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County Hall
Rhadyr
Usk
NP15 1GA

Monday, 8 July 2024

Notice of meeting:

Planning Committee

Tuesday, 16th July, 2024 at 2.00 pm,
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 the accuracy of the minutes of the previous meeting. | 1 - 4 |
| 4. | To consider the Planning Application reports from the Chief Officer, Communities and Place (copies attached) | |
| 4.1. | Application DM/2020/01438 - Development of 15 dwellings (9 affordable and 6 open market) and other associated development and infrastructure. land off Ty Gwyn Road, Little Mill, NP4 0HU. | 5 - 26 |
| 4.2. | Application DM/2024/00549 - Full planning application for a change of use from C2 (Residential Care Home) to Sui Generis for temporary emergency accommodation for the homeless and associated works. Severn View Residential Home, Mounton Road, Chepstow, NP16 5BS. | 27 - 44 |
| 4.3. | Application DM/2024/00355 - Creation of a Travellers' site incorporating four bespoke family related pitches with one static and touring caravan and day/utility room per pitch, emergency flood access access, installation of private treatment plant and ecological enhancements (partially retrospective) - new Stables, land opposite Llanccayo House, Abergavenny Road, Llanccayo, Usk | 45 - 136 |
| 5. | FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received: | |
| 5.1. | The Old Telephone Exchange, Crick Road, Crick.. | 137 - 140 |

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 Sara Burch | Cantref; | Labour and Co-Operative Party |
| County Councillor Jan Butler | Goetre Fawr; | Welsh Conservative Party |
| 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 |
| 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. 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?Committeeld=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

To become a zero-carbon county, supporting well-being, health and dignity for everyone at every stage of life.

Objectives we are working towards

- Fair place to live where the effects of inequality and poverty have been reduced.
- Green place to live and work with reduced carbon emissions and making a positive contribution to addressing the climate and nature emergency.
- Thriving and ambitious place, where there are vibrant town centres and where businesses can grow and develop.
- Safe place to live where people have a home where they feel secure in.
- Connected place where people feel part of a community and are valued.
- Learning place where everybody has the opportunity to reach their potential.

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) edition12
- 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 Habitat & Species Regulations 2017

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 June, 2024 at 2.00 pm**

PRESENT: County Councillor Phil Murphy (Chair)
County Councillor Dale Rooke (Vice-Chair)

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

OFFICERS IN ATTENDANCE:

| | |
|------------------|--|
| Craig O'Connor | Head of Placemaking |
| Philip Thomas | Development Services Manager |
| Andrew Jones | Development Management Area Team Manager |
| Paige Moseley | Solicitor |
| Richard Williams | Democratic Services Officer |

APOLOGIES:

County Councillor Su McConnel

1. Election of Chair

We elected County Councillor Phil Murphy as Chair.

2. Appointment of Vice-Chair

We appointed County Councillor Dale Rooke as Vice-Chair.

3. Declarations of Interest

None received.

4. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 8th May 2024 were confirmed and signed by the Chair.

5. Former Chair of Monmouthshire County Council Sheila Woodhouse

https://www.youtube.com/live/8zzQH0VSnxA?si=8xLaHAbh6l_qBKR6&t=285

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 June, 2024 at 2.00 pm**

6. Application DM/2020/01438 - Development of 15 dwellings (9 affordable and 6 open market) and other associated development and infrastructure. Land off Ty Gwyn Road, Little Mill, NP4 0HU

We considered the report of the application and late correspondence which was recommended for approval subject to the conditions outlined in the report and subject to a Section 106 Agreement.

<https://www.youtube.com/live/8zzQH0VSnxA?si=OUx-jryc5pxj6TN6&t=313>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Fay Bromfield and seconded by County Councillor Meirion Howells that consideration of application DM/2020/01438 be deferred to a future meeting of Planning Committee to allow officers to consult with Llanbadoc Community Council and local Members regarding this application.

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

| | | |
|---------------------------|---|----|
| In favour of the proposal | - | 11 |
| Against the proposal | - | 4 |
| Abstentions | - | 0 |

The proposition was carried.

We resolved that consideration of application DM/2020/01438 be deferred to a future meeting of Planning Committee to allow officers to consult with Llanbadoc Community Council and local Members regarding this application.

7. Application DM/2024/00384 - The change of use of agricultural land to facilitate the siting of a ground mounted solar array for use by Woodfield House. Woodfield House, Moor Lane, Pen Y Fan, The Narth

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

<https://www.youtube.com/live/8zzQH0VSnxA?si=r6KT4e9TR3SbWlzk&t=3475>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Maureen Powell and seconded by County Councillor Sara Burch that application DM/2024/00384 be approved subject to the conditions outlined in the report.

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

| | | |
|------------------|---|----|
| For approval | - | 13 |
| Against approval | - | 1 |
| Abstentions | - | 1 |

The proposition was carried.

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 June, 2024 at 2.00 pm**

We resolved that application DM/2024/00384 be approved subject to the conditions outlined in the report.

The meeting ended at 3.45 pm.

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Application Number: DM/2020/01438

Proposal: Development of 15 dwellings (9 affordable and 6 open market) and other associated development and infrastructure

Address: Land off Ty Gwyn Road, Little Mill, NP4 0HU

Applicant: Jones Bros c/o Agent

Plans: Landscaping Plan DETAILED SOFT LANDSCAPE PROPOSALS - Rev C, Other SITE SURVEY - , Site Layout 2414 00 (02)101 REV J - , Floor Plans - Proposed 2418 (03)-202 REV B - , Floor Plans - Proposed 2418-(03)-200 REV C - , Floor Plans - Proposed 2418-(03)-201 REV B - , Floor Plans - Proposed 2418-(03)-204 REV A- , Elevations - Proposed 2418-(03)-300 REV D - , Elevations - Proposed 2418-(03)-301 REV D - , Elevations - Proposed 2418-(03)-302 REV D - , Elevations - Proposed 2418-(03)-304 REV C, Site Sections 2418-630 - Rev A, Site Layout 418 00 (02)101 REV J

RECOMMENDATION: APPROVED SUBJECT TO SECTION 106 AGREEMENT

Case Officer: Ms Kate Bingham
Date Valid: 09.10.2020

This application is returning to Planning Committee following Members deciding to agree on a motion to defer the application at the meeting on Tuesday 4th June 2024. The reason for the deferral was to enable formal consultation with Llanbadoc Community Council as well as County Councillors Tony Kear and Meirion Howells (Llanbadoc and Usk dual Ward). When the application was originally submitted in October 2020 the site sat within Goetre Fawr Community Council and the Goetre Fawr Ward. Accordingly consultation at that time was undertaken with Goetre Fawr Community Council and then Ward Member for Goetre Fawr, Councillor Bryan Jones.

As noted in paragraph 1.3 of this report below, the application has been held in abeyance since early 2021. However, the administrative changes to Ward and Parish boundaries in May 2022 meant that the new Council and Members were not consulted.

Further to the deferral at the June Planning Committee the relevant consultations were undertaken on 4th June 2024.

PREVIOUS REPORT (4th June 2024 Committee)

This application is presented to Planning Committee due to 5 or more objections being received

1.0 APPLICATION DETAILS

1.1 Site Description

The application site is a parcel of land adjacent to the village of Little Mill, accessed off Ty Gwyn Road. Little Mill is a village largely comprising of dwellings with some local facilities situated in the south of the village on Berthin Road, including a public house, a church, village hall, multi-use games area, equipped play area and recreation ground. In addition, there are bus stops providing services to Cwmbran/Pontypool and Chepstow.

There are residential properties to the south of the site, a railway line to the north-west and open grazing land to the north and east. This grazing land forms the remainder of the field parcel of which the site forms a part, and is also within the control of the applicant.

The site as existing is open grazing land that slopes gently downwards from the railway line, in a north-west to south-east direction. The site's boundary with the railway line comprises mature trees and hedgerows, while the boundary with residential properties to the south comprises of their rear boundaries.

The site is allocated for the development of up to 15 dwellings in the LDP, 60% of which are to be delivered as affordable housing units. The application site is relatively small, extending to 1.84 acres (0.74 ha). However, the applicant has secured an interest in the wider field parcel situated between Ty Gwyn Road and Ty Draw Lane. This additional land is proposed to be used to accommodate a drainage basin, pumping station, electricity sub-station and strategic landscaping.

1.2 Value Added

Extensive pre-application consultation and engagement has been undertaken to ensure the acceptability of the proposed development. This has included two meetings with the Council and the carrying out of the statutory pre-application consultation (PAC) process with the local community. Through pre-application dialogue, Planning Officers confirmed that certain supporting infrastructure and associated development could be included outside of the allocated site's boundary. This includes drainage infrastructure, a substation and strategic landscaping. All 15 dwellings and 'usable' aspects of the development are included within the site allocation boundary.

Concerns raised at pre-application stage related to biodiversity gain, the inclusion of SuDS within the streetscape as well as how the swale links to the proposed basin and the landscape proposals around the pumping station and substation. In response to this the layout was revised to include a strategic landscaping buffer to screen the proposed pumping station and substation, and the buffer was also extended around plots 4 – 11, thus creating a defensible boundary.

1.3 Proposal Description

The application seeks permission for 9 no. affordable dwellings and 6 no. open market dwellings comprising the following house types:

- 6 x 4-bedroom detached houses (open market) labelled as Humberstone on the drawings
- 4 x 3-bedroom semi-detached houses (affordable)
- 3 x 2-bedroom semi-detached houses (affordable)
- 2 x 2-bedroom walk-up flats (affordable)

Access will be via a continuation of Ty Gwyn Road, with residential development either side. A turning head is proposed to allow residents and refuse vehicles to enter and exit the site. Off road parking is proposed for all properties. Overhead power lines cross the site and a grounding solution is therefore proposed.

Landscaping buffers are proposed around the residential dwellings and adjacent drainage infrastructure. A substation is also proposed on the periphery of the allocated site within the landscape buffer. Agricultural fencing will bound these areas to ensure the continued agricultural use of the remainder of the field.

The land owner has entered into an agreement with Pobl Group to deliver the scheme. The open market units will be marketed for sale by Pobl Living and the social rented units will be owned and managed by Pobl.

The application has been held in abeyance since February 2021 due to the River Usk failing Phosphate targets.

2.0 **RELEVANT PLANNING HISTORY (if any)**

| Reference Number | Description | Decision | Decision Date |
|-------------------------|--------------------|-----------------|----------------------|
|-------------------------|--------------------|-----------------|----------------------|

| | | |
|---------------|---|------------------|
| DM/2020/01438 | Development of 15 dwellings (including 9 affordable and 6 open market) and other associated development and infrastructure. | Pending Decision |
|---------------|---|------------------|

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New 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
 SAH11 LDP Main Villages

Development Management Policies

DES1 LDP General Design Considerations
 EP1 LDP Amenity and Environmental Protection
 EP5 LDP Foul Drainage
 GI1 LDP Green Infrastructure
 LC1 LDP New Built Development in the Open Countryside
 LC5 LDP Protection and Enhancement of Landscape Character
 NE1 LDP Nature Conservation and Development
 MV1 LDP Proposed Developments and Highway Considerations
 SD4 LDP Sustainable Drainage

4.0 NATIONAL PLANNING POLICY

Planning Policy Wales (PPW) Edition 12

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 as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well-being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Goytre Fawr Community Council - Concerns raised:

On review of the PAC in May 2020, the following comments were submitted to the developer:

- On plot car parking mostly consists of in tandem parking which is likely to result in more on road parking to avoid frequent car swapping on drives. A side by side parking arrangement in front of properties would work better. The inclusion of layby(s) for visitors would also improve the development and minimise congestion / obstruction.
- If not included, provision should be made for the later easy installation of e-vehicle charging points.

- c) The proposal should consider the inclusion of climate change mitigation measures such as heating assisted by ground / air heat pump, solar panels, etc. technologies, thus limiting the use of fuels such as gas, oil, bio-fuels etc.
- d) The SuDS surface water management plan was well taken by the review group, and praised.
- e) The site boundary should be extended to allow the inclusion of communal green spaces, play area, allotments / orchard etc. and to allow integration with existing play area at the end of Melyn Bach Avenue.
- f) There appears to be an overhead power line crossing the development site, this should be rerouted or otherwise run underground. No overhead services should be used on the site.
- g) Houses at the entrance to the development should follow the building line of existing residences.
- h) During construction temporary solid fencing should be used to shield adjacent residential properties. The movement of vehicles delivering construction materials should be restricted to after 09.30. The usual site working day should not start before 08.00.

On review of the current Planning Permission Application, DM2020/01438, the following points were concluded:

- i) The Pre-Application PAC Report, document reference 19.8140, does not adequately address points raised by the Community Council. Although mentioned in the PAC report it is not clear that the points have been properly considered. Evidence of proper consideration should be submitted before any permission is granted.
- j) It is recommended that allocation of 'Affordable Dwelling' units should be weighted in favour of existing local community members.
- k) With regard to County Council adoption of the street(s) after completion of the development, the criteria and timeline for adoption should be clearly defined as a condition of planning permission approval.

Natural Resources Wales – No objections subject to conditions.

Foul Drainage: Since our previous consultation response, dated 09/11/2020 (our ref: CAS-128586-N4X2), we note the application site is now within the catchment of the River Usk Special Area of Conservation (SAC). This application for the erection of fifteen dwellings proposes connection of foul water to the mains public sewer.

There appears to be no information or assurance from DCWW on whether the sewer network and associated WwTW has the hydraulic capacity to accommodate the additional wastewater, without contributing to an increase in frequencies or duration of storm overflows. Prior to determining this application, we advise you seek this final piece of information from DCWW, to enable you to conclude your HRA following our Planning Advice under the above referenced section.

European Protected Species: A European Protected Species (EPS) Licence is required for this development. We recommend you should only grant planning permission if you attach the following conditions to the permission:

- Condition 1: European Protected Species - Secure implementation of measures set out in section 5.2 (Bats) of the submitted Reptile and Bat Surveys.
- Condition 2: European Protected Species - Lighting Plan is submitted and approved to ensure lighting details are agreed prior to installation.

Flood Risk: We note the 'Flood Risk Assessment & Drainage Strategy Report', prepared by Spring Design, dated March 2020 has identified that the development site is not at risk of flooding, therefore we have no comments to make in relation to flood risk.

Land Contamination: Natural Resources Wales considers that the controlled waters at this site are not of the highest environmental sensitivity, therefore we will not be providing detailed site-specific advice or comments with regards to land contamination issues for this site.

National Park Landscape: The proposal is approximately 1.9km from the Brecon Beacons National Park boundary at the Monmouthshire & Brecon Canal, but is unlikely to be visible from this lower

ground. Visibility is most likely from elevated land in the National Park to the west approximately 2.4-2.6km away and from this distance the site would have no adverse visual effects on the National Park, due to the intervening vegetation and distance involved.

Dwr Cymru Welsh Water (DCWW) – No objections.

We can confirm that Little Mill Wastewater Treatment Works into which the proposed development would eventually drain has been issued with a phosphate permit and we are content that there is sufficient headroom to accommodate the foul water generated.

Network Rail - Further housing developments in this area would increase risk at the nearby Whitehouse FP Crossing through increased pedestrian use. There have already been a number of Near Miss Incidents reported at this location. Network Rail proposes that the Developer should seek to work with us and the Local Authority to find a suitable means of addressing this matter by covering costs to improve the level crossing or its closure should a suitable diversionary route be identified.

Without significant consultation with Network Rail and, approved mitigation measures, Network Rail would be extremely concerned if any future development impacts on the safety and operation of the level crossing. The developer should also contact the ORR regarding this application. As Network Rail is a publicly funded organisation with a regulated remit, it would not be reasonable to require Network Rail to fund rail improvements necessitated by commercial development. It is therefore appropriate to require developer contributions to fund such improvements.

MCC Landscape/Green Infrastructure (GI) - No objection to the principle of the proposal of development on the allocated site from a Landscape and GI perspective based on the amended information provided.

Request further clarification / amendments to be conditioned to address the following points:-

1. It is not clear from the revised plans provided if there is intended to be a formalised link from the proposed site via POS to Ty Draw Lane and PROW 86. The proposed maintenance access point to the POS is not clearly indicated as to whether it is to be gated and / or accessible to the Public. Public access should be created to link to the PROW and to play area on Brynteg place if possible.
2. The GI management plan needs to include a clear spreadsheet of aftercare actions for 20 years. Some of the written prescriptions do not currently have defined visits / intervals per year.
3. Cross section details of the rain garden construction need to be provided for approval along with cross sections of the basin swale with outfall.

Should the application progress and be approved it is anticipated that the conditions should apply if the information is not satisfactorily provided during the application process (see end of report).

MCC Biodiversity - No objection subject to conditions.

