GI perspective and considers provisions of Future Wales 2020, Planning Policy Wales (Edition 11) February 2021 and Policies S13, NE1, LC4 and LC5 of the Monmouthshire County Council Adopted Development Plan 2011-2021. Further clarifications have been provided to address the points raised. Therefore, the provisional holding objection has been lifted.

MCC Drainage/SAB - No objection. Elements of the proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. The application includes a detailed FCA, the content of which we note. The Wye is a significant Main River with a history of flooding. NRW are the body with most expertise on these flooding mechanisms and hold the permissive powers in relation to management of this watercourse.

MCC Public Rights of Way - There are no objections to the development at this stage. There are public footpaths in the vicinity of this proposed development that make up sections of the Offa's Dyke Path and the Wye Valley Walk. These routes currently utilise the road bridge to link to public footpaths on each side of the river. The installation of the proposed footbridge would make the river crossing for these routes safer and more commodious. Once the structure is completed, it may be appropriate to create the route over the bridge as a Public Right of Way to preserve access in perpetuity.

MCC Active Travel - No objection to the proposal. The Wye AT Bridge is seen as a key link in the Active Travel network of Monmouth, traversing the river which separates Monmouth and Wyesham. The current road bridge is seen as substandard in Active Travel guidance and a deterrent to modal shift. As the bridge is a listed structure it would be difficult to expand or add to. This new bridge will create segregated non-motorised route for safer walking, cycling and wheeling route between the provisions of each side of the river, allowing people to move more easily around the settlement. This link will feed into a wider planned network, supporting modal shift and educing car dependency.

MCC Biodiversity and Ecology - Following receipt of further information no objection subject to planning conditions.

5.2 Neighbour Notification

More than 19 responses in support, 2 neither support nor object and 2 objections. They are summarised below:

Summary of support:

A well-considered solution to the ongoing and ever-increasing traffic issues.

As both a pedestrian and a cyclist I would like to suggest that the Link Bridge lanes are clearly segregated (physical barriers would be preferable) to reduce the potential for conflict and/or accidents with all users using the same space at the same time

It should be illuminated so users feel safe in the dark.

It will provide a safer route across the river, particularly for the large number of children crossing each day with exposure to vehicle exhaust emissions.

The precise details regarding lane width and any segregation should be designed in line with national best practice based on experience of similar schemes elsewhere.

Linking the town with the cycle way which runs along the river Wye, would be amazing.

It also meets the very serious issue of pedestrians, cyclists and other users having to mix with live traffic on the Wye Bridge.

The bridge will enable growth in active travel, contributing towards fighting climate change and help build a safer healthier Monmouth.

Segregated infrastructure is much needed in the town to support alternatives to driving

It will open up the beautiful Wye valley to more people as the bridge is so off putting.

It will create a safe route for cyclists to cross the Wye.

It will give much better access to cycle routes within the Forest of Dean.

It will provide a much more pleasant experience for pedestrians.

I like the design.

The design is modern but still allows a great view of the existing historical bridge.

It would encourage the use of modes of transport other than the private motor vehicle.

Such active travel will lead to a healthier population.

The bridge would assist in connecting Wyesham to the rest of Monmouth both physically and functionally.

My experience of crossing the Wye Bridge is unpleasant because of the very narrow pavement and is heavily used by school children, pedestrians and cyclists.

The Wye Bridge is not suitable to accommodate modern traffic movement.

The suggestion from one of your respondents that a new road crossing be built some 200m downstream and the traffic signals at the existing A40/A466 junction dispensed with has some merit but this would require a totally different magnitude of costs and even if funding was available, which is unlikely, take years to get to the starting gate. Perhaps a future scheme in a decade or two, but not an alternative to the current application.

The options for crossing the River Wye by foot, cycle or wheelchair/ mobility scooter are currently very limited on the Wye Bridge.

The traffic-free Peregrine Path to Symonds Yat is part of National Cycle Network (National route 423) and a great resource.

It is suitable for people on foot and all types of cycles and mobility aids but there is no way to safely reach it from the centre of town.

The plans for the bridge are the result of over five years of successful consultation with the Monmouth community.

MCC have listened to the needs of the community and worked closely with the community volunteers to get to this stage.

The visualisation of the bridge will blend harmoniously with the rural setting and the choice of a weathered bronze finish is very successful.

The bridge needs to be future proofed i.e. it needs to be made big enough in the first place to encourage and then cater for a growing demand for active travel infrastructure.

Clear markings such as different coloured surfaces could make the separation visible.

Will there be steps down to Monmouth School Boathouse at the Mayhill end of the bridge, as people/pupils will want to jump over the fence onto the supporting pier as a short cut to the boathouse and school access path opposite this point?

Could the fence on the link walkway screening the houses on Old Mayhill Road be a living 'green wall' fence? This would prevent graffiti on a screen fence and be a more pleasant aspect for the residents. Also more ecological and environmentally friendly.

Whilst not part of the planning application area, the quadrant of dense overgrowth on Monmouth School land between the existing bridge and river over flow will become the focus/foreground for people walking along this link, looking back to the school and bridge. I appreciate that this overgrowth is good habitat for otters and 'Nature isn't Neat', but the exiting timber handrail to the riverside path to this area is rotten and unsafe - which is why the stone stile is temporarily poorly blocked off. Could these be replaced with post and rails to match those on the new footbridge in order to improve safety, visual amenity and the 'public realm' please?

Is a lighting strategy in place for this project as the submitted bat survey report indicates extensive use of the area by bats for foraging and commuting? Lighting of the new bridge will undoubtedly be required but could potentially deter bats from using the area.

There is a lot of research suggesting that the elderly and women feel very vulnerable when in a shared space with cyclists.

There is research, on university campuses, which suggests that pedestrians do not do well in a shared space with cyclists.

The area is very isolated. Will lone women feel safe using it at night, without the security provided by the presence of passing vehicles?

The pedestrian bridge does not address the issue of heavy traffic using the old bridge.

Has the impact of the entrance/exit to the new car park on Wye Bridge Street been assessed for its impact on pedestrians?

Will the pavements on the Wye Bridge be removed to discourage the use of the Wye Bridge?

Building a narrow footbridge next to another bridge is counterproductive. You should build a road bridge 200 yards downstream where the railway bridges are and pedestrianise the existing Wye Bridge, which would join the A466 Wye Valley Road to the B4293 just by the tunnels, Traffic coming from The Wye Valley and Forest of Dean would have a much safer access to the A40.

Pedestrianising the existing Wye Bridge would enable sufficient space to separate bicycles and pedestrians and not impede on the Welsh Water property.

Please note all representations can be read in full on the Council's website:
<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 EVALUATION

6.1 Principle of Development

6.1.1 The need for a safe pedestrian/cycle crossing over the River Wye is paramount and the aim of this application is to provide this specifically. Strategic Policy S16 is relevant to this application as it refers to transport and supports development that promotes sustainable, safe forms of transport which reduce the need to travel, increase provision for walking and cycling and improve public transport provision.

6.2 Public Rights of Ways/Active Travel (AT)

6.2.1 There are public footpaths in the vicinity of this proposed development that make up sections of the Offa's Dyke Path and the Wye Valley Walk. These routes currently utilise the road bridge to link to public footpaths on each side of the river. The installation of the proposed footbridge would make the river crossing for these routes safer and more commodious. Once the structure is completed it may be appropriate to create the route over the bridge as a Public Right of Way to preserve access in perpetuity. To conclude, there is no objection from the Council's Public Rights of Ways Officer and an appropriately worded informative will be imposed accordingly (LDP Policy MV3).

6.2.2 The Council's Active Travel Officer is in support of the application as the Wye AT bridge is seen as a key link in the AT network of Monmouth, traversing the river which separates Monmouth and Wyesham. The current road bridge is substandard in AT guidance and a deterrent to modal shift. As the bridge is a listed structure it would be difficult to expand or add to. This new bridge will create another route for safer walking, cycling and wheeling between each side of the river, allowing people to move more easily around the settlement. This link will feed into a wider planned network, supporting modal shift and reducing car dependency (LDP Policy MV2).

6.3 Futureproofing

6.3.1 The Welsh Government as highway authority for the Trunk Road Network (TRN) highlighted a number of matters for consideration such as futureproofing the bridge, whether or not the proposed ramp complies with ATAG, details of the cycle parking, the bollards spacing and the landing lengths.

6.3.2 The submission shows that this active travel bridge does comply with the requirements as set out in the Active Travel ACT Guidance (ATAG) and BD 29/17 'Design Criteria for Footbridges'. The key structural design requirements are as follows: Overall deck width is dictated by flow and usage requirements. For an unsegregated bridge, the Guidance indicates a minimum width of 3.5 metres for secondary routes, 4 metres for primary routes and 5 metres on heavily trafficked routes. The bridge is considered to be a secondary route and so a 3.5 metres wide bridge is therefore considered adequate in this instance.

6.3.3 The AT lead from the WG Trunk Roads body has highlighted a number of matters for consideration such as the joint details between the proposal and to the underpass, details of the cycle parking, the bollards spacing and the landing lengths. It is considered that these details can be managed via appropriately worded conditions. The question whether or not the proposed ramp would comply with ATAG sits outside of planning control. Therefore, it is not reasonable to manage this element via the use of a planning condition.

6.4. Design/Place Making

6.4.1 In terms of design, the proposed development has followed the Welsh Transport Appraisal Guidance (WelTAG) Stages 1-3 to determine the best option for the proposed bridge design and location. Also, as part of the development process, an extensive consultation exercise was carried out throughout the development stages with both stakeholders and the public.

6.4.2 The main bridge is to be a steel, cable stayed arch structure comprising a curved deck suspended from a single arch via 7 pairs of cables with a single span length of 70m. This new 3.5m wide bridge is modern in appearance and the proposed materials have been carefully selected to respect the setting of the surroundings and the existing Wye bridge. As part of the development phase, an Environmental Colour Assessment was carried out to inform colour selections.

6.4.3 Weathering steel was selected for the main structural parts of the bridge construction because once the material has weathered the rust tones will complement the existing brown hues of the surrounding environment. The use of a brushed stainless steel for the hanger cables and

guard rails will complement the brown hue of the weathering steel. The lighter colour of the steel will blend into the skyline particularly on overcast days.

6.4.4 There is a walkway on either side of the bridge. The eastern approach raised walkway is comprised of 5 spans, approximately 10m in length and connects the main bridge to the A466. The western approach raised walkway is of the same form of construction as the eastern and comprises 2 curved spans that are approximately 9m in length. The ramp ties into the existing footway, which is to be upgraded to meet AT requirements.

6.4.5 To achieve a positive relationship with the existing bridge, the proposed bridge would be set away from the Wye Bridge (instead of running parallel with it), which is considered to be positive as it would avoid physical damage and direct competition with the existing bridge. As such, it is considered that the proposal is in accordance with LDP Policy DES1.

6.5 Landscape

6.5.1 The site is partially inside of the Monmouth settlement boundary to the south of the River Wye and bridging the River Wye north of the historic CADW registered Wye Bridge, the principal entrance to Monmouth from the south and east. The site is within the Cadw registered historical landscape of The Lower Wye Valley. The River Wye is designated as a SSSI and the site boundary includes mature trees and established river edge vegetation.

6.5.2 The Council's Landscape Officer advised that the applicant has undertaken a thorough assessment to determine what the visual impacts of the proposals, construction and lighting will be on both the localised 2km in terms of landscape effects and 5km radius wider visual effects on landscape setting and character.

6.5.3 The submitted Environmental Colour Assessment is well considered and acceptable. The developed palettes for bridge and fencing as described and showing the colour process of the weathering steel enable a visualisation of how the principal and most visual material will change and integrate over time. The brushed stainless steel hanger rails are less conspicuous against a sky and distant landscape backdrop. The suggestion of a weathered steel privacy screen is welcome. The secondary developed palette to inform street furniture, signage and interpretations is also appropriate.

6.5.4 The GI Assessment has identified current assets and further opportunities to enhance localised GI and connectivity, addressing deficiencies identified in the Monmouthshire open space study. Improvements have been identified to landscape setting, habitat provision and connectivity, green space provision, connectivity and sustainability. The assessment also highlights specific actions related to identified opportunities. The assessment and proposals are acceptable.

6.5.5 Overall, there are several areas requiring further clarification from the Landscape and GI perspective but they can be managed effectively via the use of appropriately worded conditions. Therefore, the application is compliance with the thrust of LDP Policy S13, DES1, LC4, LC5 and GI1.

6.6 Registered Historic Landscape

6.6.1 The proposed development is located within the registered historic landscape HLW (GT) 3 The Lower Wye Valley and the Scheduled Monuments and Registered Parks and Gardens listed above are located inside 2km of the proposed development application area.

6.6.2 The application is accompanied by an Archaeological Desk Based Assessment and an Assessment of Significance of Development on a Historic Landscape (ASIDOHL2). This assesses the impact of the proposed development on the registered historic landscape, and the setting of the scheduled monuments and registered parks and gardens where potentially affected. The report considers there will be no impact on the settings of any of the scheduled monuments. Potential impacts on the settings of registered parks and gardens are considered within the context of the ASIDOHL2 assessment as they are within the component landscape areas considered. This assessment finds there will be no more than a slight impact on any of the component landscape character areas and therefore to the registered parks and gardens.

6.6.3 Overall, the assessment process concludes that the significance of the impact of the proposed development on the registered historic landscape is slight, and as such that the development's impact on key elements means there will be a slight reduction in the overall value of the historic landscape on the Register. Cadw was consulted and they concur with these conclusions. Therefore, there is no objection to this element.

6.7 Monmouth Conservation Area

6.7.1 The site is located adjacent to the Monmouth Conservation Area, Character Areas 6 (Monmouth School) and 3 (Whitecross Street and St James Street). It is also within the immediate vicinity of several listed buildings. In this context, the Council's Heritage Team advises that the position of the proposed new bridge is welcomed as this follows the main desire line and given the width of the river is the most appropriate position. They also acknowledged that the design of the bridge is a result of the physical constraints of the river and the predicted flooding levels, therefore a suspension bridge was considered the only technical option for creating a flood-free span over the river.

6.7.2 This 12m high bridge from deck up is some 3-7m above ground or average water level. The bridge is therefore a very large and tall feature within the immediate setting of the lower stone built multi arch listed bridge. However, as the proposed bridge is 70m upstream from the existing the landing points of the bridge are distinct from the existing bridge and so, despite being close, do not interfere with the historic bridge and are read as a separate entity.

6.7.3 The design of the proposed bridge is a contrast to the existing and is clearly a modern addition to the town. The immediate setting of the bridge and associated listed buildings of Monmouth School is not physically interfered with and remains intact, the proposed bridge will form part of the open setting of the bridge to the north, however this is not considered to sever this connection of the bridge and the town. In addition, it is considered that the proposed bridge would not have detrimental impact on any special features of the listed buildings and remains a physically and visually distinct development.

6.7.4 Due to the proximity of the proposal from the listed bridge, further clarification of the details and the finishing materials of the proposal are required (details such as the balustrade detailing, the proposed stone wall for the eastern ramp to hide pillars and the colour of the steel archway and cables). It is considered that these items can be managed via appropriately worded conditions.

6.8 Biodiversity

6.8.1 The site in question is ecologically sensitive. As part of the application, an Ecological Impact Assessment (EclA) was carried out to inform the design. The Principal Ecologist who carried out the Assessment holds an NRW bat licence and has over 25 years of bat surveying experience, with a Master's degree in Environmental Management and is currently a Practitioner member of the Institute of Environmental Management and Assessment (PIEMA).

6.8.2 NRW acknowledge that the submitted information concludes that there will be no adverse or significant effect on the integrity of the River Wye SAC provided the avoidance and mitigation measures are implemented. It further went on to conclude that there will be no adverse or significant effect on the integrity of both the Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Sites SAC provided the avoidance and mitigation measures are fully implemented. Based on the evidence in this report, they are satisfied a conclusion of no adverse effect on site integrity for the River Wye SAC, Wye Valley Woodlands SAC and Wye Valley and Forest of Dean Bat Sites SAC can be drawn, subject to conditions. It is useful to point out that NRW advised the language within the ecological reports is not currently enforceable, containing words such as "should", "may be", and "where possible". Following discussions with the applicant about this element, a revised set of surveys was submitted to address this element.

6.8.3 The Council's Biodiversity and Ecology Officer requested details regarding lighting of the pathway on the eastern bank and the bridge itself to inform the Appropriate Assessment (AA). Subsequent to the request, further lighting details were submitted for consideration and are considered to be acceptable from a biodiversity and ecological perspective. Therefore, this application can be supported provided there is no objection from NRW in relation to the Appropriate Assessment (LDP Policy NE1) – NRW's final response is awaited.

6.8.4 European Protected Species - Three Tests

In consideration of this application, European Protected Species (bats / otters / 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. MCC as Local Planning Authority is required to have regard to the Conservation of Species & Habitat Regulations 2017 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 / Council 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.

Development Management Comment: (There are public footpaths in the vicinity of this proposed development that make up sections of the Offa's Dyke Path and the Wye Valley Walk. These routes currently utilise the road bridge to link to public footpaths on each side of the river. The installation of the proposed footbridge would make the river crossing for these routes safer and more commodious. Once the structure is completed it may be appropriate to create the route over the bridge as a Public Right of Way to preserve access in perpetuity. The need for a safe pedestrian/cycle crossing over the River Wye is paramount and the aim of this proposal is to provide this specifically. It is considered that there are beneficial reasons to enable this development both in terms of public interest of both social and economic nature including improvements to the built environment.)

(ii) There is no satisfactory alternative

Development Management Comment: (The proposed development has followed the Welsh Transport Appraisal Guidance (WelTAG) Stages 1-3 to determine the best option for the proposed bridge design and location. The need for a safe pedestrian/cycle crossing over the River Wye is paramount and the installation of the proposed footbridge would make the river crossing for these routes safer and more commodious.)

(iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

Development Management Comment: (As part of the application, ecological assessments were carried out to inform the design and how they intend to mitigate potential ecological losses and enhancements within the proposal. There is no objection from NRW and the Council's Biodiversity and Ecology Officers, provided that appropriately worded conditions are imposed.)

In the light of the circumstances outlined above which demonstrate that the three tests would be met, and having regard to the advice of NRW and the Council's own Biodiversity Officers, it is recommended that planning conditions are used to secure the following:

- Compliance with the lighting strategy
- Condition for a Construction Environment Management Plan

6.9 Impact on Amenity

6.9.1 At the early design stages of the proposal, consultation was carried out with the relevant stakeholders as well as the members of the public in the area. There will be views to the properties on the south side of the river when crossing the proposed new bridge as the bridge will be higher than the existing banks. The views will be into the rear gardens of these properties (on The Old Road) at approximately 25 metres from the near side of the bridge to the garden boundaries and at a distance of around 40 metres to any windows. This is not considered to be close enough to harm the privacy of these occupiers. The proposal includes a 1.8m high solid screen on the eastern parapet of the eastern ramp to minimise the potential loss of privacy of

the neighbouring properties and the Monmouth Rowing Club. This screen is to be a dark grey in colour, which is a neutral colour. The submitted information indicates that there may be opportunities for public art to be incorporated within the screen but this is to be determined during the detailed design phase, which can be managed by condition (LDP Policy EP1).