MCC Highways - The highway authority does not object to the proposed development, the proposal would not lead to a deterioration in highway safety or capacity and the highway authority recommend conditions are applied to any future decision to ensure that the site is developed to the satisfaction of the highway authority (see end of report).

The site is an allocated site in the LDP and the principles of the development and the suitability of the site's location were widely consulted upon. The application is a full application proposing the development of 15 dwellings comprising 9 affordable and 6 open market dwellings.

The proposal has been the subject of extensive pre-application discussions and PAC and the general principles of the means of access and the impact of the development in terms of highway standards, highway safety and capacity of the immediate local highway network was considered and the details submitted in support of the application generally reflect the highway authority's requirements.

The highway authority have reviewed the Council's accident data and concur with the Transport Statement's conclusion that there are no specific road safety issues that warrant further investigation or assessment.

The internal layout as detailed on Drawing Ref: 2418-(02)-101 Rev: F Site Layout is acceptable in principle and the highway authority actively encourage and promote the Welsh Government guidance where streets or shared drives serving more than 5 residential dwellings shall be built to adoption standards and adopted by the highway authority. The highway authority expect the landowner / developer to enter discussion and negotiate with the highway authority to secure an adoption agreement pursuant to Section 38 of the Highways Act 1980 following a planning decision.

MCC Rights of Way - The applicant's attention should be drawn to Public Footpaths nos. 86, 85A & 87 in the community of Goetre Fawr which run close to and bound the site of the proposed development.

The Active Travel (Wales) Act requires local authorities to continuously improve facilities and routes for pedestrians and requires new road schemes to consider the needs of pedestrians and cyclists at design stage. The Act aims to make active travel the most attractive option for shorter everyday journeys (journeys to work, school, to access shops or services, etc. i.e. not purely recreational).

Public Rights of Way believes that the proposed scheme falls short of these requirements and therefore objects to the development until such time that it looks to provide high quality multiuser connections to existing road and public path network surrounding it. The proposal should at least provide links to the adopted Brynteg Place via the adjacent play area and to Ty Draw Lane which bounds the site and carries Public Footpath no. 86. Additionally, any access provision should be protected and maintained through some mechanism such as being adopted or managed under contract.

Environmental Health (noise) – No objection subject to conditions.

I have appraised the reports and advise that I have no objection to this application subject to the conditions (Construction Environmental Management Plan, Solid 1.8 metre height boundary fence to Plots 1-4 as shown in Site Layout Plan Rev J, to be provided prior to first occupation of the residential accommodation of Plots 1-4, external construction to meet requirements of Acoustic Consultants Ltd Noise & vibration Assessment ref 8204/BL Rev B and overheating risk mitigation measures to meet recommendations in GreenBuild Consult Thermal Comfort Analysis).

Environmental Health (contaminated land) – No objection subject to conditions.

This application is to build 15 properties on Parcel A (south-west corner of the site). From Parcel A, it appears that 3 samples were taken (TP1, TP4 and TP8). The results of sampling were compared to a generic assessment criteria. Two samples showed elevated concentrations of a PAH (Dibenzo(ah)anthracene), and one sample was at the assessment level for the same PAH (0.24mg/kg). Of these three sample one exceedance was in Parcel A TP4 and one exceedance and the sample at the assessment criteria level was in Parcel B (TP18 and TP20).

As a result, it is recommended that additional sampling should be undertaken to determine the extent of the contamination, by increasing samples around the identified contamination, and then a remediation strategy should be submitted, followed by a validation report. Any imported material must be sourced and tested to ensure they are suitable for the end use, and the results submitted to the Planning Authority.

Finally any unforeseen/unidentified contamination encountered during construction must be further assessed with site investigation and (if necessary) remediated. Should Members consider it appropriate to grant planning approval prior to a completed contaminated land site investigation and remediation strategy it is recommend that conditions be attached to ensure that the site is fully

investigated and remediated to ensure the protection of public health. N.B. These are found at the end of this report.

MCC Housing - This is one of MCC's rural 60/40 sites and the affordable homes will help meet the housing need in the area. Housing have worked with a partner RSL to agree a preferred mix and ensure WDQR compliance and are in support of this application.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

Eight representations received. Object on the following grounds:

- Unacceptable excess noise, traffic and pollution whilst being built. The access roads Millbrook Court and Ty Gwyn Road are not able to cope with the increase in traffic that this development will produce and is definitely not suitable for heavy vehicles such as HGV and plant.
- Over-development of the area as a new estate is to be built locally in Mamhilad and therefore this proposal is not necessary and will result in a loss of green space.
- If the plan goes ahead, Ty Draw Lane should be open to traffic to and from the extension of Ty Gwyn Road, and therefore not all the increased traffic would not need to go through Millbrook Court.
- Loss another greenfield site and the impact upon the environment.
- Loss of view over open fields
The site is slightly elevated and would look directly into our bedroom and lounge.
- No facilities for families at all.
- This development would not be advantageous to anyone.
- Added volume of traffic through the estate and joining onto the A472 (especially mornings and evenings) which would be brought on by developing this site.
- The vision of an earlier Local Development Plan implies that people should live in a more inclusive environment with better access to local services, facilities and employment and a good public transport system, which all contributes to reduced usage and emissions from private vehicles. Little Mill has few such facilities.
- The times of the public transport through the village towards the major towns, employment and rail links of Pontypool, Cwmbran, Newport etc. do not cater for a normal working day.
- If permission is granted for 15 homes on half of the site and with the precedent set, then how much easier would it be to develop the rest of the site in future.
- The proposed development includes a mix that responds to 'local need'. What exactly is the local need within the village that requires another housing development?
- A housing development on the land off Ty Gwyn Road has been considered a number of times over the last thirty years. Each time it has been proposed it has met with local opposition. Many of the objections raised in the past are still relevant today.
- Ty Gwyn Road and Millbrook Court are narrow residential streets which already support a considerable amount of traffic. They are unsuited to providing access for construction traffic or the increased volume of traffic which would result from the proposed fifteen houses.
- Post-Covid if more people do work from home, on current evidence, there will be considerably more commercial vehicles making home deliveries thus adding to the traffic problem.
- MCC stress the importance of 'quality of life' and how the Covid-19 situation highlights the need for 'green spaces to health, well-being and recreation'. The proposed development would have a negative impact on the health and well-being of many village residents depriving them of open, green space and a site of significant biodiversity; and, exposing them to additional air and noise pollution.
- House sales on Ty Gwyn Road and Millbrook Court, especially of family-sized properties, are difficult to sell because of their proximity to the railway line. Lack of public transport, lack of facilities, lack of local employment opportunities etc. contribute to the difficulties of selling properties. Such points suggest that additional housing within the village is not needed.

Three general comments received:

We live at 30 Ty Gwyn Rd, Little Mill and wish the following to be taken into consideration when deciding the above planning application:

- 1) Re-align our driveway to enable easier and safer access and egress for vehicles.
- 2) We would prefer a 1.2m metre fence boundary with our property rather than the 1.8m proposed, this will still give privacy to plot 15 owners because our garden, lawn and drive is a good metre below plot 15 ground level.
- 3) During site development existing access road to be cleaned daily and, during dry weather, ground to be sprayed with water to reduce dust nuisance.
- 3) All vehicles associated with site development to be parked on site at all times.
- 4) Dwellings on plots 1, 2, 3 and 4 to be moved back to a similar building line to better coalesce with existing houses in Ty Gwyn Road this will also enable laybys to be provided for visitor parking and avoid parking on existing roadways.
- 5) All existing overhead power lines to be buried or re-routed
- 6) During construction temporary solid fencing to be used to shield adjacent properties and, as we live next to the site, delivery of materials to restricted to after 9.30am and site working to start after 8.00am
- 7) Arrange residents' parking in new development to avoid a tandem arrangement which will lead to parking on road due to residents differing working hours.

Boundary hedgerow is cut and layered by a neighbouring resident and is managed from the field side with the landowner's verbal permission for access. Within the proposed plans, it seems apparent that the developer is utilising this hedge line as the boundary preventing maintenance. Written confirmation that this hedgerow is the responsibility of the neighbour and therefore a part of that property. Adequate space would therefore be required to allow future maintenance of the hedgerow.

Additional comments received since previous Committee Meeting:

Additional dwellings in Little Mill will increase the need for safe alternatives to car travel. Please ensure that this development makes a contribution to the proposed development of a cycletrack linking Little Mill to Usk and to the neighbouring communities. This will help ensure that there is decreased use of the road network and more sustainable travel options.

6.0 EVALUATION

6.1 Strategic & Spatial Choices

6.1.1 Principle of Development

The principle of residential development at the site is established through the allocation in the adopted LDP. Policy SAH11 allocates sites within the Main Villages for up to 15 units. Allocation reference SAH11(v) includes land subject to this application, known as 'land north of Little Mill.'

In respect of sites allocated in the main villages under LDP Policy SAH11, the Affordable Housing Supplementary Planning Guidance (2019) confirms:

- The mix and tenure of the 60% affordable provision should be based on local housing need on a site-by-site basis.
- While the provision of open market units is facilitated by the policy, the sole purposes of allocating these sites is to deliver affordable housing.
- The normal approach of 'pepper-potting' affordable throughout a development is not required for these sites. Grouping the market housing to allow them to achieve their full potential is the best way to ensure financial subsidy for the affordable units is achieved.

The proposed development is for 15 units in line with LDP Policy SAH11 and includes 60% affordable provision in accordance with Policy S4. As such, the proposed development is considered policy compliant.

Policy S4 provides for planning obligations to be sought if required to make the development acceptable. Supplementary Planning Guidance supporting Policy S4 confirms that such contributions are not sought on the allocated 60:40 sites due to their economic viability.

6.1.2 Good Design/ Place making

The proposed development includes nine affordable dwellings and six open market dwellings, in line with the site allocation requirements (60% affordable). The allocated site forms the net developable area and net density therefore equates to approximately 29 dwellings per hectare.

The layout has been designed to have an active frontage to replicate the dwellings along the A472 and the recent housing development in the south-east of the village. Plot 15 in particular has been orientated on a corner so the front elevation is visible on approach to the site rather than a less interesting side elevation. The dwellings themselves are traditional in design with simple front elevations with conventionally proportioned windows and front door designs. The palette of materials proposed for the development reflects the materials of the local area. The proposed dwellings are all to be finished in a smooth painted render. Plots 7 - 8 have a projecting front porch which will be finished in stone. The proposed fascias, soffits and bargeboards are uPVC and will be finished in white. The proposed windows on all dwellings will be uPVC finished in white. The window cills are proposed to be reconstituted stone. The roofs would be finished in fibre cement slates coloured blue/grey. The proposed rainwater goods are black uPVC. It is considered these proposed finishes are in keeping with the existing area and the dwellings will not appear incongruous within the village setting.

The principles of place making provide that design goes beyond architecture and extends to the relationship between people, spaces and buildings. In terms of the site, it is small in size and the best way to achieve place making aspirations is to integrate it with the existing village as best as possible. In this case a logical continuation of Ty Gwyn Road is proposed, along with a similar character of property including traditionally proportioned semi-detached and detached houses.

In terms of open space, as a small, allocated site, there is not a significant amount of public realm included within the development, as there is not capacity. However, the inclusion of street trees and a footway adjacent to swales on the southern side of the highway will help to create a sense of place. Unfortunately, although the applicant has secured some control over the adjacent field, this area will continue to be grazed as agricultural land and it is not therefore possible to open up this land for use by the public or provide any footpath links.

A mixture of parking to the front and side of properties is used, while on street parking for visitors is deemed appropriate in this location. Detached garages are also provided with the open market units. This follows the existing pattern of parking arrangements in the rest of the village.

The supporting drainage infrastructure is proposed in the south-east corner of the wider field. This is relatively small in area and will be well landscaped to ensure it will not lead to any urbanisation of the rural character of the village edge.

Other than a Grade II Listed Building 400m north-east of the application site, the site and surrounding locality is free from heritage constraints; thus there will be no detrimental impact on heritage as a result of the proposed development.

The proposed design is considered acceptable in terms of layout, form, scale and materials and will not adversely affect wider visual amenity. As such, the development accords with the requirements of LDP Policy DES1 and PPW12.

6.1.3 Impact on Amenity/ Promoting Healthier Places

The dwellings have been sited to ensure that there are no overbearing or overlooking issues within the new development or upon existing dwellings. Overlooking distances meet the standard 21 metres distance between habitable rooms and are therefore sufficient to prevent any adverse residential impact. Plot 15 has been orientated so that the side elevation with no habitable room windows faces the nearest existing neighbouring dwelling.

The site is adjacent to the main railway line and therefore an Environmental Noise Assessment has been submitted with the application. This report demonstrates an acceptable impact from the railway on the proposed development where appropriate mitigation measures, including façade information and ventilation provision, are provided. The noise from the railway (50dB LAeq 16hrs) is considered the onset of moderate annoyance over the day and evening; this is the limit level which the Authority seeks to achieve. It is noted that this is considered achievable for all gardens with a solid 1.8 metre boundary fence to the rail side boundary of Plots 1- 4. The inclusion of this should be conditioned provided Members are minded to approve the application.

The habitable rooms falling in the Blue and Yellow Zones (as shown in the acoustic report) will have non-openable bedroom windows and therefore will be ventilated via attenuated means. With the mitigation measures installed to habitable rooms of the dwellings in the rooms noted above, the predicted internal noise levels are below British Standard 8233:2014 and WHO (1999) criteria and, on this basis noise ingress from the adjacent railway line is considered to be suitably controlled.

Further detailed consideration of noise is set out in paragraph 6.1.4 below.

In terms of vibration, the measured Vibration Dose Values at the boundary of the site are below the BS6472 range for a low probability of adverse comment. Therefore, vibration is not considered to be of an adverse level at this site and vibration mitigation measures do not need to be considered further.

The development proposals are therefore considered to comply with LDP Policy EP1 in terms of residential amenity and from an acoustic perspective as well as the guidance in TAN11.

6.1.4 Noise and Vibration

The site is directly adjacent to the railway line running between Abergavenny and Pontypool & New Inn stations. The railway runs along the north west side of the site and is the dominant source of noise in the area. In terms of equivalent noise levels, the proposed site falls into category Noise Exposure Category (NEC) B in the night only as the worst-case plot (Plot 1) is exposed to noise levels of 48 dB LAeq,T during both the daytime and night-time periods. TAN11 (Noise) advises that within NEC B areas, noise should be taken into account when determining planning applications and where appropriate, conditions imposed to ensure an adequate level of protection.

In order to achieve acceptable internal acoustic condition in accordance with British Standard 8233:2014 and WHO 1999 at the site, the applicants have provided noise mitigation measures in terms of façade insulation and ventilation provisions in the areas most exposed to railway noise.

Specific mitigation measures are required to bedrooms only located on the façades shown below in yellow and blue on drawing no. The night-time habitable rooms falling in the blue and yellow zones will need to be ventilated via attenuated means. As per the AVO guide and EHO comments overheating has been considered. The applicant has submitted an overheating assessment (Thermal Comfort Analysis, by Greenbuild Consult, GBC Job No 6206) which worked closely with the acoustic requirements of attenuated ventilation to bedrooms. As per the AVO guide and EHO comments overheating has been considered. Section 6.3 states "all the assessed habitable rooms are shown to meet the CIBSE TM59 criteria. Therefore, it can be envisaged that the combination of the natural ventilation strategy and solar control glazing utilised within the proposed scheme will enable the mitigation of overheating risks within the dwellings under these conditions.

Thus, it is considered that it has been demonstrated there is no adverse noise impact under overheating conditions as with a suitably designed building the overheating risk can be controlled

without opening the windows of the affected plots. With the mitigation measures installed to habitable rooms of the dwellings in the rooms noted above, the predicted internal noise levels are below British Standard 8233:2014 and WHO (1999) criteria and, on this basis, it is considered that noise ingress will be suitably controlled under both normal and overheating conditions. Noise levels within amenity spaces are also easily controlled without mitigation to within the WHO moderate limit and Monmouthshire guidelines for amenity spaces.

In terms of vibration, the measured Vibration Dose Values at the boundary of the site are below the BS6472 range for a low probability of adverse comment. Therefore, vibration is not considered to be of an adverse level at this site and vibration mitigation measures do not need to be considered.

6.1.5 Sustainable Management of Natural Resources

As a registered social landlord, construction of a Pobl scheme is required to be WDQR (Welsh Development Quality Requirements) compliant. This high standard for construction of affordable housing and the system of Building Regulations in Wales will ensure the development is energy and resource efficient. In addition to this, amended plans received detail both solar PV panels and air source heat pumps to serve each of the dwellings on site. Policy SD2 of the adopted LDP states that “new development proposals will be required to incorporate efficient resource use during construction, operation and maintenance”. The inclusion of these two technologies at each of the new dwellings is considered to be an appropriate response to this and will help reduce the carbon footprint of the dwellings once occupied.

6.2 **Active and Social Places**

6.2.1 Sustainable Transport Issues

The site, and Little Mill as a settlement, has few employment opportunities and amenities such as a school or doctor's surgery, and the area is reliant on transport to commute to facilities and amenities located in areas such as Usk, Pontypool, Cwmbran and further afield. However, in the County's context the village does benefit from public amenities and being relatively sustainable, the site was allocated for this form of development in the adopted LDP.

The area is reasonably well served by footways and residential streets providing pedestrian and cycling access to the area and public transport bus stops located on the A472 with a controlled crossing on the A472 providing access to westbound bus stops and community facilities on the southern side of the A472. Through direct connection to the highway network, public transport stops, public rights of way and future connection proposals to formal active travel routes, the proposed development is considered to encourage both sustainable and active travel. The location of the site therefore meets the requirements of PPW's Sustainable Transport Hierarchy.

6.2.2 Access / Highway Safety

Vehicular and pedestrian access to the site is proposed through the extension to Ty Gwyn Road. Safe pedestrian access to the local facilities and public transport connections in Little Mill is proposed via the existing lit footways along Ty Gwyn Road, Millbrook Close and Berthin Road.

The proposed means of access (the extension of Ty Gwyn Road) has been designed to create a gateway and traffic calming feature that clearly demarcates the entry to the new houses, avoids conflict with existing properties' drives / means of access and promotes slow entry and exit traffic speeds.

Bus services 61, 63 and 66 serve Berthin Road (250m walk from the site) which connect Little Mill with locations throughout Monmouthshire and Torfaen. However, it is acknowledged in national

planning policy that the private car is important for accessibility in more rural areas and that this is likely to remain the case for the foreseeable future. Despite the site's relatively sustainable location in Monmouthshire's context, it is an edge of village allocation and the private car will be an important transport option for residents. As such, policy compliant car and cycle parking is proposed to be provided. Sufficient car parking is provided in accordance with the appropriate maximum standards of 3 spaces per dwelling. Cycle parking is provided through the garages for the open market units and will be provided in accordance with WDQR for the affordable units.

The proposed development is modest in scale, involving just 15 dwellings. The submitted Transport Statement indicates that this would generate one additional vehicle movement once every 8-10 minutes during peak times, therefore having a negligible impact on the local road network.

The internal highway layout comprises a 5.5m wide carriageway with 1.8m wide footways along both sides. This internal highway arrangement is considered suitable for the scale of the proposed development and likely vehicle speeds and MCC Highways offer no objection. A turning head at the termination of the development is also proposed to ensure refuse and emergency vehicles can enter and exit the site in a forward gear.

As such, it is considered that there will be no detrimental impact on the local highway network or trunk roads in accordance with LDP Policy MV1.

6.2.3 Recreational Spaces

Although the site is not large enough area to provide the houses and public open space within the site itself, it is located within the settlement boundary of a Main Village (as defined in LDP Policy S1) which has a number of local facilities and amenities along Berthin Road, including a village hall, multi-use games area, equipped play area and recreation ground. All these facilities are within 400m walk of the proposed development. An additional equipped play area is situated off Cae Melin.

6.3 **Productive and Enterprising Places**

6.3.1 Economic Development

The introduction of additional residents to the area could have a limited, albeit positive effect on the longevity of local facilities in Little Mill.

6.4 **Distinctive & Natural Places**

6.4.1 Landscape/ Visual Impact

The application site is not covered by any national or local landscape designations. A full suite of landscape and green infrastructure information has been prepared by TDA and submitted as part of the application. The Landscape Character and Visual Impact Assessment (LVIA) notes that due 'to the natural topography of the area combined with intervening woodland, field boundary hedgerows and hedgerow trees, the visual envelope of the site is generally restricted and the proposed development would be well screened from the majority of surrounding public viewpoints'.

Only one of the viewpoints identified in the LVIA (excluding viewpoints immediately adjacent to the site's boundary) is identified as having small glimpses of the site. This viewpoint (no. 7) already possesses the visual context of residential development and the development would be in keeping with the wider landscape character of Little Mill.

Landscape mitigation and enhancement is proposed in the Soft Landscape Proposals which will soften the edges of the development, increase biodiversity and create a strong arboricultural character. In accordance with Policies S13 and GI1 of the adopted LDP and relevant SPG, GI assets and opportunities plans have been submitted with the application. These plans

demonstrate the retention and integration of GI into the development, along with the provision of new and enhanced GI, in line with the above policies and the GI SPG (2015).

6.4.2 Green Infrastructure

Green Infrastructure SPG (2015) sets out what green infrastructure (GI) is and the approach to GI in Monmouthshire. The SPG establishes a three-step approach considering on and offsite GI and embedding this within development proposals. In designing development, this process is summarised as follows:

- Identifying and mapping existing GI assets in proximity of the site.
- Considering opportunities for the development to contribute to local GI needs.
- Incorporate proposals into development design to: maintain and enhance GI and ensure connectivity to the surrounding GI network

A comprehensive approach to green infrastructure, biodiversity enhancement and sustainable drainage has been presented as part of this planning application including permeable paving, planted rain gardens, swales and an infiltration basin. These features represent some of the key hard and soft landscape proposals within the development. In addition, wildlife friendly planting and a variety of native and ornamental tree planting is proposed to be used to enhance the street scene. Native tree and understorey planting will be used to create a landscape buffer around the residential development and the offsite drainage features. Existing boundary hedgerows and trees are to be retained.

A detailed GI management plan should be secured as part of the consent that takes into consideration the Ecology and Landscape requirements and provides clear aims and objectives with detailed work schedules and management information. It is recommended that this is secured by condition should Members be minded to grant consent. Subject to the inclusion of this condition, the development is considered to meet the requirements of LDP Policy GI1.

6.4.3 Biodiversity

A Preliminary Ecological Appraisal (PEA) and bat/reptile survey reports have been prepared by Acer Ecology and submitted as part of the application. Mitigation is included for bats, reptiles, nesting birds and other species. In accordance with Policy NE1 of the LDP and PPW12, various features and assets which encourage biodiversity will be incorporated into the development. This includes hedgerow protection and management, wildlife friendly planting, provision of bird boxes and provision bat boxes/bricks.

The existing hedgerows to the western and southern perimeters are to be retained and enhanced which is welcomed in accordance with LDP Policy NE1 and the Environment (Wales) Act 2016 duty. Revisions to the site layout that provide a buffer to the existing green infrastructure are also welcomed. The buffers are narrow but will facilitate access for initial maintenance and establishment. Details of the future management of these boundaries, including measures to deal with potential future issues such as garden waste will need to be covered by the GI management plan referred to in Paragraph 6.4.2 above. The approved Landscape Plan will also need to show details of the access points to these areas as well as the SuDs area to the east.

In terms of Protected Species, the report refers to low potential for dormice. The submission of a Construction Environmental Management Plan is proposed to be conditioned should Members be minded to approve the application.

A reptile mitigation strategy condition and landscape plan condition are also proposed if Members are minded to grant consent in advance of this detail.

The mature tree to the north-west of the site is assessed as having moderate potential for bats, activity surveys were undertaken in accordance with best practice guidelines and identified a day roost for common pipistrelle bats. It is noted and welcomed that this feature is to be retained as per the Tree Protection Plan but it will be important to ensure it is protected from light spill and as

such it is considered that a lighting plan needs to be submitted in the event of any grant of consent. The soft landscaping and tree planting in this area will help to buffer this feature from the development.

Finally, Planning Policy Wales (PPW) 12 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 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The broad net benefit measures (integrated provision on the buildings) provided on Plans 6 and 7 of the Ecology report will need to be detailed on drawings. A condition securing these details is provided at the end of this report should Members be minded to grant consent in advance of this revised detail.

6.4.4 Flooding

The development advice map provided by Natural Resources Wales website confirms that the site is in 'Flood Zone A'. Areas of land located within Flood Zone A are classified as being at little or no risk of fluvial or coastal / tidal flooding.

In terms of surface water flooding within the site, information from NRW indicates that surface water flooding does occur along Ty Draw Lane to the immediate east of the site. However, the surveyed levels along Ty Draw Lane are approximately 300mm below the eastern site boundary and a minimum 6m below the area where houses are proposed to be situated. It is therefore considered that development on the site itself would not be at risk from surface water flooding. In relation to run-off, infiltration tests have been undertaken and the results indicate that ground conditions in the eastern part of the site are suitable for the use of infiltration for discharging surface water run-off. It is therefore proposed to discharge all surface water run-off to ground. Infiltration measures proposed include permeable paving, bio-retention areas (rain gardens) and an infiltration basin situated in an area of open space. It has been calculated that these proposals will significantly reduce the rate and volume of run-off from the site in comparison to the existing situation and reduce the level of surface water flooding along Ty Draw Lane.

6.4.5 Water (including foul drainage / SuDS)

The scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. It is understood that this application has already been submitted.

Notwithstanding the need for further SAB approval, permeable paving, planted rain gardens, swales and an infiltration basin are proposed within the scheme to facilitate as much infiltration as possible. These features represent some of the key hard and soft landscape proposals within the development.

The surface water drainage solution proposed includes swales / a pond feature in the south eastern corner of the field which the site sits within. Topographically this is the optimal location and the solution accords with the SuDS hierarchy, meaning the scheme is compliant with Policy SD4 of the LDP.

No specific details for the management of the highway drainage have been indicated but the highway authority acknowledge that the prospectively adoptable highway forms part of the wider surface water / SuDS drainage strategy and will consider those measures for adoption if the SuDS Approving Body consider it to be the only suitable option available, does not prejudice highway adoption and imposes unreasonable maintenance liabilities.

In terms of foul drainage, a connection is proposed to the existing public foul sewer in Ty Gwyn Road (via the proposed pumping station for certain plots). The site is within the Phosphorous

Sensitive Catchment Area of the River Usk SAC. As such, NRW's Interim Guidance applies. This application site is within the DCWW catchment for the Little Mill Wastewater Treatment Works. The NRW permit for these works has been reviewed against revised phosphorus targets and it has been concluded that the existing permit is adequate and that there is sufficient headroom capacity to accommodate flows from the proposed development.

New developments connecting to the associated public sewer within Phosphorous Sensitive Catchment Areas are still subject to the Habitats Regulations. Phosphorus impacts of new connections are considered on a case-by-case basis, and a conclusion of 'no likely significant effect' (on the SAC) can be drawn in cases in the context of water quality impacts where the following apply:

- the environmental permit for the associated wastewater treatment works has been reviewed against revised conservation objectives for water quality;
- there is capacity in place to accommodate the additional wastewater in compliance with revised permit limits; and
- the sewer network and associated WwTW has the hydraulic capacity for new connections without leading to an increase in the environmental impact of storm overflows.

As such, DCWW as statutory consultee, have been consulted on the potential for a development to connect to a public sewer and have confirmed that there is capacity to treat additional wastewater within revised environmental permit limits and the sewer network has the hydraulic capacity to accommodate additional wastewater without contributing to an increase in frequency or duration of storm overflows.

NRW have noted that in their response, DCWW have not referred to Storm Water Overflows. However, DCWW have advised on other applications where the same issue has been raised, that their assessment includes all elements of the public sewerage system including storm overflows. DCWW's source apportionment sampling has found that CSOs account for less than 2% of the contribution towards river water quality in the Wye and Usk rivers. They have monitoring on all CSOs and a dedicated team reviewing their performance along with investment to improve the impact on the water quality.

On the basis of the advice from NRW and DCWW, the Council has undertaken a Test of Likely Significant Effect (TOLSE) under the Habitats Regulations. The TOLSE considers that the project is unlikely to have a Significant Effect on the phosphate sensitive River SAC alone. No applications approved in the last 12 months result in an increase phosphorus in the river and therefore there is unlikely to be an in-combination effect as a result of the project. With regards to impacts from phosphates there is unlikely to be a significant effect on the River SAC and a full Appropriate Assessment is not required.

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

6.5.1 Concern was raised in relation to the tandem parking proposed for some of the dwellings. The Council's Highways Authority were consulted on the application and have not objected, nor raised any concerns regarding the parking layout. The proposed parking arrangement is therefore considered to be satisfactory in planning terms. Comments have been raised in respect of the lack of provision of visitor parking. Adopted Supplementary Planning Guidance (SPG) 2013 sets out that residential developments should provide 1 space per 5 units. However, it is noted that no objection has been received from the Council's Highway Engineer on this matter and that the provision of further parking would be contrary to the aspirations of PPW12 which seeks to reduce dependency on private motor vehicles.

6.5.2 The Community Council suggested that if not included, provision should be made for the later easy installation of e-vehicle charging points. Unfortunately, the applicant is not intending to provide electric vehicle charging points for the development and there is currently no planning policy requirement to provide this facility.

6.5.3 In relation to the inclusion of climate change mitigation measures such as heating assisted by ground / air heat pump, solar panels, etc., the development intends to promote energy efficiency on site by adhering to the appropriate Building Regulations and Development Quality Requirements (DQR).

6.5.4 The size of the allocation precludes the provision of any designated open space as part of this application and it would not be appropriate to intrude further into the adjoining countryside to provide this. The applicant explored the opportunity for footpath connections across this area of land east of the proposed housing, but a path would not provide any meaningful links and further urbanisation of the countryside is not considered appropriate.

6.5.5 The overhead lines will be grounded at the southern boundary of the site and routed westward to the site entrance. From here they will follow the proposed internal highway and reconnect to the overhead lines to the north.

6.5.6 The movement of vehicles delivering construction materials will be dealt with as part of a Construction Traffic Management Plan (CTMP), which would be submitted following the granting of any permission and agreed prior to construction. An advisory Note

6.5.7 The site's allocation for housing means that it will contribute to the Council's overall housing land requirement. Given that it is predominantly for affordable homes, this will ensure that local residents will get the opportunity to live in Little Mill. In terms of the allocation of the affordable dwelling units, it is standard practice for housing associations and priority arrangements to be agreed with the local housing authority.

6.5.8 The transport statement which has been agreed by the MCC Highways indicates that the proposed development will generate 8 vehicle movements during the am peak hour and 6 during the pm peak hour. The increase in traffic movements associated with the development is not considered to be significant and would not be detrimental to the capacity and operation of the immediate local highway network, particularly Ty Gwyn Road, Millbrook Court and Millbrook Court / A472 Berthin Road junction.

6.5.9 With regard to the maintenance of the hedgerows, it is proposed that further discussions are held between the applicant/developer and the affected residents in order to reach agreement regarding access.

6.5.10 Network Rail are seeking a financial contribution to pay for an improved railway line crossing. Due to the scale of the development and the fact that no new footpaths are being provided that would provide an additional link to this crossing, it is considered that such a contribution is not considered to meet the tests for a valid planning obligation (Section 106 Agreement).

6.5.11 Public Rights of Way believes that the proposed scheme falls short of the requirements of the Active Travel (Wales) Act requirements and therefore objects to the development until such time that the developer looks to provide high quality multiuser connections to existing road and public path network surrounding it. The proposal connects to the existing road and footway. The applicant has not been able to secure permission from the adjoining landowners to provide any additional footpath links. Given the relatively small scale of the site and its existing connectivity to the rest of the village and facilities, it is not considered necessary to require any further footpath links to be provided to make the development acceptable.

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

6.6.1 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.

6.7 Conclusion

6.7.1 The scheme comprises of six open market and nine affordable dwellings (60% affordable), in accordance with the provisions of Monmouthshire County Council's adopted LDP, in which the site is allocated for development under Policy SAH11(v).

6.7.2 There is safe pedestrian access to the village centre and bus stops, a proposed active travel route south of Little Mill and policy-compliant cycle storage provision. In addition, suitable vehicular access and car parking are also provided.

6.7.3 A comprehensive approach to green infrastructure, biodiversity enhancement and sustainable drainage is inherent within the scheme's design. This includes a number of features such as swales, planted rain gardens, ornamental and native planting, wildlife friendly planting, retention of existing trees, bat/bird boxes and other landscaping.

6.7.4 In accordance with the LDP, the scheme has been designed to maximise the value of the open market units to facilitate the cross-subsidisation of the proposed affordable dwellings.

6.7.5 The continuation of Ty Gwyn Road is proposed to integrate the development with this existing village, whilst also allowing the scheme to harness its own unique character. A visually interesting street scene with simple architectural design bridges the adjacent countryside with the urban area. Landscape buffers assist in achieving this and ensuring the rural character and continued agricultural use of the wider field.

6.7.6 The proposals will result in the delivery of an allocated site and provide much needed market and affordable housing in this part of Monmouthshire.

7.0 RECOMMENDATION: APPROVE

Subject to a S106 Legal Agreement requiring the following:

S106 Heads of Terms

9 units shown on the approved plan shall remain affordable in perpetuity.