6.10 Highways/Footpath Safety

6.10.1 The volume of traffic combined with the limited footway on the existing Wye Bridge creates unappealing and unsafe facilities for non-motorised users. Those with impaired mobility are particularly disadvantaged by the current situation. It is considered that the proposal will provide a choice and most importantly, a much safer route crossing over the River Wye than the current Wye Bridge for non-motorised users and the people with impaired mobility, and would be in accordance with the Active Travel (Wales) Act and the Well-being of Future Generations Act. There is no objection from the Highways Department (LDP Policy MV1).

6.11 Lighting

6.11.1 The proposed footbridge, approaches to the bridge and the Wye Valley AT route will be lit and the lighting strategy needs to comply with the relevant requirements for pedestrian/cyclist routes, governed under separate legislation. The applicant acknowledges that a balance must be struck in order to adequately light the area for users to ensure their safety but also ensuring light spill onto existing and proposed habitats is kept to a minimum. As part of the proposal, there will be mitigation measures to ensure that retained habitats in and around the site used by protected and notable species (primarily bats) will not be adversely affected by artificial light. The bridge and its approach will be underlit with LED handrail lighting. Lights would be located (and shielded) in a way that illuminates the bridge deck but minimises light spill into the river corridor to maintain the dark horizon line for bats flying upstream.

6.11.2 Also, during the construction phase, any lighting required for health and safety or security reasons during the construction phase will be designed to avoid light spill into surrounding habitat, including works to be carried out during daylight hours to avoid night time working. Artificial lighting should not be used around the watercourse to avoid disturbing spawning or migrating fish species and other species such as bats or otters that may be commuting or foraging along the river channel. If night time working is unavoidable then artificial construction lighting will be kept to a minimum due to disturbance to bats and other animals. Furthermore, the applicant is seeking confirmation that the controls for the lighting (site wide) can be integrated into the existing lighting network so that the Highways Department can control lighting levels/brightness remotely off-site. Consequently, this element of the proposal has been appropriately considered. Both NRW and the Council's Biodiversity and Ecology Officer have requested a lighting strategy to be submitted to and approved prior to commencement, which is considered to be reasonable and appropriate in this instance (LDP Policy EP3).

6.12 Surface Water Drainage

6.12.1 The Council's Drainage Department advised that the proposed development would require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and approved by MCC as SuDS Approving Body (SAB). The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Therefore, an appropriately worded informative will be imposed (LDP Policy SD4 compliance).

6.13 Environmental Health Matters

6.13.1 There is no objection from the Council's Environmental Health Department. However, they advised that there would likely be a negative impact on air quality during construction; therefore a planning condition requiring an appropriate construction management plan to eliminate or minimise/control emissions would be necessary. Of particular concern would be potential impact on the School Rowing Club and Riverside Park.

6.14 Welsh Water

6.14.1 The operational works including the construction of foundations and new abutments are located directly on top of or in close proximity to both public sewers and water mains. In its current form, Welsh Water has commented that it cannot support this proposal. Subsequent to this response, the applicants have engaged with Welsh Water and submitted the relevant application to explore options in order to accommodate its assets and required protection zones. These issues sit outside of the planning process, being the applicants' responsibility to ensure that all relevant consents are obtained prior to commencement.

6.15 Response to the Representations of Monmouth Town Council and Third Parties

6.15.1 There is no objection from Monmouth Town Council; they requested an additional bat survey to be carried out with a focus on the north side of the bridge and to include the qualifications of the surveyors as per the legal requirements and for the application to be considered by the Biodiversity department of MCC.

6.15.1.1 Response: The qualifications of the surveyors is set out in the Assessment. Both NRW and the Council's Biodiversity and Ecology Officer were consulted and they have raised no issue with regard to the methodology and quality of the submitted ecological assessments.

6.15.2 The following paragraphs will look at the queries and objections with regard to this application.

6.15.3 Will there be steps down to Monmouth School Boathouse at the Mayhill end of the bridge as people/pupils will want to jump over the fence onto the supporting pier as a short cut to the boathouse and school access path opposite this point?

6.15.3.1 Response: This proposal is specifically designed to provide a safe pedestrian/cycle crossing over the River Wye. No direct access is being proposed connecting between the proposed bridge and Monmouth School Boathouse (Mayhill side). A new eastern walkway will be built adjacent to the junction between the A466 and The Old School Road. This walkway is measured approximately 2-3m above the existing ground level with varying gradient along the River Wye.

6.15.4 Could the fence on the link walkway screening the houses on Old Mayhill Road be a living 'green wall' fence? This would prevent graffiti on a screen fence and be a more pleasant aspect for the residents; also more ecological and environmentally friendly.

6.15.4.1 Response: Appropriate ecological mitigation along with further biodiversity enhancements will be provided as part of the application. The final details of the walkway screening will be submitted and approved prior to commencement and the living green wall idea will be suggested to the design team for further consideration.

6.15.5 Whilst not part of the planning application area, the quadrant of dense overgrowth on Monmouth School land between the existing bridge and river over flow will become the focus/foreground for people walking along this link, looking back to the school and bridge. I appreciate that this overgrowth is good habitat for otters and 'Nature isn't Neat', but the existing timber handrail to the riverside path to this area is rotten and unsafe - which is why the stone stile is temporarily poorly blocked off. Could these be replaced with post and rails to match those on the new footbridge to improve safety, visual amenity and the 'public realm' please?

6.15.5.1 Response: This proposal is specifically designed to provide a safe pedestrian/cycle crossing over the River Wye. The maintenance and/or improvement of land/equipment outside the application site is beyond the remit of this application. However, these matters will be suggested to the design team for further consideration.

6.15.6 Lighting of the new bridge will undoubtedly be required but could potentially deter bats from using the area.

6.15.6.1 Response: This element was assessed by NRW and the Council's Biodiversity and Ecology Officer, and they have offered no objection.

6.15.7 There is a lot of research suggesting that pedestrians, especially the elderly and women feel very vulnerable when in a shared space with cyclists. The area is very isolated. Will lone women feel safe using it at night, without the security provided by the presence of passing vehicles?

6.15.7.1 The result of this application does not discourage the use of the existing old bridge. Rather, it would provide a choice for crossing the River Wye.

6.15.8 The pedestrian bridge does not address the issue of heavy traffic using the old bridge. Has the impact of the entrance/exit to the new car park on Wye Bridge Street been assessed for its impact on pedestrians?

6.15.8.1 Response: This proposal is specifically designed to provide a safe pedestrian/cycle crossing over the River Wye. In addition, as highlighted by the Council's AT Officer, the current road bridge is substandard in AT guidance and a deterrent to modal shift. This new bridge will create a segregated non-motorised route for safer walking and cycling between each side of the river, allowing people to move more easily around the settlement. This link will also feed into a wider planned network, supporting modal shift and reducing car dependency.

6.15.9 Will the pavements on the Wye Bridge will be removed to discourage the use of the Wye Bridge?

6.15.9.1 Response: This proposal is specifically designed to provide a safe pedestrian/cycle crossing over the River Wye.

6.15.10 Building a narrow footbridge next to another bridge is counterproductive. You should build a road bridge 200 yards downstream where the railway bridges are and pedestrianise the existing Wye Bridge, which would join the A466 Wye Valley Road to the B4293 just by the tunnels, Traffic coming from The Wye Valley and Forest of Dean would have a much safer access to the A40. By doing so, it would not impede on the Welsh Water property.

6.15.10.1 Response: This proposal is specifically designed to provide a safe pedestrian/cycle crossing over the River Wye. Prior to the submission of this application, an extensive level of consultation took place, which demonstrated strong support by the relevant stakeholders as well as local residents.

The operational works, including the construction of foundations and new abutments, are located directly on top of or in close proximity to both public sewers and water mains. The applicants have engaged with Welsh Water and submitted the relevant application to explore options in order to accommodate all Welsh Water's assets and required protection zones. Such requirements sit outside of the planning process, which is the applicants' responsibility to ensure that all relevant consents are obtained prior to commencement of development.

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

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

6.17 Conclusion

6.17.1 Having regard to all relevant material planning considerations as well as LDP Policies DES1, EP1, EP3, HE1, GI1, LC4, LC5, MV1, MV2, MV3, NE1 and SD4 the development is considered acceptable. *This is subject to the imposition of the planning conditions detailed below as well as endorsement of the Appropriate Assessment (AA) undertaken by NRW. The application would be re-presented to Committee should NRW not be able to endorse the conclusions of the AA.*

7.0 RECOMMENDATION: APPROVE

Conditions:

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

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

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

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

- 3 No development shall commence until a Construction Traffic Management Plan has been submitted to and approved by both the Local Planning Authority in consultation with Welsh Government (Transport), as highway authority for the Trunk Road Network (TRN). The

Construction Traffic Management Plan shall detail the proposals for the movement of construction traffic, evidencing no impacts upon the Trunk Road or associated structures. It shall also include hours of working on site for the duration of the development, identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust from the site preparation, groundwork and construction phases of the development. The approved Construction Traffic Management Plan shall be adhered to at all times.