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 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 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the following biodiversity considerations:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) 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;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The CEMP shall include the following as a minimum:

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "protection zones".
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction
- d) The location and timing of sensitive works to avoid harm to biodiversity features
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.
- i) 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;
- j) Pollution prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and an incident response plan;
- k) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details;

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details.

REASON: In the interests of local residential amenity and to safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended).

4 Prior to any works commencing on site a Construction Traffic Management Plan (CTMP) shall be submitted to and approved by the local planning authority, the CTMP shall take into account the specific environmental and physical constraints of Ty Gwyn Road and the adjoining highway network. The CTMP shall include traffic management measures, hours of working, measures to control dust, noise and related nuisances, measures to protect adjoining users from construction works, provision for the unloading and loading of construction materials and waste within the curtilage of the site, the parking of all associated construction vehicles. The development shall be carried out in accordance with the approved CTMP.

REASON: To ensure the development is constructed in the interests of highway safety and to ensure compliance with LDP Policy MV1.

5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

6 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 buildings 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 safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

7 No development, demolition, earth moving or vegetation clearance shall take place or material or machinery brought onto the site until a reptile mitigation strategy has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include, as a minimum the:

- a. Purpose and objectives in relation to protection of reptiles;
- b. Details of a revised receptor site detailed on plan demonstrating that the area can be protected throughout the development of the site and means of protection (fences) shown on plan.
- c. Detailed working methods necessary to achieve stated objectives;
- d. Thresholds and actions to be taken if the number of reptiles cannot be accommodated within the receptor habitat;
- e. Clear and enforceable timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction; and
- f. Persons responsible for implementing the works.

The Reptile Mitigation Strategy shall thereafter be implemented in full.

REASON: Safeguarding of species protected by the Wildlife and Countryside Act 1981 (as amended).

8 A 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 including those that are to be privately managed and those that are to be part of strategic landscaping.
 - a. Trees and hedgerows
 - b. Green corridors
 - c. Rain gardens and swales
 - d. POS
- b) Opportunities for enhancement to be incorporated
 - a. Management of Grassland for botanical species diversity and / or protected species including reptiles
 - b. Management of tree and hedge buffer strips to increase and maintain diversity, connectivity and screening
 - c. Maintain habitat connectivity through and or around the perimeter of 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)

9 Prior to import to site, soil material or aggregate used as clean fill or capping material, shall be chemically tested to demonstrate that it meets the relevant screening requirements for the proposed end use. This information shall be submitted to and approved in writing by the Local Authority. No other fill material shall be imported onto the site.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

10 Prior to commencement of any construction works (not including ground clearance and infrastructure provision) a detailed plan illustrating the biodiversity "net benefit features" to be integrated within the dwellings, based upon recommendations of "Land North of Little Mill Monmouth Reptile and Bat Surveys produced by Acer Ecology dated December 2020" shall be submitted. The plan must identify location, positioning and specification of the provision on elevation plans. 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 12, the Environment (Wales) Act 2016 and LDP policy NE1.

11 Prior to installation of any lighting, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for wildlife and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places. All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

REASON: To safeguard protected species in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017 and in accordance with Policy NE1 of the Local Development Plan.

12 A solid 1.8 metre height boundary fence to the rail side boundary of Plots 1-4 as shown in Drawing no. 2418-00(02)101J shall be provided prior to first occupation of the residential accommodation and retained as such in perpetuity.

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

13 The external wall, roof, window constructions and ventilation provisions for each dwelling in the scheme shall meet the requirements provided in Acoustic Consultants Ltd Noise and Vibration Assessment, Reference: 8204/BL, Revision B, dated 28th January 2021; or otherwise alternative mitigation measures submitted and approved as satisfactory by the Planning Authority. Compliance shall be certified in writing to the Planning authority by the developer before residential use commences.

REASON: In the interests of local residential amenity, in accordance with LDP Policy EP1.

14 The overheating risk mitigation measures for each dwelling in the scheme shall meet the recommendations provided in Table 1 of the GreenBuild Consult Thermal Comfort Analysis, dated 27th January 2021; or otherwise alternative mitigation measures shall be submitted to and approved by the Planning Authority before any dwellings are occupied. Compliance shall be certified in writing to the Planning Authority by the developer before residential use commences.

REASON: In the interests of local residential amenity, in accordance with LDP Policy EP1.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 It should be brought to the attention of the applicant that in the event of a new or altered vehicular access being formed, the requirements of Section 184 of the Highways Act 1980 must be acknowledged and satisfied. In this respect the applicant shall apply for permission pursuant to Section 184 of the Highways Act 1980 prior to commencement of access works via MCC Highways.

3 It should be brought to the attention of the applicant that A Section 38 agreement (or S38) is a section of the Highways Act 1980 that allows a developer to build a new road and offer it to the highways authority for adoption as a public highway

4 Any person carrying out the development to which this planning permission relates must display at or near the place where the development is being carried out, at all times when it is being carried out, a copy of any notice of the decision to grant it, in accordance with Schedule 5B to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended and Section 71ZB of the Town and Country Planning Act 1990 as amended by Section 34 of the Planning (Wales) Act 2015.

5 The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at www.monmouthshire.gov.uk This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

6 Please be advised that we believe your proposed scheme will require a sustainable drainage system designed in accordance with the attached Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. Details and application forms can be found at <https://www.monmouthshire.gov.uk/sustainable-drainage-approving-bodysab>. The SAB is granted a period of at least seven weeks to determine applications.

7 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).

8 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

9 Please note that the hazel dormouse is protected under The Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended). This includes protection for individual dormice from killing, injury, capture or disturbance. It is also an offence to damage or destroying breeding sites or resting places even if the animal is not present. If dormice are found during the course of works, all works must cease and the Natural Resources Wales contacted immediately.

10 Please note that the hedgehog is protected under schedule 6 of the Wildlife and Countryside Act 1981 (as amended). This makes it illegal to kill or capture wild hedgehogs, with certain methods listed. They are also listed under the Wild Mammals Protection Act (1996), which prohibits cruel treatment of hedgehogs. The Hedgehog is a Priority Species under Section 7 of the Environment (Wales) Act 2016 identified as being of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales. The hedgehog has also recently been listed on the IUCN red list as vulnerable (2020).

Application Number: DM/2024/00549

Proposal: Full planning application for a change of use from C2 (Residential Care Home) to Sui Generis for temporary emergency accommodation for the homeless and associated works

Address: Severn View Residential Home, Mounton Road, Chepstow, NP16 5BS

Applicant: Monmouthshire County Council Housing

Plans: Other SV TRANSPORT PLAN FINAL - , Other MANAGEMENT PLAN - , Floor Plans - Proposed 409/01 - , Other PLANNING STATEMENT - , Block Plan 23008 (05) 001 - , Floor Plans - Proposed 409/02 - , Location Plan - , Other Green Infrastructure Statement by TDA - May 2024, Landscaping Plan TDA 2964.01 Soft landscape proposals

RECOMMENDATION: Approve

Case Officer: Jo Draper
Date Valid: 07.05.2024

1.0 APPLICATION DETAILS

1.1 Site Description

The site's current use is a residential care home providing 32 bedrooms, with associated parking areas and curtilage. The site measures approximately 0.62 ha, and currently has two access points; a primary access direct from off Mounton Road to the south, and a secondary access via Regent Way. Part of the secondary access to the site via Regent Way lies within the Chepstow Conservation Area, while the main site buildings and associated curtilage lies outside of this Conservation Area.

1.2 Proposal Description

This application submitted by Monmouthshire County Council (MCC) is for the change of use of the building to temporary accommodation for single homeless people. The proposed occupancy of the building would be 17 occupants sleeping in the south wing only. This proposal does not include use of the north wing.

The supporting information makes reference to the north wing potentially being utilised over time and increasing the occupants to 32 but this is not part of this planning application and if proposed would require a separate planning application.

The supporting information makes reference to Monmouthshire Meals as using the commercial kitchen, but this element was removed from the scheme from the outset. This application is for 17 occupants only with supporting staff.

The current buildings on site would be utilised to accommodate the proposed change of use, with no additional built form or extensions proposed to facilitate this. There are minor changes proposed, the south facing windows on both floors looking out onto Mounton Road are to be obscure glazed to protect privacy for both the residents of Severn View and the neighbouring properties to the south that face onto Mounton Road.

Within the site it is proposed to erect internal boundaries to restrict movement to the western part of the site. Residents will not have access to the rear of the site without supervision; all access will

be directed via Regent Way. Mounton Way will provide vehicle access for staff, support services and deliveries. Further management measures proposed include appropriate external lighting to be installed, an emergency number is to be given to neighbours of the site, as well as an evening number for any issues that may arise during the night.

Currently, the building is empty following Social Care vacating the building in March 2024. (Residents of the Care Home have been moved from the site and are due to move into a new modern facility, which has been developed at Crick).

A Transport Plan has been submitted with this proposal.

During the previous use by Social Care there were an estimated 15 staff on the premises each day, with the addition of family, contractors, visiting professionals and agencies visiting throughout the day. There is ample parking on site to allow for this.

This proposal sets out that there would be between four/ five support workers visiting the site on a regular basis to provide housing-related support to the 17 occupants. Residents are not permitted personal visitors to the site. Visiting professionals and staff from various agencies and projects may call at the site each day for support visits.

The proposal seeks to provide the following ancillary services:

1:1 Housing support for residents;

A support hub accessed by the local community by prior arrangement;

A hub for professionals delivering homeless, housing support;

This 1:1 housing support is delivered through a floating support arrangement during normal office hours. (From 1st April 2025, it is intended that a dedicated and bespoke support package will be available and procured through the impending recommissioning of the Housing Support Grant Programme).

The supporting information provided with the application states that as this is Council-owned property with available space and facilities this is an opportunity to deliver a significantly improved support system for residents. MCC are currently using a number of B&Bs across Monmouthshire; the intention is to close one of these should the Severn View facility open.

The information below shows the difference in staff presence and management of this use between B&B accommodation currently provided compared to that delivered at Severn View.

Proposed staffing of the B&B

The B&B is privately owned. Overall management of the B&B is the responsibility of the owner.

The Council supports the owner with the management through:

- 2 x concierge/security in attendance 24 hours per day.
- A visiting Accommodation Officer during office hours who visits regularly.
- The Senior Accommodation Officer visits periodically during office hours essentially to support the Accommodation Officer and the owner.
- Floating Support Workers attend regularly during office hours. The number of Floating Support Workers varies from week to week. The Floating Support Workers are allocated to individuals and not the building and have no responsibilities towards the building or its management. Support Workers and the Accommodation Officer may work jointly with individual residents.
- Staff from other statutory agencies may visit residents at the building.

Proposed Staffing of Severn View.

Being a MCC owned asset the management of the building is the complete responsibility of MCC.

- A full-time Scheme Co-Ordinator will be appointed to directly oversee the management of the building and co-ordinate its use during office hours, including overseeing maintenance and service arrangements.

- 2 x concierge/security will be in attendance 24 hours per day, responsibilities include operating the door system, logging of all visitors throughout the day and providing overnight security for the property and grounds monitoring of external and internal CCTV (which is to be installed as part of this proposal).

- 2 x Housing Support Workers will be appointed. The Support Workers will be based at Severn View and will be a dedicated resource for residents at Severn View. They will be required

to have a knowledge of the building and in the context of supporting residents, will be expected to support the use and running of the building.

- The property will be absorbed into the management patch of one of the Accommodation Officers. They will be required to attend and visit as close as possible to daily. The Accommodation Officer will be required to work from the building and use it as a hub for wider community visits in the local area.
- The Senior Accommodation officer and the Housing Options Team Manager will visit regularly.
- A part-time cleaner will be allocated to Severn View through the Council's building cleaning support services, who will work closely with the Scheme Co-Ordinator.
- The wider Accommodation Officers, homeless staff and Housing Support Grant Team will be encouraged to use the building e.g. case meetings, team meetings, strategy meetings.
- Staff from other statutory agencies are expected to visit residents at the building.

(Communal areas will also be cleaned. Residents will be required to sign an Occupation Contract, setting out their obligations. Failure to meet these obligations could result in the Council serving notice and applying to the courts for possession, with a view to being evicted. This will be in line with the Housing (Wales) Act 2014 homeless duties and the Homeless Code of Guidance).

The supporting information states this scheme looks to deliver a much-needed temporary accommodation service, seeking to provide the following outcomes and benefits:

- The provision of temporary accommodation on a more cost effective and sustainable basis
- Reduced use of B&Bs and reduced associated expenditure;
- The delivery of more effective individual housing support, improving preparation to move-on to independent living. The aim is to reduce the time people spend in temporary accommodation;
- Improved continuity for the delivery of housing support;
- Increased access to housing and other types of support;
- Improved professional networking; and
- Contributing to the Council's Trauma informed approach to homelessness and Rapid Rehousing.

The supporting information states that the Council has a requirement to transform the delivery of homelessness to a Rapid Rehousing approach and as part of this, the Council's Housing Options Team are seeking to minimise the use of B&B Accommodation for homeless households due to financial limitations. It is also the Council's ambition to offer up temporary accommodation, which is more fit for purpose and in line with the Council's statutory responsibilities under the Housing (Wales) Act 2014. The Housing (Wales) Act 2014 imposes duties on Local Housing Authorities to develop strategies to prevent homelessness whilst also providing help for those threatened with homelessness. Accordingly, the re-use of the site for temporary housing would allow MCC to house those individuals most in need within the region and to meet immediate housing pressures.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|-------------------------|---|-----------------------|----------------------|
| DM/2024/00549 | Full planning application for a change of use from C2 (Residential Care Home) to Sui Generis for temporary emergency accommodation for the homeless and associated works. | Pending Determination | |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision
S13 LDP Landscape, Green Infrastructure and the Natural Environment
S17 LDP Place Making and Design

Development Management Policies

HE1 LDP Development in Conservation Areas
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
LC5 LDP Protection and Enhancement of Landscape Character
EP3 LDP Lighting
MV1 LDP Proposed Developments and Highway Considerations

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 12

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: Refusal on the basis that there has not been enough public consultation and echoes the concerns of the objections of local residents online. Members discussed the application at length and noted the number of objections online. In addition, concerns were raised regarding proximity to children's nursery, access to the site, position near to a pharmacy and safe space for the residents. It was also noted that there is an issue of homelessness within the County and the Town and that the County Council have an obligation to provide provision at that wherever this is located it will be an issue.

MCC Ecology: No objection subject to conditions

The site is a former residential home that is proposed to be used as temporary accommodation for homeless people. There are no proposed structural changes or changes to the grounds of the property. There is unlikely to be a direct impact on features suitable for use by protected or priority species, and no loss of habitat. As stated by the planning statement some cosmetic works to the building may be required; the applicant is reminded that active bird nests are protected features and timing of works must be undertaken to avoid impacts on nests, if present.

All planning decisions must result in maintained and enhanced ecological networks and must deliver net benefits for biodiversity. The proposal includes existing grass areas to be converted to

wildflower habitat and new tree planting to provide ecological enhancements. The biodiversity officer is satisfied this is a suitable intervention at this site to provide net benefit for biodiversity, and recommend the relevant plans are secured with a condition if you are minded to grant this permission.

MCC Landscape: No objection subject to conditions

The site is located in an urban setting within the Chepstow settlement and currently consists of an existing complex of buildings within generally amenity landscaped grounds. The existing buildings are generally brick with concrete tiled roofs, white framed windows and doors, boundaries are a mix of hedge, metal fence and stone walls with slight topographical slopes across the site from Mounon road to Deans hill. Residential areas bound the site with ROW pedestrian access via links from Mounon road to Deans hill to the west of the site, open space to the north of the site and operational fire station and health centres the east of the site. The proposal seeks a COU of the site. The planning statement highlights that there is to be no additional built form or requirement for additional parking. All works proposed are primarily internal. Existing landscaping is to be maintained, retained and enhanced through improvements to GI.

The statement 5.22 indicates no removal of any on site GI and features such as trees. The applicant has provided detailed planting plan which is welcome which indicates 3 new tree species (8 trees as per plan ref TDA.2964.01) . The plan also indicates changes to the management regime of existing grassland areas to that of wildflowers with an inclusion of overseeding with yellow rattle. The plan indicates broad aftercare prescriptions for the proposed landscaping. The GI statement provided describes the existing GI assets. The proposals indicated in the statement are for 7 new trees and 650m² of improved grassland for the benefit of pollinators with establishment and aftercare.

It is considered from a Landscape and GI perspective that the proposal is acceptable and the additional landscaping interventions will be proportionate to the development scale and impact. It is noted that the grounds are relatively extensive and also include boundary hedges, trees, shrubs and amenity grassland. The management prescriptions relate to the proposed interventions only and it is not clear who will be responsible for aftercare and how the GI assets identified for the whole site will be managed within the context of new proposals. It is suggested that a GI management plan be produced for the whole site that includes all GI assets both existing and proposed so that management of existing takes into consideration aims and objectives. This can be provided prior to determination or as a condition of approval should the application progress.

With regard to the landscaping the scheme presented is proportionate and acceptable for the proposed development. The only additional measures required relates to bolstering the common boundary for the stretch between Deans Hill and the internal access way connecting to Regent Way.

Suggestions in terms of suitable plants to bolster boundaries for the development site the following could be considered:-

Bolstering existing hedging

The plans indicate an existing hedge to the W/NW boundary which could be enhanced both width and density with additional planting in the form of suitable evergreens, not necessarily native, in 2L pots (or larger for more immediate impact) for this urban setting such as:-

Laurel (*Prunus lusitanica*)

Photinia (*Photinia red robin x fraseri*)

Holly (*Ilex aquifolium*)

Bolstering boundary with additional smaller trees (std trees in pots or bare root for winter planting)

Ornamental crab apple (*Malus x robusta red sentinel*) and (*Malus sylvestris*)

Ornamental cherry (*Prunus cerasifera 'nigra'*)

Amelanchier canadensis (*Snowy Mespilus*)..can be multi-stemmed

It is proposed that this type of species is included in a revised scheme to be submitted by planning condition.

MCC Heritage: No objection

This application proposes a change of use at Severn View Residential Home. The site is located adjacent to Chepstow Conservation Area. It is understood that the application proposes minimal physical changes to the building externally. On that basis, there are no adverse comments in regard to the change of use.

MCC Surface Water Drainage: No comment

MCC Active Travel: Concerns

The site is located close to the town centre and directly abuts future active travel routes - ensuring that these routes are directly and comfortably accessible from the site will support sustainable transport choices and access to services and public transport from the town centre for residents. MCC-C08A connects the site to the town centre along Mounton Road to the south of the site and is classed by Transport for Wales's Route Impact Tool as a Very High Impact route. MCC-C08B runs along a pedestrian path to the west of the site, and is a High Impact route. It connects to MCC-17A, a Very High Impact route. These routes are labelled as future routes and so require some work to bring them up to active travel standards.

As identified in the transport statement, the location and use-case of the site would support active travel for residents and staff. We would request the following measures to maximise the location's great potential for active travel:

Gradients in the area are steep. This should be considered in designing for walking, wheeling and cycling.

Pedestrian access points

To allow direct and convenient active travel connections to trip attractors, pedestrian access should not be limited to the vehicle access. Pedestrian access should provide a safe and direct connection to the building's pedestrian access, and be signed as appropriate. We would suggest as many as possible, points of connection are shown of 1, 2, 3 and 4 in the map above. For point 1, adding a handrail to steps (point 'a'), on Public Right of Way 355/10/1 between Deans Hill and Welsh St would further improve the accessibility of this short, car-free link route from the site to the library and north town area. For point 2 (vehicle access), either open the separate pedestrian entrance or ensure that pedestrians and wheelchair users are safe using the vehicle access. Currently, pedestrians must walk in the road access to enter the site.

Cycling access points

Cycle/wheeled access should not be limited to the vehicle access. It should provide a safe and direct connection from the site's cycle parking to site-edge route connections to trip attractors, and be signed as appropriate.

Wayfinding

Signs at access points should support trip planning and wayfinding by active travel.

Sustainable Travel information pack

Residents and staff should receive a Sustainable Travel information pack as early as possible in site use/residency - this should include a local walking and cycling routes map and up-to-date public transport information, including how to buy tickets, access nearest bus and rail stops, and access relevant timetables.

Cycle storage

The site design should support cycling by making the cycle parking prominent and convenient. Given the use-case, there potential to convert some vehicle parking to cycle parking, and for this to be an efficient use of space for residents, staff and the other groups who share the site. A mix of short and long stay cycle storage could be provided by supplying ground-fixed Sheffield stands and either lockable cycle hangars alongside vehicle parking or a secure cycle storage room inside the building. An open-sided green roof would provide rain cover for cycles and would enhance the GI offer of the site.

MCC Highway: No objection

The application proposes the change of use of Severn View nursing Home to emergency accommodation for the homeless. The development is well established with a suitable means of access via Mounton Road and Regent Way with existing parking laid out providing 23 parking spaces. The proposal is located in a sustainable location and within walking distance to all the major amenities and attractors located in Chepstow. If the change of use is delivered as detailed in the Transport Plan, the highway authority do not object, the proposed change of use can be accommodated on site and will not adversely affect the existing local highway network

MCC Public Rights of Way: No objection

MCC Tree Officer: No objection

There are 25 trees on site with none affected by this development

Glamorgan Gwent Archaeological Trust: No objection

The proposed works involve a change of use from C2 (Residential Care Home) to Sui Generis for temporary emergency accommodation for the homeless and associated works. As noted, the building is not listed, and the proposed works do not involve extensive groundworks, therefore, the potential for encountering buried archaeology is considered low.

Given our understanding of the historic environment in the immediate area, it remains our opinion that it is considered unlikely that significant archaeological remains would be encountered during the proposed development, and no adverse impact on the setting of designated assets.

Consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application.

ONR Land Use Planning: No objection

The proposed development does not present a significant external hazard to the safety of the nuclear site. Therefore, ONR does not advise against this development.

5.2 Neighbour Notification

There have been 183 representations received to date; with the exception of one these forming objections to the proposal. The grounds for objection are summarised below

Concerns for safety of family and property

Deans Hill is a very quiet residential street. There have been many issues with the homeless that are housed with Drugs and alcohol.

Query regarding the security provisions that will be put in place to manage any potential issues; will there be CCTV cameras put into the surrounding streets to ensure neighbour's safety?

Deans Hill has many young families with small children, are there any reassurances that no sex offenders will be housed here, also is this going to be a permanent thing - will it be used to house the homeless indefinitely?

No communication around this at all, one notice on a lamppost outside the building.

We are aware that there will be staff on site during the week but none available on weekends.

Noise disruption from residents.

Noise and light disruption from the amount of vehicles coming and going that will be delivering meals etc.

Reduction in property values.

The use is out of character with area.

There is an economic and social disparity between residents of homeless accommodation and neighbouring properties will cause further social unrest.

Council Tax of existing neighbours to be reduced.

More appropriate locations for this use.

The area does not have the support structure in place.

There is a continuous pattern of the Council approving developments without any evidence of infrastructure improvements to accommodate the new arrivals; roads, doctors, dentists, school places etc. None have increased alongside the population growth. Developers should be paying into a fund to improve the local area, previously Section 106 funding.

There are already a large number of homeless in the town already, some of whom are veterans. It would be outrageous if this proposed accommodation was not being earmarked for them and instead was handed to new arrivals. This needs to be made clear.

Concern expressed about redaction, this implies secrecy. Request that the temporary accommodation is reserved exclusively for homeless people from the local Monmouthshire area, and not an underhand way of homing other people.

The Action Notes clearly detail an expectation of drug use/abuse (with specific provision made for opioid overdose) as well as anti-social behaviour both on-site and in the local area. There is no consideration of prevention merely response, and it suggests only 2 staff will be on-site providing security at any time compared to a capacity of 17- 32 residents. In contrast to the current use as a residential care home for those with dementia, the statement at 5.31 of the Planning Statement (it is considered that the proposed development would not harm residential amenity over and above the existing residential use of the site) would therefore appear to be patently false.

Very little details of the proposed residents are supplied which is very concerning. This is a quiet, family friendly area with a school and many residential properties close by.

Owner of Riverside Nursery School on Regent Way directly impacted by the proposal for a change of use of Severn View Residential Home. Object to the change of use to house the homeless specifically in light of the fact that there is a high probability of drug users and drug use and very little supervision or security proposed.

Shortage of care facilities, should have stayed as this use.

The welfare of the local community could be jeopardised and members of the public put at risk for the following reasons:

No restrictions/legal controls on the type of people accommodated at Severn View (potentially ex-offenders, drug users, sex offenders).

Occupants could re-offend in the immediate area. UK gov data suggests that 25% of offenders re-offend, meaning 4 out of 17 occupants on a continuous basis as and when new people are moved out and in.

People in the immediate vicinity are vulnerable and should be safeguarded including children at Riverside Nursery, those seeking mental health treatments at Hywel Dda, elderly and other vulnerable groups collecting medication at Merricks pharmacy. Residents would have to walk past these facilities to get in and out of the home.

No consultation with residents disrespectful and unacceptable.

No confirmation of delivery and waste collection times. SV confirmed deliveries/collections would be 7am-7pm. Outside these hours is unacceptable. Previously awoken by PHS collections at 3am.

No detail on number of security lights and positioning. Existing lights glare through our windows left on, not linked to motion sensors.

No data to evidence the £400k pa saving which is optimistic given the setup and running costs of the facility.

This appears to be driven by MCC's ambition for savings as opposed to housing homeless in a suitable facility and location. What other options have been discounted? The funds generated from the sale of SV could be used to build the required facility in a suitable location where the public are not at risk.

"Homeless" is not defined in proposal. Are these people simply down on their luck? Fleeing domestic abuse? Or perhaps those recently out of incarceration?

No information on the duration of this change of use. Is this for a month? Six months? Indefinitely?

Why would the local community be in favour of something, which we do not know enough about.

The other site within Chepstow town centre that houses the "homeless" is without a doubt one of the roughest, least inviting pubs in the area.

The application states that it is only for one wing of the present property to house 30+ "residents" but as soon as this is given the green light the other wing will then be converted for another 30+"residents.

It has been shared publicly that staff training includes specific training in administering Naxalone - a medicine for overdoses on Class A drugs.

A large number of both primary and secondary aged children walk past the site, through The Danes, to their respective schools each day. There is a nursery only 150 yards from the proposed site and residents will be required to walk immediately past parents dropping off young children.

The council not paying the money to better the home for the elderly but will for the homeless.

The redevelopment of the site to house potential offenders will have a direct impact on parents' desire to send their child to the nursery setting as well as cause potential harm to the young people at that setting. There is high risk of anti-social behaviour in the area, which, the children of Chepstow do not need to be subjected to

If this was a zero-tolerance shelter - no drugs, no alcohol, anti-social behaviour was not tolerated and strict vetting occurred prior to residents being allocated a place then my view would be different. However, as it is not I strongly object to this proposal.

It is clear from the management plan that they expect residents to be substance users as it mentions sharps bins (for disposing of needles for IVDU and training staff to use naloxone, which is needed in opiate overdose). It also states the CADRO (Crime and Disorder Reduction Officer) will be involved suggesting that people are likely to be ex-offenders. I do not believe the proposal provides adequate support for 17-32 people and the risk assessments are not capable of managing them safely and definitely do not ensure the safety of the public, in particular the vulnerable members of our community which include the children at the local nursery and schools.

Dean's Hill is not offered any privacy from Severn view overlooking from residents into neighbouring properties and public footpaths.

Site should be redeveloped for residential development in keeping with the area.

Better suited to an affordable housing development with great links to public transport for people who work.

Two security guards are not going to be enough to look after/ manage this amount of people in one facility.

The traffic situation will worsen as people choose to take cars as opposed to walking in proximity of this use.

Witnessed anti-social behaviour outside existing hostel in town centre.

Annual rise in crime figures in area - direct correlation with influx of use of hostels in area.

Chepstow does not have the infrastructure to deal with the many issues that will arise from this use.

The claim this is brown build site and vacant is misguided and dishonest. It has only been vacant since March 2024, a brownfield site implies this is a run-down building but reading the report the building is in good condition as only cosmetic work is needed.

The need for security raises many questions.

An establishment away from a town would better aid their recovery and avoid temptation.

The proposal fails to provide any evidence that the costs and subsequent operational costs have been fully evaluated. Apart from stating that the use of B&Bs is not financially viable no evidence has been provided to support this assertion.

The reports fail to provide any information on the number of homeless people in Monmouth yet this detail is fundamental to the proposal. MCC needs to disclose the average number of individuals who have been provided with B&B accommodation on a quarterly basis over the last 3 years.

The residents will have access to a shared / communal kitchen / lounge, bathroom and laundry facilities. Who will maintain these facilities?

It is doubtful if there is sufficient parking space if another wing is used for families and the kitchen is converted for community meals which will require parking for the staff and vans. The capital costs of converting the buildings need to be quantified. The report mentions the installation of CCTV facilities. What other changes are proposed? What will the services costs be for heat, light etc.

The report refers to a 24 hour concierge service. Why not operate a curfew after 11pm? What other third party providers will be utilised? It is difficult to comprehend how the residents will fund their weekly rent in addition to their living expenses when they are homeless and presumably out of work.

The reports in support of the application have not been written objectively but seek to portray the project in its most favourable light. The conversion of Severn View to a facility for the homeless is a long term commitment but the reports lack sufficient information to demonstrate that the financial costs of the proposal have been fully considered. To claim that the cost of B&Bs is not financially sustainable is not an acceptable evaluation.

I support safe accommodation for homeless people. However location is paramount. I am a substance misuse worker and there is always drug use and antisocial behaviour near these sites regardless of set up. Having this on the door step of a nursery is wildly inappropriate and will impact safety at collection time and what children are exposed to. Even with sharps collection and there are sharps on the floor, broken glass, fights and an increase in theft. This will severely undermine child and parent safety. Not an appropriate location.

Would residents' forensic history be reviewed too? Many homeless people have been through the prison system. Will people convicted of child related offences be included? Or those with convictions relating to arson and property damage?

We will pull our child out of nursery if this goes ahead.

Locating near a pharmacy where softer drugs will be readily available could also be too much temptation leading to relapse.

Nursery caring for over 100 children under 4 years old that sits within 200yds of Severn View.

This tenure of housing exists due to central and local government failures.

Town needs rejuvenation, this proposal is at odds with this.

Many alternative uses for this site that would be of better use to the community, and improve Chepstow for its residents.

Since Mon CC have started to house homeless in the hotel in Chepstow there has been an increase in:

- anti social behaviour.
 - shoplifting.
 - threatening and intimidating behaviour.
 - the use of illegal drugs.
 - the Palmer community centre has been broken into twice and patrons of the Palmer Centre who are elderly and some with dementia have been verbally abused.
 - incidents of affray outside Merrick's chemist on Moun-ton Road have increased between people queuing for the chemist.
- If the redevelopment of the Severn View site were to proceed then the above issues are very likely to get worse.

5.3 Other Representations

No further comments received

5.4 Local Member Representations

No comment received to date

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

6.0 EVALUATION

6.1 Principle of Development

The site is located within the settlement boundary for Chepstow within which the principle of development is acceptable, subject to compliance with all other material considerations. The relevant LDP Policy is S1 (The Spatial Distribution of New Housing Provision), this states that the focus for new housing development is within or adjoining the Main Towns of Abergavenny, Chepstow and Monmouth. This proposal is for the re-use of an existing building, currently vacant and previously used for care purposes. Planning policy positively encourages the development at such sites rather than the development of new ones.

The existing use of the site as a Residential Care Home is established. This proposal represents a change of use from social and health care accommodation to accommodation for the homeless. The numbers are less than potential previous occupation as the proposal is for the one wing only. The proposal offers temporary accommodation to individuals in need of such housing in a sustainable location within the settlement boundary of Chepstow, which is in close reach to a range of services, and facilities within Chepstow Town Centre.

The principle is acceptable; the detailed issues to consider are addressed below.

6.2 Sustainability

The site lies in a very sustainable location - in the LDP Chepstow is a 'Main Town'. The site offers ample communal amenity space and associated green infrastructure which is all to be retained. Local facilities are located within a short walking distance and future residents and employees would not be reliant on a car to access essential day-to-day services. The site lies in close proximity to Chepstow Railway Station and nearby bus stops that provide services to nearby towns and villages, and beyond. The site is a sustainable location to accommodate this use.

6.2.1 Good Design

There are no design issues arising from the proposal, as there are no extensions or alterations proposed, the changes proposed are very minor and do not require planning permission. This is a re-use of an existing building,

6.2.2 Place Making

There are neighbour objections that argue that this proposal reduces their sense of place, making residents feel unsafe in their neighbourhood, and concern is driven from perceived problems that currently arise from existing homeless accommodation currently situated within the town centre causing anti-social behaviour. There is concern that this is shifting the problem from the town centre to this location.

There is significant concern regarding how close this use is to a local nursery and a health centre/clinic and neighbours feel that this use has been thrust upon them with little consultation in a bid to save money without consideration of what they consider the implications will be upon the local area.

It is essentially about achieving the right development in the right place; with many objecting to the proposal because they consider that this is not the right place for this type of development.

There are a number of issues to consider when addressing whether this proposal meets the place making agenda. The financial viability of the proposal is not a consideration in this case; the impact of this proposal upon existing neighbouring properties, users and future occupiers of Severn View is what is key in the consideration of this proposal. There is an issue of how this use sits alongside other uses, namely existing residential areas and local facilities including a children's nursery.