REASON: To maintain the safety and free flow of trunk road traffic and to protect the amenity of neighbouring residential and commercial premises.

4 Prior to the commencement of development full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- o Detailed scaled plans, showing existing and proposed levels inclusive of any onsite soils deposition and regrading.
- o Proposed and existing utilities/services above and below ground including impacts of any proposed diversions.
- o Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment, inclusive of SUDS green engineering.
- o Hard landscape materials to include surfacing, SUDs, location of proposed lighting, fencing, benches, ramps and access, minor artefacts and structures (e.g. interpretation, feeder pillars and signs).

O Lighting strategy

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

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

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LDP Policies LC5, DES1, S13, and G11 and NE1.

6 An updated and proportionate Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the local planning authority prior to the commencement of the development. The content of the Management Plan shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.
 - a. Trees, Grassland, Shrubs, wildflower, understorey and hedgerows inclusive of strategic planting
 - b. Green corridors
 - c. Habitats associated with protected species
- b) Opportunities for enhancement to be incorporated
 - a. Management of tree, understorey and hedge buffer strips to increase and maintain diversity, connectivity and screening
 - b. Maintain habitat connectivity through and or around the perimeter of the site for species
 - c. New landscaping and habitats to compensate for loss
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions inclusive of landscaping, landscape planting and SUDS.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) 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 as appropriate. 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.

REASON: To secure appropriate ecological mitigation and biodiversity net benefit on the site as required in Planning Policy Wales Edition 11. To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, EP1 and SD4. (Legislative background - Well Being of Future Generations Act 2015, Planning (Wales) Act 2015 Environment (Wales) Act 2016).

7 The approved Lighting Strategy titled 'Wye Bridge Active Travel WeITAG Stage 3 - Street Lighting' shall be hereby implemented in full and shall be retained as such in perpetuity. Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the Local Planning Authority no more than three months later than the first beneficial use of the bridge. REASON: To safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with LDP policy NE1 and safeguard populations associated with Wye Valley Woodlands SAC and Wye Valley 7 Forest of Dean Bat Sites SAC.

8 No development shall take place (including ground works, vegetation clearance) until a Construction and Environmental Management plan (CEMP) has been submitted to and approved by the Local Planning Authority prior to the determination of the application. The CEMP shall include the following as a minimum:

- Risk assessment of potentially damaging construction activities.

Identification of "protection zones".

- Details of any in-channel works and precautionary measures to prevent impacts to SAC qualifying fish species, including pre-works survey, details of piling noise/vibration mitigation and timing considerations;

Detailed method statements (both physical measures and sensitive working practices) to avoid or reduce impacts on protected species during construction, including:

1. Otter
2. Reptiles
3. Hazel Dormice
4. Nesting Birds
5. Hedgehog

- The location and timing of sensitive works to avoid harm to biodiversity features.

- The times during construction when specialist ecologists need to be present on site to oversee works.

- The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.

- Use of protective fences, exclusion barriers and warning signs.

General site management: details of the construction programme including site clearance, method statements, surface water management and measures, site waste management and disposal, sustainable drainage (pre- and post-construction), maintenance and monitoring programmes;

- Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including;

1. Identify all potential pathways for pollutants to enter the River Wye and ensure suitable mitigation is put in place, including details of emergency spill procedures and an incident response plan;

2. Details of how concrete mixing and washing areas will be managed

3. Details of oil and chemical storage

- Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

- A biosecurity risk assessment that considers non-native species (INNS) and specific diseases'.

The development shall be implemented in accordance with the approved CEMP.

REASON: To safeguard the integrity of the River Wye SAC in accordance with the Habitats Regulations Assessment for the proposal and provide protection for species of conservation concern.

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

duration of the construction works.

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

10 No development shall take place until the following details have been submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with those agreed details which shall remain in situ in perpetuity.

- Details of the balustrade detailing and materials
- Details of raised protection/balustrade for the eastern ramp
- Details of the proposed stone wall for the eastern ramp to hide pillars
- Details of the colour of the steel archway and cables, together with steel sub structure below deck (pillars)
- Details of the paving materials in order to compliment the listed building especially at the junction of the eastern ramp
- Details of any retaining or enclosing features to either ramp
- Details between the proposal and to the existing underpass
- Details of the proposed cycle parking,
- Details of the bollards spacing and the landing lengths.

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

11 Full details of the privacy screen/parapet on east facing elevation of the Active Travel Bridge approach ramp on the east bank of the River Wye shall be submitted to the LPA for approval prior to commencement of the development.

Submission details must include and demonstrate to the satisfaction of the LPA measures that will (1) protect the privacy of adjacent occupants residing at nos. 1 to 3 Wyebridge Cottages, The Old Road, Mayhill, Monmouth NP25 3LS and (2) details/species of planting to screen and minimise the visual impact of the eastern approach ramp. The approved details shall be implemented in full before the bridge is brought into beneficial use and retained as such in perpetuity.

REASON: In the interests of protecting neighbouring privacy and visual amenity and maintaining the character of the Lower Wye Valley Registered Historic Landscape, in accordance with policy LC5 'Protection and Enhancement of Landscape Character', S17 'Place Making and Design', S13 'Landscape, Green Infrastructure and the Natural Environment', DES1 'General Design' of the Monmouthshire County Council Local Development Plan.

12 Prior to the first use of the Active Travel Bridge, a flood evacuation and management plan shall be submitted to and approved in writing by the Local Planning Authority. Development shall thereafter take place in accordance with the approved details.

REASON: In the interests of health and safety of pedestrians and cyclists using the Active Travel Bridge, in accordance with policy S12 and SD3 of the Monmouthshire County Council Local Development Plan.

INFORMATIVES

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

2 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

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

4 Following the implementation of the Sustainable Drainage (Approval and Adoption) Order 2018, elements of the proposed development will require a sustainable drainage system (SuDS) designed in accordance with the Welsh Government's Standards. The SuDS scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing on site. It is recommended that the applicant approach the SAB for pre-application advice prior to formal submissions to the LPA as the SAB requirements can affect site layout. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sab>. The SAB is granted a period of at least seven weeks to determine applications. In practice revisions are normally required to proposals. This extends the time period required. If for any reason you believe your works are exempt from the requirement for SAB approval, I would be grateful if you would inform us on SAB@monmouthshire.gov.uk so we can update our records accordingly.

5 There are public footpaths in the vicinity of this proposed development that make up sections of the Offa's Dyke Path and the Wye Valley Walk. These routes currently utilise the road bridge to link to public footpaths on each side of the river. The installation of the proposed footbridge would make the river crossing for these routes safer and more commodious. Once the structure is completed it may be appropriate to create the route over the bridge as a Public Right of Way to preserve access in perpetuity.

6 Welsh Government as highway authority for the A40 trunk road comment - In line with BS 8300- 1:2018 (cl. 9.2.5) an edge protection would be beneficial on the ramps in particular for edge-detection by cane.

7 Landscape and GI –
BS 5837:2012 Trees in relation to design, demolition and construction to provide further guidance on tree protection

LDP Policy NE1 – Nature Conservation and Development seeks to ensure the protection and enhancement of wildlife and landscape resources by appropriate building design, site layouts, landscaping techniques and choice of plant species.

Planning Policy Wales – Net Benefit for Biodiversity

Planning Policy Wales (PPW) 11 sets out that “planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity” (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

8 Water contaminated with silt or other pollutants can't be discharged directly to surface or ground water without treatment - an environmental permit may be required for any discharges. Refer to NRW permitting pages for guidance.

9 If there is a requirement for temporary dewatering from excavation, please refer to the UK Gov.UK guidance.

Application Number: DM/2022/01831

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

Address: Land At Castle Meadows, Abergavenny, Monmouthshire

Applicant: Monmouthshire County Council

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

RECOMMENDATION: Approve (subject to agreement of updated Habitats Regulations (HRA) Appropriate Assessment)

Case Officer: Ms Kate Bingham

Date Valid: 22.12.2022

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

1.0 APPLICATION DETAILS

1.1 Site Description

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

1.1.2 The application site is located within a river flood plain and is comprised of improved grassland, amenity grassland and semi-natural broadleaved woodland, with small areas of hard standing, bare ground, scrub, scattered trees and running water, ponds including tributaries and streams feeding into the River Usk. The surrounding land use is a combination of residential and retail/ commercial within Abergavenny Town Centre.

1.1.3 There are a number of existing Public Rights of Way (PRoW) and unofficial footpaths within the Site. Notably, this includes the National Sustrans Route 46 (NR46) which transverses Castle Meadows and connects to NCN Route 49 in Llanfoist. However, there is a gap in the route across Abergavenny Bridge, including a short section of Merthyr Road to the south of the bridge. Additionally, footpaths 351/2/1 and 352/6/1 run through the site, along the northern bank of the River Usk and east-west across the site, respectively.

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

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

1.2 Value Added

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

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

1.3 Proposal Description

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

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

1.3.3 Study findings to date, suggest that many people who would otherwise walk or cycle between Llanfoist and Abergavenny are deterred. This is due to the poor pedestrian and cycling connections provided via the existing Abergavenny Bridge crossing over the River Usk, as well as through Castle Meadows. Those with impaired mobility are particularly disadvantaged by the current poor connections. Key issues relevant to the scheme's area have been identified during the early stages of the study and are summarised below:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1.3.16 Re-seeding has been proposed along the edges of the Active Travel routes to aid integration into the landscape and also offer visual mitigation. Part of the proposed

development is also to replace the existing kissing gates with a solution that offers a free flow to all users and compliance with the Active Travel Act. In addition, the cattle currently present within the meadows need to be prevented from escaping. Therefore, a hybrid solution including a cattle grid and a self-closing gate with an easy latch has been proposed.