A key part of place making is 'people and community'; proposals must "create, integrate, protect, and /or enhance a sense of community and promote equality" (PPW 12). This is a balance; this delivers significantly improved accommodation for homeless residents in a sustainable location. There is integration with this proposal to a point, as this proposal sets out measures to manage pedestrian movement and visitors into the site to minimise impact upon both neighbouring dwellings and services.

There is only one access that is to be used by the residents; this is along Regent Way and there would be surveillance proposed throughout this route with the provision of additional CCTV to ensure this access from Severn View to the main junction with Mounon Road/Thomas Street is monitored by staff from Severn View. It is important to note that Regent Way is a public highway and is not used solely by the residents of Severn View. This is an active street frontage populated by people/users in association with the fire station and the health centre that are served from this highway (the fire station immediately fronts onto the highway). The nursery located at the bottom of Regent Way is on a busy junction with active surveillance from people using the adjacent uses.

There would be 17 Severn View residents as well as staff using Regent Way. This is not a significant intensification over and above the current use that would compromise how this area functions. The concern relates to anti-social behaviour that may arise in the immediate area around the nursery where residents and visitors may meet or congregate and cause disturbance that provides an unsettling environment for users of the nursery. There are limited opportunities along this stretch of Regent Way to stop and meet, it is a route to a destination, be it the Town Centre or returning to Severn View. The health clinic is set back and served off the highway by the car park. A view of the amenity space for Severn View can be seen above this car park from Regent Way, but the levels are radically different, with the car park set well below Severn View. There is also a difference in levels with the nursery, this rises up with a ramped access, the primary entrance point to the nursery is at a much higher level to Regent Way. There are physical obstacles providing a level of separation of the nursery and the highway. The outside space serving the nursery is to the rear of the building. There is also surveillance provided, with a further option for neighbouring properties and local services to contact the team at Severn View directly to address immediately any instances of anti-social behaviour that might cause concern. It is stated in the supporting information that "Incidents of ASB will be tackled promptly through the Senior Accommodation Team Officer and the Accommodation Officer and suitable action taken".

When this is considered alongside the other aspects, namely the change in levels between the nursery and the highway together with the presence of existing and proposed CCTV, this access does not present itself as an area within which anti-social behaviour can easily take place without being immediately noticed and therefore addressed with the measures identified.

The site can also be managed by removing other potential external connection points around the site from access to Severn View residents, containing the site within a given area. It is noteworthy that the other routes are less desirable in terms of distance to local services and shops and potential conflict with traffic, so this does not compromise the residents of Severn View.

The interaction between the proposed use and Deans Hill is restricted to staff movements and deliveries from the Mounon Road vehicle access. The accommodation is in the south wing at the furthest point away from this residential area and screened from this area by the existing building with no external windows facing Deans Hill.

The existing buildings also enclose the outside amenity area. The area to the west of the site (which Deans Hill fronts onto) is restricted to residents and is accessible by staff only. This enables the Severn View residents to enjoy the outside areas and link into the town centre, but this does not filter into the peripheral areas namely to the south and west adjacent to Deans Hill (covered internally by surveillance).

The occupiers at Deans Hill have quoted potential anti-social behaviour on their doorstep as a key reason for concern. However, the resident's amenity space is contained to the east of the buildings, physically separated by the existing buildings. The internal access connecting Severn View to Regent Way to the north east of the site is partly obscured from properties along Deans Hill by the existing landscape buffer with a reasonable separating distance. Furthermore, this area is monitored by surveillance. In addition to the retention of existing landscaping a stronger landscape buffer further bolstering this boundary would be beneficial to increase privacy for both existing neighbouring properties and residents of Severn View, and to reduce noise and disturbance. (A pre-commencement condition requiring a comprehensive scheme of landscaping is recommended should Members approve this proposal).

There is a significant amount of supporting information with this application to demonstrate how the site is to be managed, stating that it is the "Council's aim to create a safe community for both its residents in Severn View as well as those households living in the local area. The Housing Options Team wants to foster an open-door approach for anyone in the community who may want to communicate with the Council about Severn View".

When consideration is given to the site features, including land levels, how the site is to be physically managed to control points of interaction and surveillance and a responsive team of staff, the accommodation of 17 homeless residents in Severn View is not considered to adversely compromise the sense of place and safety currently experienced in this area. There are potentially wider benefits that help to develop a sense of place in the town centre where the current temporary accommodation is located. The residents here will be living in an improved, more supportive and spacious environment where there are opportunities to access on site the required help and support needed to enable these residents to relocate into permanent accommodation.

6.2.3 Green Infrastructure

The Green Infrastructure Statement submitted indicates that there is no removal of any on site Green Infrastructure features such as trees. In total the proposals indicated in the statement are for seven new trees and 650m² of improved grassland for the benefit of pollinators with establishment and aftercare.

With regard to the landscaping, the scheme presented is proportionate and acceptable for the proposed development. The only additional measures required relate to bolstering the common boundary for the stretch between Deans Hill and the internal access way connecting to Regent Way.

The plans indicate an existing hedge to the west/ north west boundary, which could be enhanced both in width and density with additional planting in the form of suitable evergreen planting with this type of species included in a revised scheme to be submitted by planning condition. This will serve to distract all viewpoints from both within the site looking out and looking in from Deans Hill. Relevant planning conditions are proposed securing a revised detailed landscaping plan to secure this additional planting, a GI Management Plan and the implementation of hard and soft landscaping.

Indeed give the details submitted which sets out the retention of all GI assets, together with additional planting, the proposal complies with relevant planning policy.

6.3 Historic Environment

The site is located adjacent to Chepstow Conservation Area although as the application proposes minimal physical changes to the building externally, therefore the development would not fail to preserve or enhance the character/appearance of the Conservation Area and complies with Policy HE1 accordingly.

6.4 Biodiversity

As there are no proposed structural changes or changes to the grounds of the property. It is unlikely that there will be a direct impact on features suitable for use by protected or priority species, and no loss of habitat.

The proposal includes existing grass areas to be converted to wildflower habitat and new tree planting to provide ecological enhancements. The Council's Biodiversity officer is satisfied this the proposal delivers suitable net benefit for biodiversity subject to a planning condition securing the planting. The proposal complies with relevant planning policy.

6.5 Impact on Amenity

This is partly covered under the section on Placemaking above regarding how the site is managed to minimise noise and disturbance upon neighbouring residential properties, with a view to how the proposal impacts upon the sense of place.

Appropriate separation distances exist as the accommodation is in the lower south wing at the furthest part of the site away from the properties at Deans Hill, screened from viewpoints by the existing building. The amenity space is on the east side, again screened by the existing building. Any potential disturbance arising from the access to the north west of the site is to be further minimised by additional landscape screening secured by condition.

It is proposed to obscure glaze the south facing windows on both the ground and first floor of the south wing. This is essentially to protect the privacy of the residents of Severn View as the neighbours opposite facing onto Mounon Road are situated at a much higher level and have an elevated viewpoint down into the resident's bedrooms. A condition is required to secure this. These windows also have restrictors in place that prevent the windows from opening full width; privacy is therefore protected in both cases.

The site is to be internally managed to prevent access by residents to the west of the site. The impact upon the neighbouring properties is considered to be acceptable in this case and compliant with policies DES1 and EP1 of the Local Development Plan.

In terms of noise pollution, the traffic generation serving this development is not materially different to the previous use. It is not considered that the proposed change of use would generate a level of noise significantly over and above that generated by the existing C2 residential use.

6.6 Transport

6.6.2 Active Travel

The Council's Active Travel team have made comments requesting greater permeability for the site, as access to the site is concentrated to the north east of the site via Regent Way, this not providing access directly onto other routes. However, this is a direct route into the town centre and the local transport connection points. The residents would be highly unlikely to have cars, and will be dependent upon active travel for transportation. The pedestrian route will be clearly laid out and interpreted.

There is currently no cycle parking on site, but it is proposed that bike storage is appropriately and conveniently located within the site to be detailed on drawings. This is to be delivered prior to occupation and to be covered by planning condition.

6.6.3 Access / Highway Safety

The development is an established care facility with a suitable means of access via Mounon Road and Regent Way with existing parking laid out providing 23 parking spaces. A Transport Plan sets out the traffic movements that resulted from what was previously a 32-room provision care facility. The previous social care use generated traffic with an estimated 15 staff on the premises each day, with the addition of family, contractors, visiting professionals and agencies visiting throughout the day. In this proposal, as the residents do not have cars, the deliveries and visitors related to visiting professions providing support services and staff; there is ample parking on site to allow for this.

Furthermore, the proposal is located in a sustainable location and within walking distance of all the major amenities located in Chepstow. The proposed change of use can be accommodated on site and will not adversely affect the existing local highway network. The proposal is compliant with relevant planning policy.

6.7 Surface Water Drainage

There are no surface water drainage implications, as this is a reuse of an existing building.

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

6.8.1 Many of the representations received are addressed in the paragraphs above. The majority cover well-being and safeguarding matters with concerns for safety of family and property raised frequently.

The points that require further clarification or not considered above are addressed below:

There is concern regarding expansion of uses to a 34-bed accommodation and community meals service

This is not included within this application; this is a change of use of the building to accommodate and provide support service to 17 homeless single people. The accommodation is exclusively within the southern wing of the site.

Reference to alternative ways to manage the site, replacement of 24 hour concierge service with a curfew after 11pm?

This is a housing services matter in terms of how they manage the site; the stated management of the proposal has planning implications in terms of understanding the intensity of use and staff vehicle movements, which are addressed above.

Concern has been raised about the level of local consultation

A site notice has been posted at the entrance to the site on Mounon Road, which is currently the main access to the site. All adjoining landowners/neighbours have been consulted by letter in respect of this planning application. This goes beyond what is required with regard to publicity of a planning application. Any advance public consultation outside the planning process is not a material planning consideration.

Reduction in Council Tax

This is not a material planning consideration.

Alternative more appropriate locations for this use

This application is considered on its own merits, alternative locations are not relevant in this case.

Support structure in not in place

This application has evidenced in the supporting information the significant uplift in staff to be provided at Severn View compared to that at the existing bed and breakfast use.

Reduction in property values

This is not a material planning issue.

Very little details of the proposed residents given

It is not possible to provide information on the residents, this is personal information and not relevant or appropriate for a planning application.

No data to evidence the £400k pa saving which is optimistic given the setup & running costs of the facility

Financial Viability is not a planning issue in this case.

Temporary use, duration of time this use will be operational

This is an application for a permanent use, not a temporary use. The accommodation is temporary for the residents until they are moved into accommodation that is more permanent.

Shortage of care facilities should have stayed as this use

This care facility use has been replaced with the purpose-built care facility in Crick.

Site should be redeveloped for residential development in keeping with the area. Better suited to an affordable housing development with great links to public transport for people who work
Alternative uses of this site are not subject to consideration as part of this application. This application is being considered on its planning merits.

Two security guards are not going to be enough to look after/ manage this amount of people in one facility

The staff arrangements proposed in the supporting information provide clear information and comparison about staff numbers.

Concern expressed about redaction this implies secrecy.

Redaction is applied to documents to accord with GDPR requirements.

Request that the temporary accommodation is reserved exclusively for homeless people from the local Monmouthshire area, and not an underhand way of homing other people. Concern expressed that this will lead directly to a greater number of homeless persons in Chepstow, with people being re-homed from outside Monmouthshire.

This relates to the relocation of existing homeless people in Monmouthshire currently accommodated in Chepstow in hotel accommodation.

The Action Notes clearly detail an expectation of drug use/abuse (with specific provision made for opioid overdose) as well as anti-social behaviour both on-site and in the local area. There is no consideration of prevention merely response, and it suggests only 2 staff will be on-site providing security at any time compared to a capacity of 17-32 residents. In contrast to the current use as a residential care home for those with dementia, the statement at 5.31 of the Planning Statement (it is considered that the proposed development would not harm residential amenity over and above the existing residential use of the site) would therefore appear to be patently false

The occupation would be for 17 residents as a maximum. The residency of the care home was higher as it had a maximum capacity of 32. The supporting information provides an indication of staff numbers, which provides help and support. The supporting information has also sought to provide information on how the site will be managed to allay concerns about anti-social behaviour.

What are the security provisions that will be put in place to manage any potential issues, will there CCTV cameras put into the surrounding streets to ensure our safety

It has been confirmed that CCTV covers the streets around Severn view. It is proposed that in addition CCTV will be installed to cover both external entrances, which will be monitored by the concierge service.

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

6.9.1 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 WCFG Act). In reaching this recommendation, the ways of working set out at section 5 of the WCFG 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 WCFG Act.

6.10 Conclusion

The proposal offers temporary accommodation in a sustainable location within the settlement boundary of Chepstow, which is in close reach to a range of services, and facilities within Chepstow Town Centre. Local facilities are located within walking distance including Chepstow Railway Station and nearby bus stops, which provide services to nearby towns and villages, and beyond.

The site offers ample communal amenity space and associated green infrastructure, which is all to be retained and bolstered.

The proposal is to use the south wing only, there are no overlooking windows or aspect to Deans Hill. Any potential overlooking on the south elevation is minimised by the window restrictors and proposed obscure glazing ensuring that privacy and amenity is protected by the scheme.

The relationships that will be created with existing properties in the area have been considered, appropriate separation distances will be maintained through the location of the accommodation block and the amenity areas. This enhances privacy to both the new residents and the existing neighbouring properties. Internal management strategies containing the site keeps the residents to the east side of the site maximising separation and privacy distances.

In terms of noise pollution, given the measures proposed this change of use would not generate a level of noise significantly over and above that generated by the existing C2 residential use; especially as the number of residents would be less than the previous use and the proposal incorporates management measures to minimise any potential for anti-social behaviour.

The impact of this proposal outside the site is relation to neighbouring uses, in particular the children's nursery on Regent Way, has been fully assessed. This is a public highway and is not used solely by the residents of Severn View, and is an active street frontage populated by people/users in association with the fire station and the health centre that are served from this highway (the fire station immediately fronts onto the highway). Indeed, when coupled with physical change in levels between the nursery and the highway as well as the presence of existing CCTV, this removes concern that the area would be subject to anti-social behaviour without being immediately noticed and addressed with appropriate measures.

The Well-Being of Future Generations (Wales) Act 2015 sets out seven 'well-being' goals: two being:

A healthier Wales: A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood.

A more equal Wales: A society that enables people to fulfil their potential no matter what their background or circumstances (including their socio-economic background and circumstances)

This proposal delivers 17 units of accommodation for single homeless people, with spacious communal facilities and providing easy access to local amenities and services. The building offers the space to deliver 1:1 housing support; MCC staff and support agency 'hot desking' and networking; as well as group support (such as life skills) activities due to the layout and facilities in the building. The potential impact upon well-being, amenity and sense of place is acceptable and compliant with relevant planning policy. The proposal is recommended for approval with relevant conditions that limit the residents to the south wing, secures obscure glazing on the south elevation, delivers cycle provision and alongside other landscape and biodiversity objectives, bolsters the common boundary with Deans Hill.

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. Prior to commencement of development details of on-site cycle storage shall be submitted to and approved by the Local Planning Authority, the scheme as approved shall be implemented and completed prior to occupation and retained in perpetuity.

REASON: To facilitate active travel in accordance with National Planning Policy

4. An appropriately scaled Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the Management Plan as a standalone document 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 including trees, hedge and shrubbery
- b. Green corridors including those within the site
- c. Grassland areas including mown grass, wildflower areas

b) Opportunities for enhancement to be incorporated

a. Management of treed and planted boundaries for GI and biodiversity including interfaces with GI corridors connection the wider landscape

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 details shall include a timetable for implementation. The approved plan will be implemented in accordance with the approved details within the approved timetable.

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

5. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority additional measures required relating to bolstering the common boundary for the stretch between Deans Hill and the internal access way connecting to Regent Way. This shall feature a scheme of landscaping, which shall include indications of all existing

trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of the development.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with LDP Policy G11.

6, All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Planting of Trees shall be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. 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

7. Existing and new landscaping shall be retained and provided as shown on "Detailed Soft Landscape Proposals, TDA Drawing Number TDA.2964.01. Dated May 2024". Landscape features shall be retained, managed and replaced as necessary to provide net benefit in perpetuity.

REASON: To maintain and enhance ecology on the site as required by the Environment (Wales) Act 2016, Planning Policy Wales and LDP Policy NE1

8. The south wing of the application site shall be used for residential accommodation only.

REASON: To protect local residential amenity in accordance with LDP Policy EP1

9. All windows in residential use on the south elevation facing Mounton Road shall be obscure glazed to a level equivalent to Pilkington scale of obscurity level 3 prior to the development being brought into beneficial use and maintained thus thereafter in perpetuity.

REASON: To protect local residential amenity and to ensure compliance with LDP Policies DES1 and EP1.