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

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

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

1.4 Environmental Impact Assessment

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

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

1.5 Habitats Regulations Assessment

1.5.1 NRW have reviewed the Authority's initial Habitats Regulations Assessment (HRA). At this stage, NRW cannot agree to the conclusions of the Appropriate Assessment (AA) until further information and assessment has been carried out. As such, further assessment of

potential disturbance impacts from use of the path has been carried out. Additionally, further mitigation measures have been provided including additional planting along the riverbank to provide screening for otter and water vole. Full details of further information needed is included in the response from NRW below.

1.5.2 The additional information requested by NRW will inform an updated HRA and Appropriate Assessment which will be carried out by the Local Planning Authority. The HRA will be sent to NRW for re-consultation once complete. The application cannot be determined until a response from NRW is received. As such, the application is put before Planning Committee for a resolution to approve the proposed development pending agreement of an updated Appropriate Assessment.

2.0 RELEVANT PLANNING HISTORY (if any)

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

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

SD3 LDP Flood Risk
 MV3 LDP Public Rights of Way
 MV4 LDP Cycleways
 DES1 LDP General Design Considerations
 DES2 LDP Areas of Amenity Importance

EP1 LDP Amenity and Environmental Protection
G11 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development

Conservation Area Appraisal

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

4.0 NATIONAL PLANNING POLICY

Future Wales - the national plan 2040

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

Planning Policy Wales (PPW) Edition 11

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

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

Active Travel (Wales) Act (2013)

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

Active Travel Guidance (2021)

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

Wales Transport Strategy (2021)

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

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

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

Technical Advice Notes

TAN 5, Nature Conservation and Planning (2009)

TAN 12, Design (2016)

TAN 15, Development and Flood Risk (2004)

TAN 18, Transport (2007)

Other Guidance

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

Include new River Usk walking & cycling bridge linking Abergavenny with Llanfoist and further elements as identified through the active travel mapping exercise and consultation. These may include new / improved cycle lanes / paths / contraflows, footpaths, junction/crossing facilities, cycle parking / storage, route signage, dropped kerbs / continuity across side roads.

The plan development may also identify road safety, safe routes and public transport elements which will be taken forward through Road Safety capital schemes, Safe routes in Community Schemes or as PT schemes.

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

5.0 REPRESENTATIONS

5.1 Consultation Replies

Abergavenny Town Council - Recommend approval.

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

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

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

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

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

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

Natural Resources Wales (NRW) - (Comments as of 15.03.2023). We have concerns with the application as submitted because inadequate information has been provided in support of the proposal. To overcome these concerns, you should seek further information from the applicant regarding Protected Sites. If this information is not provided, we would object to this planning application. (Further details of additional information required provided).

We also advise that based on the information submitted to date, conditions regarding Protected Sites and Protected Species should be attached to any planning permission granted. Without the inclusion of these conditions, we would object to this planning application.

We have reviewed your Authority's Habitats Regulations Assessment (HRA), which was sent to us after the planning consultation. As this stage, we cannot agree to the conclusions of the Appropriate Assessment (AA) until further information and assessment has been carried out.

Flood Risk: The planning application proposes less vulnerable development. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) as

contained in TAN15 and the Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zone 3 (Rivers).

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

Section 6 of the FCA states 'the proposed footpaths will supplement the existing footpaths crossing the floodplain and are to be constructed at existing ground level and designed to be flood resilient. On this basis, the proposed footpaths will have no impact on flood risk elsewhere, as there will be no impedance of flood flows and drainage will mimic the existing regime.' We do not dispute these conclusions and consider them valid in flood risk terms. Flood Risk Activity Permit - Please advise the applicant that the Environmental Permitting Regulations (2016) require them to obtain a bespoke Flood Risk Activity Permit for any works or structures located in, under, over or within 8 metres of the bank top of the River Gavenny, a designed "main river".

MCC Biodiversity – Holding Objection.

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

Protected Sites: The River Usk Special Area of Conservation (SAC) and Lower Usk Site of Special Scientific Interest (SSSI) is located within the site. Additionally, River Gavenny Site of Importance for Nature Conservation (SINC) is located within the south-eastern section of the site. As requested, clarity has been provided regarding the temporary/alternative routes to be used during construction. These will be provided post planning permission with further details including potential impacts and management to be provided within the CEMP.

The LPA have undertaken a Habitats Regulation Assessment (HRA) Appropriate Assessment using information submitted by the applicant. In NRW's response dated 15 March 2023, concerns have been raised and they have not agreed with the conclusion of no likely significant effect on the SAC.

NRW have requested further information in order to update the Appropriate Assessment. Further assessment of potential disturbance impacts from use of the path is carried out. Additionally, further mitigation measures have been requested including additional planting along the riverbank to provide screening for otter and water vole. Full details of further information needed is included in the response from NRW and should be considered carefully.

The additional information requested by NRW must be provided before an updated HRA and Appropriate Assessment can be undertaken. The HRA will be sent to NRW for re-consultation once complete. The application must not be determined until a response from NRW is received.

No lighting strategy has been submitted to date. As agreed in the response note any lighting will need to be considered sensitively for bats. A lighting plan for the site will be required to prevent any impacts on nocturnal species. We will need to secure the details of any lighting

proposed, we recommend that a condition for a lighting plan is included on any permission granted.

The proposed biodiversity enhancement measures are broadly acceptable and are illustrated on The Green Infrastructure plan (Drawing number 70086673-WSP-EV-DR-LA-0101 P02) and Landscape Mitigation Plan (Drawing number 70086673-WSP-EV-DR-LA0102 P03).

These plans will need to be updated following addition of extra mitigation and enhancement as a result of the further assessments as requested by NRW in their comments.

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

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

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

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

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

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

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

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

5.2 Neighbour Notification

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

1. Visual Impact and the Environment:

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

and exits for cyclists, but have the massive disadvantage of allowing access to the Meadow of unauthorised motor vehicles such as motorbikes which would create vast destruction to the Meadow. It would be naive to think that putting up a few signs would deter anti-social people with cars and motorbikes. Also, slow closing gates would not necessarily keep the cows on the Meadow.

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

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

- Abergavenny's waters are truly fortunate to be frequented by Otters, with stories of their sightings being cherished among the locals. Its difficult to convey the level of anger I feel at the thought of them being disturbed and potentially driven away by this unnecessary project. Surely their loss is unforgivable.
- It is hard to understand why this plan should proceed when it clearly De-wilds a lowland flood plain, undermining its biodiversity and at the same time, promotes climate change. Shouldn't the ambition be Re-wilding, increasing biodiversity and reducing climate change?
- The proposals will take way a large part of this precious habitat. Plans to plant replacement trees and plug plants are unrealistic on a flood meadow with public access. Experience has proved that neither will remain.
- Ecological surveys that have been offered in the planning are inaccurate or lack fine detail.
- Alarmed at the fact that the Environmental Impact Assessment has not been deemed necessary.
- Cattle grids are known to be dangerous for both wildlife and dogs. Wildlife fall in & suffer slow painful death as they can't get out.

2. Conflict Between Cyclists and Other Users:

- Don't understand why we need to make the Castle Meadows more accessible for cyclists when it is used so heavily by dog walkers. A lot of dogs are reactive to cyclists and can run free down Castle Meadows. Cyclists can use the road to get into town so why do they require more access at dog owners expense?
- Castle Meadows are for recreation and nature, not a transit route. While the plans might take a few cycles off the road, the wider paths would reduce green space (grass) thus counteracting any beneficial environmental effects.
- This is the one area locally where dogs can be allowed to run freely off lead without the danger of running into a road or scaring sheep and is a wonderful place to both exercise and socialise pets, getting them used to playing with other dogs.
- General safety concerns are apparently satisfied solely by widening the tracks and providing a smooth surface, elements which would have the opposite effect by making travel faster for cyclists at the expense of the safety of existing users. Raised kerbs are a trip hazard, and would make it even more tricky for pedestrians quickly to step aside.
- Would like a path on the meadows that is even, well drained and maintained for pedestrians, children and dogs and without the hazards and stress of cyclists. They should be on the roads. If they want to come through the meadows then do so, but walk and push your bike.
- Cyclists must be encouraged to slow down and respect the area they are crossing. Wide, smooth paths and cattle grids are not the way to achieve this.
- My experience as a daily dog walker over the last 13 years has been that a high number of cyclists on the existing path show no regard for other users, their children and/or dogs.
- The speeds some cyclists go at are dangerous to everybody and I am fed up with the verbal abuse to get out of the way. On more than one occasion I have seen children and dogs put in jeopardy. I fear a 3m wide path would become a highway to hell for existing users and all non-cyclists.
- The speed the occasional bikes going past is ridiculously fast and have knocked people over! Feel dictated to by the minority again.
- The Shared Active Routes Policy requires where possible routes to leisure areas should be separate from routes taking you direct to a destination. Options which keep routes for families with young children, those hard of hearing or with mobility issues and dog walkers to be as free as possible from potential conflict with cyclists are needed.

- We pedestrians enjoy the open meadows, the riverside and the beauty of the trees and ponds through the seasons. We vary from parents and grandparents with buggies and small children, to dog walkers and elderly folk. At present, the odd bikers we encounter are usually considerate and respectful towards those walking. The pathways are safe. However, the thought of groups of cyclists speeding along the tarmac behind or towards one is not something to relish.
- People need somewhere to relax take they young children, dog and not worry about cyclist doing very fast speeds. The Meadows will become a place of confrontation between cyclist and walkers.
- Could cyclists be separated from walkers?
- Concern about the cows as a friend was chased and mauled, having to be airlifted to hospital. Can the cows be restricted to certain areas?
- The presence of cyclists travelling across the Meadows and those there for leisure purposes is likely to cause conflict and ultimately an accident.
- Sadly cyclists don't take into consideration of the speed they go past small children and elderly people who can't get out of the way quick enough it will be an accident waiting to happen.
- Please don't allow cyclists to take over our beautiful meadows and river as well as the roads and canal paths. People need a safe place to walk as well. Some spaces should be sacred, Castle Meadows is one of them.
- Cattle grid access is unacceptable - motor cycles will be attracted making walking dangerous.
- The speed at which cyclists travel will be a danger to children, people, and pets as well as themselves.

3. Cost of the Proposed Works:

- The cost of this scheme at a time of public spending cuts and increases in council tax is unacceptable. Priorities spending on education and social care. These are unprecedented times not experienced since the 1980s and a scheme like this is not a priority at this time.
- Waste of money at a time, when families are surviving on food banks. Health & Safety should be the priority and that should focus on an alternative to the present historic bridge for pedestrians and cyclists and for the safety of walkers on the meadows.
- A wider road seems money wasted. The present concrete block path is a bit rough but has survived numerous heavy floods and is virtually maintenance free.
- Why is M.C.C. contemplating a major, non-essential expenditure at the same time as planning huge cuts in funding for essential services and rises in costs for local businesses?
- Consider the current proposals to be excessive and a waste of public funds.
- The use of limited public funds on a controversial and excessively urban scheme when Monmouthshire County Council is considering budget cuts to adult social care and children's services, as well as reduced opening times for community hubs and leisure centres, as part of its 2023 budget. Surely the money allocated to Castle Meadows Active Travel Scheme would be better spent on maintaining (or even enhancing) these existing public services and supporting those most in need?
- 50k spent building a new bridge over the Gavenny that provides flat access to the meadow. It wastes money to accommodate rerouting of cycle path not wanted.
- It's a flood plain, any path that is made will be permanently in a state of disrepair with the flooding.

74 representations supporting the proposed development for the following reasons:

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

required of the Active Travel (Wales) Act, the whole scheme, including the new bridge, is unlikely to receive funding from the Welsh Government.

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

- Changes in the way we modernise cycling infrastructure should be encouraged at all levels.
- The young riders needing to get from Abergavenny to Llanfoist and Gilwern will be able to use this proposed route to access the Velo Park safely.
- Schoolchildren, increasingly riding to school regularly, will appreciate the improvement and will be far safer, so more will cycle, which will remove some school-run cars from the roads. There is currently no "safe" route into Abergavenny town centre via bicycle and this plan would make a great difference.
- This may encourage road users to use their cars less for shorter journeys resulting in less traffic and a reduction in pollution.
- Walking and cycling are not only a means of getting from a to b they bring benefits of physical and mental well-being. This is of course good for the community and could have the added benefit of reducing some of the pressure on the NHS.
- This scheme through Castle Meadows is a great example of what the council should do more of.
- As a long boarder the smoother the paths around Abergavenny the better.
- Our behaviours need to change and we need to walk or cycle to local events rather than get in our cars so any development that enables this behaviour change is necessary.

Other General Comments Received:

- Whilst the application is focussed on the Castle Meadows pedestrian/cycle route there appears to be no information on the new footbridge and how this connects with onward pedestrian/cycle/canal towpath routes starting at Llanfoist Crossing car park.
- My only concern is around how pedestrians and cyclists are kept apart. People often walk on cycle paths to the frustration of cyclists and the last time I checked our dog is unable to read road signs that tell it not to walk in certain areas.
- In order to access these traffic free routes at the Llanfoist Crossing car park from the new river footbridge, there needs to be a safe way for pedestrians/cyclists to cross over the very busy Merthyr road which is currently a hazardous crossing.
- I would encourage a future consultation with the community who use the meadows after the installation/construction to fine tune any issues with access, use and integration with the new bridge.
- I would support provision of a place to lock bikes up so people can use bikes to get to the meadows then explore further on foot.
- Improving the paths on the meadows will be great, but I feel unusable at nights and in winter since there will be no lighting.
- The proposals are sensible for pedestrians, disabled access. Cyclists have no place there. They inconvenience motorists around Abergavenny already, why now in our beautiful meadow? They will as usual have little regard for children and other path users. With the ever increasing use of powered cycles, the 15-20mph speed of these is dangerous there.
- Has the longevity of the resin bonded paving, which has been shown to be less resilient than a tarmac finish, been taken into consideration?
- A year ago, a petition with almost 200 signatures was duly completed by interested parties and submitted to MCC. The petition asked for other surfaces (not tarmac) to be used and further proposed that the installation of cattle-grids/gates be scrapped and an alternative be found. An acknowledgement from MCC that the petition had been received was the last we've heard. It appears that MCC has little or no regard for the public voice. The petitioners would appreciate some feed-back even at this late date.
- The opinions of The Friends of Castle Meadows and those of the farmer whose cows graze the meadows are not represented.

- In the Welsh Government Policy on shared Active Travel routes there is a distinction between shared routes to reach a destination and routes that are shared with a leisure area. Castle Meadows is a leisure area. Although the NCN 46 route currently follows the existing path there is no reason not to change it to a more appropriate route if that can be agreed.
- The meadow is mown by the farmer at least once a year and frequent visits by tractor are made during the winter period. The established paths stand up well to being crossed by farm vehicles. What reassurances are there that the proposed path with its concrete kerb will be as resilient.
- The new plan shows cattlegrids 2m wide and no measures to deter motorised vehicles, nor are there any measures to slow down cycles as they approach the entrance.
- The proposed upgraded 2m wide track alongside the castle should have speed reduction measures.
- A planning committee tour of all the proposed links should be undertaken and by cycle for those who have one.
- The Phase 2 proposal to create a link with Station Road and onwards to the station needs to be considered now and not wait until after the current proposals have been determined.

Alternative Options Suggested:

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

maintenance/repair. The Grasscrete has already demonstrated that it can withstand 30+ years of flooding with minimal maintenance.

- I don't object to improving Castle Meadows but feel maybe the roads in the Abergavenny area should take priority over a cycle path which is rarely used.
- Instead of building a new structure why not just make the existing bridge one way if at all do able.
- Have MCC considered having a separate cycle path on the other side of the field?

5.3 Other Representations

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

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

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

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

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

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

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

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

While we have no objection to the proposed gates and cattle grids, there may be some trespass by motorcycles; this would be a site management problem rather than a planning matter. The right-angled junction between the riverside path and the route towards the castle

seems likely to provoke corner-cutting and it may need management action to deter this. The application has much to say about landscape and wildlife management (for the first five years) but nothing about path management responsibilities and resources.

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

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

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

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

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

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

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

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

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

The following is a summary of the objections raised. The comments from the Friends of Castle Meadows can be read in full on the Council's website:

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

The proposal is that the new and replacement pathways be at least 3 metres wide in order to be compliant with Active Travel Wales requirements where there is mixed use (walkers, cyclists etc.) and, therefore, qualify for the Welsh Government grant monies. We do not believe that the applicants have made any attempt to query whether the general stipulation that such paths be at least 3 metres wide should apply in such an environmentally valuable location, one which runs alongside an SSSI. In addition, the requirement that the cycle route must be 3 metres will mean the demolition of the relatively recently built footbridge over the River Gavenny and its replacement.

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

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

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

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

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

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

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

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

Tree planting may not sequester net carbon for 10-20 years. The focus should be on grassland restoration not covering up meadowland by planting trees. Floodplain meadows trap sediment

& excess nutrients during floods. Phosphates contained in the sediment left by floods is trapped by the Meadow it is then exported in terms of the annual hay crop.

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

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

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

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

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

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

In 2016 16 species of dragonfly were recorded. Castle Meadows is recognised as a sight of significance by the British Dragonfly Society. Invertebrate sampling in the Large Pond indicates that this is a pond of relatively high quality however the large Pond (P4 ref figure 4 & table 3.5) is described in the ATP as being below average. Why the discrepancy? At Gland in Switzerland, in 2021, the International Union for the Conservation of Nature (IUCN) stated that the destruction of wetlands is driving the destruction of dragonflies worldwide. Furthermore the planting of trees to absorb water from the Meadows could affect the water-table & erode the

area of wetland our 16 species currently inhabit. If the amount of grazing land diminishes then fewer cattle can graze resulting in less dung as a food source for the Hornet Robber Fly.

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

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

Abergavenny and Crickhowell Friends of the Earth – Support the development:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In replacing the existing Riverside Walk with the new 3m footpath, consideration should be given for potential reuse of the current Grasscrete blocks, which could be recycled to support and improve some of the other popular routes and desire lines.
ADF is ready to engage in a constructive dialogue to assist in necessary amendments to the current plan.

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

6.0 EVALUATION

6.1 Principle of Development

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

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

6.1.2 The proposed development will promote sustainable forms of transport by providing active travel routes throughout Castle Meadows. This will improve access across Castle Meadows and links with the surrounding area in Llanfoist, Abergavenny Town Centre and Abergavenny Rail Station. The proposal also seeks to replace the existing River Gavenny

footbridge to remove conflict between users and improve access for all users. As such, the proposed development accords with the provisions of LDP Policy S16.