Application Number: DM/2024/00355

Proposal: The creation of a Travellers' site incorporating four bespoke family related pitches with one static and touring caravan and day/utility room per pitch, emergency flood access, installation of private treatment plant and ecological enhancements (partially retrospective)

Address: New Stables, land opposite Llancayo House, Abergavenny Road, Llancayo, Usk

Applicant: Ms, Mr Sharmane, Mike Jones, Purcell & Family

Plans: Site Plan 02 - B, Photography 03 - C, Photography 04 - C, Photography 05 - C, Photography 06 - C, Site Plan 07 - H, All Proposed Plans 08 - C, All Proposed Plans 09 - C, All Proposed Plans 10 - C, All Proposed Plans 15 - D, Location Plan 00 - D, Location Plan 01 – D, 'Method Statement for Decommissioning of Septic Tank Llancayo Traveller Site' dated 14/5/24.

RECOMMENDATION: Approve (Subject to Appropriate Assessment under the Habitats Regulations being agreed with NRW)

Case Officer: Ms Kate Bingham
Date Valid: 14.03.2024

This application is presented to Planning Committee due to the number of objections received

1.0 APPLICATION DETAILS

1.1 Site Description/Background

1.1.1 This application site relates to an area of 0.44 ha adjacent to the settlement of Llancayo near Usk. The site is triangular in shape and located to the west of the B4598 and to the east of an unclassified road. To the north is agricultural land. The whole site is surrounded by peripheral trees and mature hedging with a public footpath, Nos 360/60/1, extending in an east-west direction along the northern boundary with a gated access point onto the unnamed minor road.

1.1.2 Since March 2016 a family who are from the Gypsy and Traveller community have occupied the site as their home. A retrospective planning application (DC/2016/00297) was submitted to Monmouthshire County Council on 17th March 2016. The application sought planning permission for a four-pitch Gypsy site for one family - comprising four pitches with space for a mobile home, touring caravan, utility/amenity building and parking space. This planning application was subsequently refused on 12th December 2016 for the four following reasons:

1 The application site is on greenfield agricultural land in the open countryside outside any development boundary. The applicants have failed to supply sufficient evidence to demonstrate why their particular personal circumstances are so significant as to outweigh the policies in the adopted Local Development Plan which presume against new residential development in the open countryside. Insufficient evidence has been supplied to explain why the applicants have to live in this particular location at this time.

2 Part of the site including the access and the adjacent access roads lie within Zone C2 flood risk as defined by the Development Advice Map (DAM) referred to in Technical Advice Note 15. No Flood Consequences Assessment has been submitted so it has not been demonstrated that the site, particularly the access, can be protected by approved engineering works or other flood protection measures. If the access were to flood rapidly the occupants of the site could be trapped

on a flooded site with no safe means of escape. No evidence has been put forward to explore how this development would impact on local flooding, it may exacerbate the situation as a result of increased areas of hardstanding, and no protection or mitigation measures have been put forward as part of this application. Moreover, no information has been provided regarding the potential for flooding to cause a pollution incident relating to the cesspit. The proposal to site highly venerable development within a C2 flood zone is contrary to the advice contained in TAN15, Planning Policy Wales and also contrary to policies S12, SD3 and H8 e) of the LDP. There is no justification for allowing residential development in this location within the flood zone.

3 The proposed development is not be [sic] satisfactorily assimilated into the landscape, being prominent from several public vantage points including the two adjacent public highways and a public footpath. Even with substantial landscaping within the site, the mobile homes, amenity blocks and other domestic paraphernalia will be visually prominent. The proposal represents new residential development that is not well related to the rural character of the area. The proposal is clearly contrary to Policy LC1 of the LDP.

4 The current vehicular access into the site is sub-standard and not in accordance with current design standards. The proposed use of this access without improvements to visibility and ease of access splays will be detrimental to highway safety.

1.1.3 Following the refusal of planning consent the Council served an enforcement notice in respect of the unauthorised development on 19th December 2017. The requirements of the notice were:

- (i) Remove all unauthorised caravans / mobile homes from the land.
- (ii) Remove all associated vehicles, gas containers and other extraneous materials from this site.
- (iii) Remove the hardstanding completely from the land.
- (iv) Cease the use of the land as a caravan site.

The period for compliance with the requirements was two calendar months from the date that the Notice took effect.

1.1.4 The family lodged an appeal to Planning Inspectorate for Wales against the refusal of planning permission and the enforcement notice. The appeal was subsequently dismissed on 6th December 2017 primarily for concerns relating to drainage and flooding. This decision is attached as Appendix A for information. The enforcement notice was therefore upheld with some variations to the wording.

1.1.5 This enforcement notice needed to be complied with within 12 months of the appeal decision, i.e. 6th December 2018. However, the family decided to appeal the decision of the Planning Inspectorate to the High Court and thus no further enforcement action was able to take place whilst the legal challenge was being concluded. The High Court upheld the Planning Inspector's decision in 2017. A further appeal against that decision was lodged to the Court of Appeal but was rejected in October 2019.

1.1.6 The development at the site is unauthorised and the enforcement notice has not been complied with. The Council is now in a position where it can (if appropriate) take further action but needs to give careful consideration as to how to proceed with the site whilst ensuring that the welfare of the family occupying the site is accommodated. The Housing (Wales) Act 2014 legislation places a statutory duty on local authorities in respect of homeless, including Gypsy & Traveller households or others threatened with homelessness. As a competent authority Monmouthshire County Council (MCC) needs to ensure that it safeguards the housing requirements of the family occupying the site. The Council therefore has a duty of care regarding homelessness and evicting the family from the site would result in the family not having a home.

1.2 Value Added

- The number of plots have been reduced from six to four to allow more space for drainage on the site.

- Three timber buildings to house five stables and three dog kennels have been removed from the proposals.

1.3 Proposal Description

1.3.1 The applicant intends to continue using the site as a permanent family pitch to accommodate four immediate family members and therefore the local planning authority has been asked to consider the newly submitted planning application and assess whether the proposals and any proposed mitigation to overcome the previous concerns with the development are acceptable.

1.3.2 The application seeks to rationalise the current layout to accommodate four individual pitches located along the eastern part of the site adjacent to the hedgerow along the perimeter next to the unclassified road. Each pitch would contain a residential mobile chalet/lodge, compliant with the definition in the various Caravan Sites Acts, space for a touring caravan, utility/dayroom and a parking area.

1.3.3 The day/utility rooms would have a gross floor area of 35m², be 2.4m high to the eaves and 3.8m to the ridge. External building materials would be a combination of rendered walls painted white, or brick or timber cladding boards with a horizontal finish. The roof would be finished in blue/black man-made slate/tiles, and all windows and doors and water goods would be uPVC. These would also include a bird and bat box installed on one of the gable walls and external low intensity wall mounted down lights provided on each front elevation.

1.3.4 As there is no public sewer available within 33m of the site it is proposed to replace an existing (unauthorised) septic tank with a new British Standard biological Package Treatment Plant with sufficient capacity to service four residential units discharging the purified water to ground via a drainage field. All surface water would be disposed via soakaways.

1.3.5 It is proposed to supplement the existing tree and shrub planting already undertaken with additional planting as part of the required Green Infrastructure Statement / Scheme. All the established peripheral trees and hedges will be retained and supplemented except where part of the hedgerow is required to be removed to accommodate the emergency access track on the eastern boundary.

1.3.6 As recommended in the Flood Consequences Report (Appendix B) an ingress and egress track will be provided to the south of proposed unit 4 to give emergency access onto and from the unclassified road adjacent to the eastern boundary. This access would be 4m wide and gated. The loss of the small section of hedgerow will be compensated for elsewhere around the periphery of the site.

1.3.7 The existing main access apron would be improved with a hard surface for a distance of 5m from the carriageway edge and any access gates would be set back 10m.

2.0 RELEVANT PLANNING HISTORY (if any)

| Reference Number | Description | Decision | Decision Date |
|-------------------------|--|----------------------------|----------------------|
| DC/2016/00297 | The proposal is for a 4 plot gypsy site for one family - comprising 4 plots with space for mobile home, touring caravan, utility/amenity building and parking space. | Refused (Appeal Dismissed) | 12.12.2016 |

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New 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

H8 LDP Gypsy, Traveller and Travelling Showpeople Sites
DES1 LDP General Design Considerations
EP1 LDP Amenity and Environmental Protection
EP5 LDP Foul Sewage Disposal
LC1 LDP New Built Development in the Open Countryside
LC5 LDP Protection and Enhancement of Landscape Character
GI1 LDP Green Infrastructure
NE1 LDP Nature Conservation and Development
MV1 LDP Proposed Developments and Highway Considerations

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 12

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.

Paragraph 4.2.36 (pg. 62) of PPW Ed 12 (February 2024) states that: Local authorities are required to assess the accommodation needs of Gypsy and Traveller families, together with Travelling Show People, and to allocate sites to meet the identified need. Where a Gypsy and Traveller Accommodation Needs Assessment (GTANA) identifies an unmet need a planning authority should allocate sufficient sites in their development plan to ensure an unmet need a planning authority should allocate sufficient sites in their development plan to ensure that the identified pitch requirements for residential and/or transit use can be met.

All Councils in Wales have a duty under Part 3, Housing (Wales) Act 2014 to undertake a Gypsy, Roma and Traveller Assessment every five years. Where unmet need for mobile home pitches is identified, the necessary pitch provision needs to be facilitated. The last Gypsy, Roma and Traveller Assessment was adopted by Cabinet on 6th January 2021. The summary conclusions

identify a need for 13 pitches for families already living within Monmouthshire. This was approved by Welsh Government in June 2024. This need is broken down as follows:

- An unmet need of nine pitches under the assessment period 2020 to 2025;
- Beyond 2025, a further unmet need of four pitches over the remaining length of the Replacement Local Development Plan (2026-33) to accommodate family growth as children become adults and require their own pitch;
- No need was identified for travelling show people or circus people;
- The Assessment did not identify a need to provide a transit site and given the cross-border movement associated with families passing through local authorities, this topic is best addressed via the regional Strategic Development Plan.

Welsh Government Circulars

Circular 005/02018

National advice on Gypsy and Travellers is contained in Circular 005/2018 published in June 2018 and Paragraph 2 refers to Section 108 of the Housing (Wales) Act 2014 where Gypsies and Travellers are defined as:

- a) Persons of a nomadic habit of life, whatever their race or origin, including
 - (i) Persons who, on grounds only of their own or families or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently, and (whether or not travelling together as such); and
 - (ii) All other persons with a cultural tradition of nomadism or of living in a mobile home.

Section 101 of this Act also placed a duty upon local authorities to ensure that the accommodation needs of Gypsies, Travellers and Showpeople are accurately assessed and the identified need for pitches is met. This requirement is also contained in the Circular requiring Local Authorities to assess the accommodation needs of not only Gypsies and Traveller's but Showpeople residing in any county and make provision on either public or private sites. The Housing Wales Act 2014 places a duty on local authorities to assess the need for the provision of sites for mobile homes in their area and, where that need is identified in a GTANA, a local authority must exercise its powers under the Mobile Homes (Wales) Act 2013 to provide those sites.

Circular 005/2018 also advises that where a need for additional pitches has been identified through a GTANA a sequential test needs to be undertaken to assess the availability of suitable sites within or adjacent to existing settlements. However, this does not preclude consideration of other sites away from existing settlements being put forward by members of the Gypsy community as paragraph 39 states:

Sites in the countryside, away from existing settlements, can be considered for Gypsy and Traveller sites if there is a lack of suitable sustainable locations within or adjacent to existing settlement boundaries. In assessing the suitability of such sites, local authorities should be realistic about the availability, or likely availability, of alternatives to the car in accessing local services. Over rigid application of national or development plan policies that seek a reduction in car borne travel in order to effectively block proposals for any Gypsy and Traveller Site in a countryside location would be inappropriate. Sites should be considered in context and in relation to the local infrastructure, population size and density to ensure they are in proportion to local settled communities.

Welsh Government Circular 008/2018

Circular 008/2018 sets out 'Planning Requirements in Respect of the use of Private Sewerage in New Development, Incorporating Septic Tanks and small Sewerage Treatment Plans.' It provides advice on non-mains sewerage aspects of development so as to avoid environmental, amenity or

public health problems which could arise from the inappropriate use of non-mains sewerage systems. It states that the first presumption must always be to provide a system of foul drainage discharging into a public sewer. If it can be demonstrated that connection to a public sewerage system is not feasible, a package sewage treatment plant incorporating a combination of treatment processes should be considered.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Llanarth Fawr Community Council (comments received 28/6/24 in relation to the amended scheme for 4 pitches and foul drainage connection to ground – Object on the following grounds (summary):

- 1. Site plan.** The site plan does not take account of key safety requirements contained within *Designing Gypsy and Traveller Sites* (Welsh Government, 2015) or the *Model Standards 2008 for Caravan Sites in Wales*. This means Drawing 07H Site Plan needs to be resubmitted showing appropriate gaps between site boundary and pitches, between mobile homes and pitch boundaries, and gaps between each individual mobile home and any other. Additional planting, walls or changed land levels should also be introduced in areas of empty space to prevent future unauthorised occupation of the site, as per WG Guidance. The redesign may impact on the drainage field proposals.
- 2. Inadequate drainage.** The proposed drainage field is unacceptable; the effluent is supposed to be discharged within the drainage field area, but given the drainage field is likely to be waterlogged (sitting on impermeable mudstone and within the physical flood plain of the River Usk and unnamed brook), not of sufficient depth, and is too small for the number of pitches, then effluent will spread off site, onto the highway and nearby Llancayo House, especially as winters become wetter. Ongoing and regular maintenance is also a key factor in the successful operation of a drainage field, and experience of the existing septic tank does not inspire confidence.
- 3. Unmet need.** It is undoubtedly the case that Monmouthshire County Council has been slow to provide sites for the G/T community, and that there is unmet need. Whether unmet need outweighs issues concerning inadequate drainage and flood risk is a matter that has already been thoroughly tested through planning and judicial processes, and on such 'fact sensitive' cases, it clearly does not. In other circumstances and other areas – which do not present these key issues to be taken into consideration in the 'overall balancing' of a case – unmet need may well be a determining factor: but not at the Llancayo site.
- 4. Flood risk.** It is for MCC to decide whether it is safe to ignore national policy on flood risk, set out by NRW in its response of 8th May: "highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2". The site is indeed an "island in terms of flooding" (see Appendix); the proposed pitches sit on slightly higher ground but just metres away from the highest risk Zone C2 (TAN15, 2014) / Zone 3 (revised TAN15, 2024), with a proposed emergency escape leading, in NRW's words, to a narrow lane "predicted to flood during the 1 in 100 year and 1 in 1000 year flood events both north of the site and at its junction with the B4598". Emergency services would not have safe access to the site during a flood event as even shallow waters can move vehicles. The conflict with national policy meant the Planning Inspector in 2017 did not consider it appropriate to request a Flood Consequences Assessment (FCA). Despite this, the applicants have submitted an FCA. Unfortunately it contains information from NRW's *Flood Risk Assessment Wales* map, and the *National Flood Hazard Maps*, which NRW advise have "no official status for planning purposes" and therefore applicants "should not use it to inform Flood Consequences Assessment to support planning proposals". The FCA should either be resubmitted using only appropriate maps and data, or ignored.

NB. Full detailed comments and appendices provided by Llanarth Fawr Community Council can be read in full on the Council's website: <https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

Natural Resources Wales (NRW) – We continue to have concerns with the application as submitted. To overcome these concerns your authority should carry out a Habitats Regulations Assessment (HRA) due to the site's location in a phosphorus sensitive SAC river catchment. We also provide you with advice over the risks and consequences of flooding. Further details are set out below..

Phosphates: The application site is within the catchment of the River Usk Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our latest Planning Advice (June 2024), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms. We welcome the revised drainage proposals comprising a new package treatment plant discharging domestic wastewater to ground. Prior to the discharge to ground, the wastewater will pass through a phosphorus filter consisting of a limestone bed. As the proposed private system has been changed, the applicant has revised their Nutrient Neutrality Assessment and Mitigation Strategy (NNA), which has been prepared by Enviren, dated 12 June 2024.

Given the proposal is now for a discharge to ground (not surface water as previously proposed) there is less importance on the applicant to demonstrate the site's phosphorus balance calculation. However, we have considered the NNA and balance calculations and are satisfied with the conclusions.

The NNA gives a percolation value (V_p) obtained from site of 69.4. However, there are no details of the porosity test results provided. You should ensure these are correct and available to evidence in your HRA. The NAA also states that "the number of people to be served by the Drainage Field (conservatively assumed as 18 as per Natural England recommendations)". Ultimately, it is a matter for your Authority to decide if this level of occupancy appropriately reflects how the site will be populated based on your understanding of the development proposal. It is not known how many bedrooms are proposed in each unit and you may wish the applicant to clarify this.