6.1.3 LDP Policy S17 (Place Making and Design) states that proposals must include and promote high quality, sustainable inclusive design which respects local distinctiveness, respects the character of the site and its surrounding. The proposal is in line with this policy as it will upgrade the existing pedestrian and cycle routes within Castle Meadows to create an Active Travel Scheme. The paths will be widened and resurfaced with a hard bound surface to create connected routes that are accessible by all users.

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

6.2 Good Design / Placemaking

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

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

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

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

6.2.5 Data within the public consultation, along with counter data, demonstrates significant usage with a desire for further growth. The proposal seeks to improve the existing PRoW to create a continuous Active Travel route that aims to add to the utility and enjoyment of Castle

Meadows. The proposed development has been specifically designed with the convenience, safety and visual amenity of users in mind by widening the footpath to 3m and surfacing the routes with a resin bonded surface to create a continuous smooth route. It aims to improve accessibility for all users, including those with limited mobility.

6.3 Green Infrastructure

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

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

6.4 Landscape (including Trees)

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

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

6.4.3 Historically important communications route heavily defended with evidence of roman, Norman and medieval occupation leaving behind a legacy of castles and watchtowers bordering this landscape. Settlement outside of adjacent urban pockets is limited; with small-scale villages, country estates and large farmsteads.

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

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

6.4.6 In order to support the above plans, a Landscape Management Plan (LMP) has been prepared and submitted with the application. The LMP is a working document, which intends to guide those responsible for the protection, establishment and management of the landscape and ecology elements associated with the Proposed Development. The key objectives of the LMP are to provide details of the habitat creation, ecological enhancement and soft landscaping within the Proposed Development Boundary and agreed surrounding area.

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

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

6.5 Historic Environment

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

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

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

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

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

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

6.5.5 Non-designated heritage assets recorded in the Glamorgan and Gwent Archaeological Trust (GGAT) Historic Environment Record are located within the vicinity of the Site. This

includes below ground archaeological Sites of medieval remains within the vicinity of the castle.

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

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

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

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

6.6 Biodiversity

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

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

6.6.3 It is understood that no trees will be removed for the proposals and root protection areas will be put in place. Construction work for the proposed development will need to be undertaken in line with a Construction Environmental Management Plan (CEMP) including

specific method statements for otter and pollution prevention. This can be secured via condition if Members are minded to approve the application.

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

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

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

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

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

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

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

6.6.11 It is understood that during construction, alternative pedestrian access will be required within the site at all times. The temporary/alternative routes do not form part of the red line application boundary as they do not require the benefit of planning permission. As such, details relating to temporary/alternative routes will be provided post planning permission, with details of locations, any impacts (i.e. on the existing grassland habitats, root protection areas, etc.) and management (i.e. re-instatement of grasslands and protection of roots, etc.) to be included within the CEMP and Ecological Management Plan (EcMP).

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

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

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

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

- ii. There is no satisfactory alternative; and

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

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

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

The applicant has provided additional information requested by NRW which will inform an updated HRA and Appropriate Assessment. The HRA will be sent to NRW for re-consultation

once complete. **The application should not be finally determined until NRW have agreed the updated HRA.**

6.6.14 Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The ecological report includes details of proposed enhancement measures to include;

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

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

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

6.7 Impact on Amenity including Shared Use of the Paths

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

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

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

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

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

6.8 Sustainable Transport

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

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

6.9 Flooding

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

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

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

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

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

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

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

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

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

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

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

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

6.10 Drainage

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

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

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

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

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

6.11 Response to the primary representations of Third Parties

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

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

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

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

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

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

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

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

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

6.13 Conclusion

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

7.0 RECOMMENDATION: APPROVE (subject to agreement of an updated Appropriate Assessment (HRA) under the Habitats Regulations)

Conditions:

1 This development shall be begun within 5 years from the date of this permission.
REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

2 The development shall be carried out in accordance with the list of approved plans set out in the table below.
REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 No development or phase of development, including site clearance, shall commence until a Construction Environmental Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include:
o General site management: details of the construction programme including timetable, details of site clearance, details of site construction drainage, containment areas, appropriately sized buffer zones between storage areas (of spoil, oils, fuels, concrete mixing and washing areas) and any watercourse or surface drain.

- o Resources management: details of fuel and chemical storage and containment, details of waste generation and its management, details of water consumption, wastewater and energy use.
- o Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- o Details of the persons and bodies responsible for activities associated with the CEMP (including ecological clerk or works) and emergency contact details.
- o Pre-construction inspections of all potential holts/otter resting features and any potential for additional otter holt and planting to be provided.
- o Details regarding construction lighting and confirmation that no operational lighting will be permitted.
- o Generic measures for protecting otters and fish during construction.

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

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

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

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

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

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

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

REASON: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features in accordance with LDP Policies LC5 and GI1.

7 The site shall be managed in accordance with the approved Landscape Management Plan 70086673-wsp-lmp-la-rp-0001.

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

- 8 Prior to its installation, full details of construction lighting shall be submitted to and agreed in writing by the Local Planning Authority. The Lighting Plan should include:
- o Details of the siting and type of external lighting to be used.
 - o Drawings setting out light spillage in key sensitive areas, in particular the River Usk corridor and all retained riverside vegetation.
 - o Details of lighting to be used during construction.
 - o Timings of when lighting will be used.

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

REASON: A Lighting Plan should be submitted to ensure construction lighting details are agreed prior to installation and to reduce the impacts of lighting in the interest of protected species, and their habitats and commuting corridors.

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

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

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

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

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

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

INFORMATIVES

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

2 Please note that Bats are protected under The Conservation of Habitats and Species (Amendment) Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. If bats are found during the course of works, all works must cease and Natural Resources Wales contacted immediately. Natural Resources Wales (NRW) (0300 065 3000).

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

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

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



Appeal Decision

by N Jones BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 2023-03-09

Appeal reference: CAS-02336-N9Q0R9

Site address: Cefn Coed Farm, Nannys Lane, Kingcoed, NP15 1DS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Robins against the decision of Monmouthshire County Council.
 - The application Ref DM/2022/01298 dated 5 September 2022 was refused by notice dated 20 October 2022.
 - The development proposed is erection of porch on northern elevation.
 - A site visit was made on 14 February 2023.
-

Decision

1. The appeal is allowed, and planning permission is granted for erection of porch on the northern elevation at Cefn Coed Farm, Nannys Lane, Kingcoed, NP15 1DS, in accordance with the terms of the application, Ref DM/2022/01298 dated 5 September 2022, subject to the conditions set out in the schedule to this decision letter.

Procedural Matter

2. Planning permission was granted to convert the barn into a dwelling under permission reference DC/2015/00705, and further alterations to the barn were approved under permission reference DM/2022/00620. Conversion works were ongoing at the time of my visit. The application is solely for the erection of a porch on the northern elevation, and I have considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the building and the wider area.

Reasons

4. The barn is a large stone structure more or less parallel with a minor road and forming part of a complex of residential units and other buildings around an internal courtyard. The proposal seeks to add a porch to the north elevation of the building which faces away from the road.

5. Monmouthshire Local Development Plan (LDP) Policy H4 deals with the conversion and rehabilitation of buildings in the open countryside for residential use. Its criteria are also applied to proposals to extend buildings that have already been converted, including that the form, bulk and general design of the proposal, including any extensions, respect the rural character and design of the building. I saw that the proposed porch would be subordinate to the host building. It would be set down well below the high eaves of the barn and its width would occupy only a short length of that building's north elevation, and so would be subservient to it in bulk and form. Its proposed arrow split opening would reflect existing openings in the barn. It would also utilise stone and timber cladding, respecting existing external materials. From its front, its proposed function as a porch would be discernible. Even so, I consider the intended angular form, flat roof and glazing would create a contemporary feature which would not be overtly domestic in appearance. Due to its modern form, it would not follow the existing traditional agricultural character of the building advocated within the Council's adopted Supplementary Planning Guidance 'Conversion of Agricultural Buildings Design Guide' (SPG). Nevertheless, it would be visually distinguished from the host building and so retain the barn's identity as the primary building.
6. In terms of its effects on the character and appearance of the wider area, the proposal would be largely screened from roadside views by the barn and other buildings. Moreover, from its rear and side, I agree with the appellant's contention that the proposed timber-clad indented rear wall of the porch and its parapet stone wall projection would largely create the effect of a garden wall, respecting the rural setting of the building. I saw that localised short views of the proposal would be available from the nearby public footpath. However, in these views, the proposal would be seen in the context of other buildings as well as the contemporary feature of the large opening in the rear elevation of the curved roof barn alongside. Given this, together with its proposed subservient scale and stone finish, it would respect the existing form of the setting and rural character of the building.
7. I conclude that the proposal would not harm the character and appearance of the building or wider area. It would therefore comply with LDP Policy H4 and Policy DES1 which states that all development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment by, amongst other things, respecting the existing form, scale, siting, massing, materials and layout of its setting. It would also align with the objectives of SPG advice.

Other Matters

8. I have had regard to the appellant's contention regarding the structural function of the proposed porch in creating stability to the main barn. However, the engineer's report doesn't demonstrate that this is the only available option for this part of the building. I therefore afford this aspect little weight. My attention was drawn to other conversion schemes in the locality where additions to buildings have been permitted. However, their scale and nature are different to the appeal proposal which I have considered on its individual merits.

Conditions

9. I have considered the Council's suggested conditions in the light of Circular 016/2014 The Use of Planning Conditions for Development Management ('the Circular'). I agree that a condition requiring a scheme of biodiversity enhancement is necessary so that the development is in accordance with national planning policy.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

11. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's wellbeing objectives as required by section 8 of the Act.

N Jones

INSPECTOR

SCHEDULE OF CONDITIONS

1. The development shall begin not later than five years from the date of this decision.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990.
2. The development shall be carried out in accordance with the following approved plans and documents: 4b /Por01 Proposed Courtyard Entrance Porch, Location Plan.
Reason: To ensure the development is carried out in accordance with the approved plans submitted with the application.
3. Prior to the commencement of development, a Scheme of Ecological Enhancement Measures and a Detailed Implementation Timetable shall be submitted to and approved by the Local Planning Authority. The Ecological Enhancement Measures shall thereafter be undertaken in accordance with the approved scheme and Implementation Timetable and retained thereafter for the lifetime of the development.
Reason: In the interests of maintaining and enhancing biodiversity, in accordance with Future Wales Policy 9.

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Appeal Decision

by I Stevens BA (Hons) MCD MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 2023/04/18

Appeal reference: CAS-02142-Q6P2P9

Site address: Pathways, Vinegar Hill, Undy, Monmouthshire, NP26 3EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Peter Whitfield & Mrs Sonia Whitfield against the decision of Monmouthshire County Council.
 - The application Ref DM/2021/02078, dated 21 December 2021, was refused by notice dated 22 July 2022.
 - The development proposed is erection of one detached residential dwelling.
 - A site visit was made on 20 March 2023.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The submitted planning application description was for a four-bedroom detached dwelling. Following negotiation with the local planning authority (LPA), the proposal was amended to a two-bedroom detached dwelling. Revised plans were submitted and determined by the authority, with that scheme and the corresponding plans forming the basis of this planning appeal.

Main Issues

3. The main issues are:
 - The effect of the proposed development on highway safety; and
 - Whether the proposal makes adequate provision for affordable housing.

Reasons

Highway safety

4. The appeal site comprises an irregular shaped portion of land, which is located along the private access driveway within the wider grounds of a detached dwelling known as

Pathways. The driveway runs between two dwellings from its access point off Vinegar Hill before reaching the appeal site, at which point the route bends and continues towards Pathways. The area topography varies, with the appeal site sloping down from its northern boundary alongside the driveway, towards its southern boundary with a neighbouring dwelling, Walnut House. The grounds of another dwelling, Gwyn Royson, are adjacent to the eastern boundary of the appeal site. The western boundary of the appeal site adjoins land within the grounds of Pathways which benefits from planning permission for two dwellings (LPA reference: DM/2020/00234).

5. The proposal would share an access with Pathways and the two dwellings approved under Ref: DM/2020/00234. The Council refers to several design standards for private shared driveways set out in the Welsh Government Common Standards, released in June 2020. However, the status of such standards is unclear, and in any event, I have not been provided with a copy of the document or any evidence of their use within Monmouthshire. Given the lack of clarity on these matters, I am unable to attribute them significant weight in the determination of the appeal. I shall therefore assess the practical risks to highway safety within the context of the site constraints and the wider planning policy framework.
6. In considering such matters, it is necessary to note that the approved scheme for two dwellings includes highways improvements to the existing access driveway to accommodate the anticipated increase in vehicle movements. A minimum width of 4.1m for the first 10m along the access from Vinegar Hill was agreed, as indicated on the approved plans. The appellant has provided evidence that the planning conditions pertaining to the highway improvement works have been discharged and I could see that some works were underway during my site visit. I am therefore satisfied that such works can be considered as part of the assessment of this appeal.
7. The 4.1m width at the access point would comply with advice in the Council's Infill Development Supplementary Planning Guidance (SPG), adopted in November 2019. However, the driveway width varies along its approximate 39m length, with sections falling below the recommended dimensions, and the resulting likelihood that only one vehicle could travel along sections of the driveway at any given time. However, I recognise that the proximity of the two dwellings either side of the driveway constrains its width. I am also mindful that the SPG represents guidance only and does not have the same status as planning policy. Indeed, such advisory figures should be applied to the circumstances of each case having regard to the available evidence.
8. In this instance, the narrow driveway width would not promote high speeds along this route and most vehicle users would exercise caution when manoeuvring to and from the grounds of Pathways. The driveway is also relatively straight between its access off Vinegar Hill and the bend. As such, there would be good visibility of oncoming traffic and drivers could pull into the entrance side if another vehicle needed to pass along the driveway. I recognise that on occasions, reversing manoeuvres may be required between the access entrance and the appeal site. However, given that the amount of traffic generated by the proposal would not be significant on top of the approved scheme, I would not equate this with any serious risk to highway safety.
9. The approved plans for the two-dwelling scheme include a vehicle passing place within the wider site area, adjacent to the appeal site boundary on the opposite side of the driveway. These works, along with the widened access point off Vinegar Hill, would further improve arrangements for manoeuvring along the driveway. At both ends of the driveway, if vehicles had to reverse, it would only be for a short distance away from the bend into one of the passing places. Pedestrians navigating the driveway could also seek

refuge from oncoming vehicles in the passing places or along grass verges adjacent to the appeal site.

10. Although not cited in the reasons for refusal, the Council has also raised concern that private shared driveways must incorporate a turning area to facilitate vehicle access and egress from the shared driveway in forward gear. A turning area would be located adjacent to the appeal site as part of the approved two-dwelling scheme. This turning area would also facilitate access and egress from the shared driveway in a forward gear for the dwelling subject of this appeal. Given my conclusions on the access driveway in the circumstances described, the proposed arrangements would be acceptable.
11. Having regard to the low traffic volume, the domestic use of the driveway, and the driveway width and alignment, I have little evidence to suggest that the proposed additional dwelling would give rise to any significant highway safety risks. The proposal would therefore comply with the relevant highways considerations set out in Policy MV1 of the Monmouthshire Local Development Plan (LDP), adopted in February 2014.

Affordable housing

12. Policy S4 of the LDP sets out locations and thresholds where it is expected that affordable housing contributions would be made. Under the policy criteria, the appeal proposal would provide a financial contribution towards affordable housing provision in the local planning authority area. The calculation is based on advice contained in the Affordable Housing Supplementary Planning Guidance (SPG), adopted in July 2019.
13. The appellant is agreeable to the principle of providing for affordable housing. However, no formal agreement is in place to secure the provision. While the appellant refers to past applications having initiated such contributions once planning permission has been granted, the Affordable Housing SPG advises that prior to obtaining planning permission the applicant will need to enter into a Section 106 legal agreement to pay the financial contribution, with the contribution liable to be paid on completion and prior to occupation of the appeal dwelling. Welsh Government Circular 016/2014 'The Use of Planning Conditions for Development Management' advises that matters such as payments to be made to the local planning authority are more appropriately required through a planning obligation, and in this instance, I consider that a planning obligation is necessary. In the absence of a binding agreement, the proposal would not make adequate provision for affordable housing, contrary to LDP Policy S4 and the advice in the Affordable Housing SPG.

Other Matters

14. Interested parties refer to procedural issues with the planning application. As I am dealing with the planning merits of the proposal, it is not for me to comment on the process that led to the decision being issued. There are other means for interested parties to raise any issues with process, outside of this planning appeal.
15. There are also claims that the appeal proposal would be unlawful due to the extant permission for two dwellings identifying the appeal site as amenity area. Whilst reference is made to case law, there is a different set of circumstances in terms of the site context and proposal. Any proposal on the appeal site would be considered on its individual merits, having regard to material considerations. It does not follow that because an application for two dwellings has been approved on land including the appeal site, that a separate application subject to detailed consideration of all technical matters, would necessarily be physically impossible or unlawful. It also does not follow that the appellant must reapply for planning permission for the entire site.

16. The rear elevation of the proposed dwelling would be positioned at an oblique angle to Walnut House to the south. Two narrow windows are proposed on the rear elevation at ground-floor level. The principal windows would be on either side elevation of the dwelling. The position of the two narrow windows prevents harmful overlooking of Walnut House, given their position towards the upper height of the ground-floor level and beneath the roof eaves. While noting the minor breach in separation distances between the facing elevations of both properties, as indicated in the Infill Development SPG, the guidance also advises that distances may be relaxed where the impact on privacy can be reduced, as is the case in this appeal.
17. I note that trees are proposed within the appeal site and set in from the boundary, which is in addition to the existing fence and vegetation. The comprehensive package of landscaping and screening measures could be secured by planning condition and would also prevent harmful overlooking of neighbouring properties, including the garden of Gwyn Royson to the east of the appeal site. In terms of the outlook from Walnut House, whilst noting the level differences, the relatively low ridge height of the proposed dwelling together with the distances and screening measures would ensure that the dwelling does not have an overbearing effect on the neighbouring property. Neither have I seen any suggestion that the proposal would have a detrimental impact on daylight levels into the habitable room windows of neighbouring properties. Overall, I am satisfied that the proposal would not have a harmful effect on the living conditions of occupiers of nearby properties.

Planning Balance and Conclusion

18. I have found that the proposal would not give rise to harmful effects on highway safety. Nevertheless, the harm and associated policy conflict associated with the absence of a completed legal agreement to secure affordable housing provision represents a compelling reason why planning permission should be withheld in this instance. For this reason, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.
19. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

I Stevens

INSPECTOR