An 18 people occupancy and a daily flow of 150 litre equates to an effluent discharge of 2.7m³ per day. This is in excess of the 2m³ per day figure referenced in the Planning Advice to screen out a proposal. In addition, the drainage field is located less than 40m from a watercourse. On these bases, the proposal is unlikely to screen out as not likely to have a significant effect on a river SAC in relation to phosphorus inputs.

We therefore advise your Authority to undertake a Habitats Regulations Assessment (HRA). Should you determine that an Appropriate Assessment is required, the Applicant will then need to submit whatever evidence they deem appropriate (seeking advice from consultants as may be necessary) to demonstrate no adverse effect on site integrity. You should then consult us on your Appropriate Assessment under Regulation 63 of the Conservation of Habitats and Species Regulations 2017 (as amended).

We refer also to the comments made by third parties and uploaded to your planning portal in respect of two wells, a spring and a proposed borehole in vicinity to the site. This may need to be considered further in your HRA.

NB. The Council have undertaken a draft Appropriate Assessment (AA) under the Habitats Regulations that outlines that the development would not have significant impact on the integrity of the River Usk SAC. Members and the public can view the AA via the MCC website and as an Appendix (C) to this report [DM/2024/00355 | The creation of a travellers site incorporating five bespoke family related pitches with one static and touring caravan and day/utility room per pitch, emergency flood access, installation of private treatment plant and ecological enhancements \(partially retrospective\). | New Stables Land Opposite Liancayo House Abergavenny Road Liancayo Monmouthshire](#)

Flooding:

The planning application proposes highly vulnerable development: a travellers' site. We confirm the site is within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 Rivers. We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

Whilst we note the revisions to the proposed development which now comprises 4 pitches rather than 6 and the removal of the stables and kennels from the proposal, no updated Flood Consequences Assessment has been submitted. Therefore, our comments on the acceptability of the risks and consequences of flooding remain as set out in our letter of 8 May 2024.

Based on the revised Proposed Site Plan, Drg No 07H, dated 12 June 2024 it shows no built development is proposed within the area shown to be at risk of flooding. Only the main access/egress to the site, a section of the driveway and a grassed area lie within the area of the site predicted to be at risk of flooding.

Comments on flooding 8 May 2024:

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2. Notwithstanding this policy position, we have reviewed the Flood Consequences Assessment (FCA) JBA, dated March 2024, referenced LVZ-JBAU-XX-XX-RP-001 to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

The FCA has not demonstrated that in accordance with A1.14 of TAN15 the proposed development is predicted to be flood free in the 1% plus an allowance (25%) for climate change (+CCA) flood event. However, we note that the proposed layout results in the proposed residential accommodation being located outside the flood event outlines as indicated by the Flood Map for Planning (FMfP). The caravans are to be housed to the east of the site with the main access via the north-west. Along the eastern boundary is a proposed emergency access point to be accessible at all times.

Although the residential elements of the proposal are located outside the flood outlines on the MP, the proposed development site is not shown to be designed completely flood free during the 1%+CCA event as per national planning policy.

A1.14 of TAN15

The FCA states that the main access road into the site is shown to be at risk of flooding in the 1% (1 in 100 year) (present day) event with depths of up to 200mm. This is contrary to A1.14 of TAN15 which advises all new development should be flood free in the 1% +CCA event. Predicted depths are likely to be higher when the allowance for climate change is added.

The FCA suggests that given the scale and nature of the development, it is disproportionate to include climate change with a hydraulic model to ascertain the predicted flood depths in the 1%+CCA event. Whilst we would normally advise flood risks to/from the site are assessed using the 1% +CCA fluvial flood event depths and levels, in this case as the FMfP includes climate change in the outlines and the residential elements of the proposal are located outside these outlines we offer no adverse comment in this regard. Whilst the FMfP is of a broad scale, it does give a precautionary assessment of the flood risk.

A1.15 of TAN15

The MP also indicates all proposed residential areas are located outside the 0.1% (1 in 1000 year) flood outline. An area in the north-west of the site is predicted to flood during the 0.1% flood event. The FCA states that flood depths are typically less than 400mm and are not predicted to exceed 600mm.

A1.12 of TAN15

Flood Risk Elsewhere

The FCA concludes that the proposed development shall not increase flood risk elsewhere. An area of land in the north-west of the site which is predicted to be at risk of fluvial flooding shall remain the same post development, therefore the development will not increase flood risk to third party land. (Given the scale of the proposed stables and the flood depth on site, we consider this is unlikely to increase flood risk elsewhere post development).

Access/Egress

Flooding of the main access road in the north-west is predicted up to a maximum depth of 294mm, this is within the tolerable limits (600mm) suggested within A1.15 of TAN15 for access routes on residential sites.

The emergency access to the eastern boundary of the site is predicted to be flood free during all events. Access / egress to the site is available from the eastern boundary, in a northerly direction, where flood depths are less than 300mm on the unnamed highway.

TAN15 advises that access routes should be shown to be operational under all conditions. It is for your authority to determine whether you consider these risks to be acceptable.

Flood Risk Summary

Although the residential elements of the proposal are located outside the flood outlines on the MP, the proposed development site is not shown to be designed completely flood free during the 1%+CCA event as per national planning policy. The access is predicted to flood in the 1% flood event. Should your Authority require a 1%+CCA flood depth for completeness, hydraulic modelling would not be necessary. Instead, the applicant could, for example, compare the FMfP outlines, which include climate change, with the site topography to ascertain an approximate flood level for the 1 in 100 year plus climate change flood event.

It is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood. Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Ecology: We recommend you seek the advice of your in-house ecologist to determine the scope of any Ecology surveys required to support this application. Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

Dwr Cymru – Welsh Water (DC-WW) - We note from the application that the proposed development does not intend to connect to the public sewer network. As the sewerage undertaker we have no further comments to make. However, we recommend that a drainage strategy for the site be appropriately conditioned, implemented in full and retained for the lifetime of the development.

MCC Environmental Health (Contaminated Land) - The contaminated land conditions I recommended are designed to be a staged approach, meaning that if the desktop study (undertaken by a suitably qualified contaminated land professional) which should include a site walk over, does not consider the use of the site has resulted in land contamination, then the full site investigation (sampling etc) and remediation/validation would not then be required.

In light of the fact that the site was greenfield, until being used for residential use by its current occupiers, I believe that a proportionate approach would be to use an unforeseen contamination condition.

MCC Environmental Health (Foul Drainage) – We have looked at the proposed treatment system and providing that it meets current British Standards, which the document advises it does, then I do not anticipate there to be an unacceptable risk of noise or odour to nearby residents from the proposal.

MCC Lead Local Flooding Authority - Flood risk maps provided by Natural Resources Wales indicates parts of the site to be at risk of flooding.

Our database of previous flood events does not record surface water flooding in close proximity to the site.

Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site.

The revised plans show the stable blocks to have been removed, this removes our concern around finished floor levels. However we would request the condition below is still included on the decision notice:

The finished floor levels for all buildings, residential or otherwise, will need to be set a minimum of 300mm above the predicted maximum flood level on the site.

Reason: To prevent buildings from flooding and reduce the risk of contaminants being mobilised from stable facilities during flood events, and to prevent animals being trapped in a flood event.

The applicant has now indicated the location of suitable Non Return Valves on the foul system.

MCC SAB - The applicant has now demonstrated that the proposed infiltration blanket approach should have sufficient capacity to manage all surface water from the site in a 100 year + climate change event.

Further ground investigation will be required across the site to support the SAB application when this is submitted, this will also include an assessment of the drainage of the existing surfaces across the site to ensure that the development does not increase on site or off site flood risk.

MCC Lead Local Flood Authority – No objections.

Flood risk maps provided by Natural Resources Wales indicates parts of the site to be at risk of flooding.

Our database of previous flood events does not record surface water flooding in close proximity to the site.

Our database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site.

The revised plans show the stable blocks to have been removed, this removes our concern around FFL.

The applicant has now indicated the location of suitable Non Return Valves on the foul system.

MCC Landscape/GI - No objection subject to conditions (see end of report).

MCC Highways - No objection subject to condition (see end of report).

MCC Biodiversity – A Holding Objection has been raised based on the foul drainage proposals, which as they stand will need an Appropriate Assessment to be agreed with NRW. Should the Members be minded to recommend planning approval, the following conditions should be adopted:

1. Species Construction Method Statement to include details of measures to protect Nesting Birds, Hazel Dormice and Hedgehogs
2. Hedgerow Mitigation and Biodiversity Net Benefit

No ecological information has been submitted to inform the application. It should be noted that, despite its retrospective nature, a proposal of this size and nature would ordinarily require a Preliminary Ecological Appraisal in order to detail the baseline ecological conditions of the site.

Nevertheless there is confidence that valuable habitats on site now appear to be limited to the boundary hedgerows and treelines. It is noted that the net benefit for biodiversity proposals did require further measures to be proportionate but have been supplemented with additional planting (wildflower meadow).

The site is within the catchment area for the River Usk SAC and therefore the impacts of increased phosphorus loading on the SAC will need to be considered via a Habitats Regulations Assessment. It is understood that at present, foul drainage is discharged to an unpermitted septic tank situated on site. The current proposals, as detailed on the 'Proposed Site Plan', involve the installation of a GRAF One2Clean Package Treatment Plant (PTP) which will discharge wastewater into a filter system before ultimately being discharged to ground. Due to the drainage field being located within 20 metres of a watercourse, an Appropriate Assessment will be undertaken and submitted to NRW for agreement.

MCC Building Control - The drainage proposals for the site are satisfactory. The proposals have been designed in accordance with Approved Document H.

MCC Heritage – No objections.

The site is located to the east of Llancayo House on the opposite side of the road. The nearest designated heritage asset are the Grade II Listed Buildings of Llancayo House, Barns and Llancayo Windmill. Llancayo forms a complex of the main house, converted barns and out buildings, together with the restored and converted windmill. The buildings, a substantial Late Georgian Villa is set in open parkland/countryside with the setting primarily to the west side of the road towards the river.

The house is set away from the road, albeit orientated to face it, with the complex of substantial and varied group of barns to the north set closer to the road. The windmill further west set away, as expected, from the group. The historic maps show a bank of trees to either side of the entrance which still remain today, a number of which are TPO'd. The proposed site plan shows the retention of the bank of trees and hedgerow to the western edge of the proposed site adjacent to the road. In addition, this could be supplemented with native trees to infill the gaps.

In terms of Heritage impact the consideration is the consideration of Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

The development does not physically affect the listed building, therefore it is a consideration of the setting of the assets. The setting, noted above, of a large Late Georgian Villa, set in its own grounds with ancillary farm buildings, enjoy most of this aspect to the west behind a substantial bank of trees to the east possibly planted to screen the house. Given that the listed buildings are set on the opposite side of the road with two banks of trees in between it is not considered that the proposed development would have a detrimental impact on the setting of the listed buildings.

MCC Rights of Way – No objections. The applicant's attention should be brought to Public Footpath 64 in the community of Gwehelog Fawr which runs within the site of the proposed development. The Proposed Site Plan shows the existing alignment of the public right of way within the site and Public Path no. 360/64 must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path, and any damage to its surface as a result of works or private vehicular use must be made good. If the path needs to be temporarily closed to allow works, the applicant should apply for a temporary traffic prohibition order.

MCC Emergency Planning (comments in relation to the Flood Response Plan submitted) – No objections. It is evident that by capturing and outlining the risk in detail and putting this document forward the applicants are thinking about the consequences and taking actions to mitigate the risk. I can only encourage the continued revision of the document going forward and support the need to maintain a Flood Response Plan for the site.

SEWBRc Search Results – Hazel Dormice recorded within the vicinity of the site.

5.2 Neighbour Notification

Eleven representations received objecting to the application. These have been divided into main categories for ease of reference.

Principle of Development:

- This application has no merit and should be rejected without delay or debate. It does not deserve consideration or consultation after the previous application was decided, appealed and subsequently upheld.
- I cannot understand why the decision to the original application has not been enforced with action to evict and the fact that this follow-up application is even being considered.
- How does this new application change or take away the key reasons for the original rejection?
- This is a stalling tactic and a big waste of time and money.
- The site is agricultural.
- If the occupants of the site need housing assistance that is well within the council's purview to resolve, and it should do so.
- Whilst most must obtain approval for window replacement styles, roof tiles, etc. this applicant has ridden roughshod over the process by occupying agricultural land.
- Unequal application of the planning process.
- If the planning department cannot enforce their decisions, the usefulness of the department is suspect.
- While traveller needs are part of the equation, another part is the recognition of the interests of the settled community surrounding it and the health & safety issues that may arise from its expansion.
- MCC have failed to uphold the rights of local residents who expect Planning rules and regulations to be followed by all and enforced when needed.
- The applicant states that the residents currently living illegally on the site have integrated into the local community. This is not the case.
- The new amended plan, dated 21st May 2024, without the stables and kennels, is now purely a residential planning application in open countryside, which we feel is in contradiction to the surrounding area which has a wealth of ancient, historic and archaeological significance within the proximity.

Visual Impact:

- The site has been developed extensively already and stands out.
- There is a large quantity of vehicles of varying states of repair strewn on this site.
- It is an eyesore on the landscape which is magnified during the winter when the boundary trees drop their leaves.
- The many objections to the previous application are now more valid with this extended application.
- The site in question has critical drainage issues and sits on a natural flood plan which further indicates that it is not a suitable location for development.
- Visually negative impacts at the site is clearly a traveller site and the connotations that come with that impact the local community, stress local resources with no real benefit and negatively impact house price values. Ultimately negatively impacting the area/district.

Residential Amenity:

- The existing development already makes the footpath impassable. The aggressive dog barking is intimidating.
- A development of this size would result in a significant increase in the population and will have a serious impact on noise levels and traffic.

- Noise impact as the increased density will add extra traffic.
- The occupants already conduct outdoor fires and anti-social behaviour on a regular basis.
- Disturbance at the site already includes several noisy vehicles without MOTs, this regular disturbance at all times of the day and night will likely continue to increase as more residents descend on the site.
- Overdevelopment at this site could potentially turn into a pollution issue in time.

Highway Safety:

- The new proposal is even more busy in terms of number of dwellings and the likely increase in through traffic.
- Unacceptable decrease in road safety, there would inevitably be more traffic.

Flooding:

- The application is flawed in its suggestion that minor tweaks can meet the requirements of TAN15. This is a document which was produced to ensure developments can be certain that safety considerations have been fully met. TAN15 regulations are not negotiable, therefore, the proposed development cannot meet these requirements.

Drainage:

- It is not right or fair that they should discharge waste from a water treatment plant which will run into our stream, our property (Llancayo House).
- If discharge into a stream was allowed - it has to be a running stream - the stream at Llancayo is dry over the summer months - last year it was dry from June until August. Therefore, is against the NRW Guidance for the Registration of Small Sewage Effluent Discharge.
- Paddock at Llancayo House has recently been designated a 'Local Wildlife Site' and changes in the phosphate levels caused by discharging into our stream will affect the ground and delicate wildlife systems.
- Increased phosphate levels can come from septic systems, fertiliser run-off and wastewater.
- River Usk water quality will be affected.
- Drainage would it create a pollution problem but also a health risk for the surrounding area and people. Planning should not be considered until an alternative solution is found.
- Llancayo House pasture land, directly opposite the ground applying for planning, has recently been designated a Local Wildlife Site. The intended watercourse, in the planning application, runs through this site, which could be detrimental to the habitat and status of the ground.

Further comments received following re-consultation on reduced pitches scheme:

- Continue to be disillusioned that this proposal is still being considered.
- This is an advert for traveller/gypsies to flout the law and legitimise what was originally an illegal purchase and inhabitation of the site.
The entrance should be located at the far end of the site on the T junction thus not posing a risk to accidents.
- These are static plots, these are no longer travellers but permanent dwellers.
The area to the front of the site has never been overwhelmed by flooding and the secondary access is wholly unnecessary.
- It would be safer if the access was located on the T junction.
- The precise locations of these existing structures must be marked on the plans to facilitate discussions about the potential risk of contamination, not only to the site itself but also to the adjacent areas.
- Although the latest application does not mention the stables/kennels, their presence is likely to remain.

- As the proposed emergency access leads onto a narrow, single track, unclassified lane it would seem appropriate for an application to be made for a S184 agreement and for consent to be given by MCC Highways, before the full planning application is determined.
- The proposed condition put forward by Environmental Health puts the responsibility for reporting contamination on the applicant, rather than any independent person/body, which is the recommended approach.
- Lack of net benefit for biodiversity.
- The proposal does not comply with Policy LC1.
- Whether the treatment plant run off is via stream or ground, the water and pollutants will leach into the stream and after rain.
- Site area is given as 0.44 hectares/1.08 acres in 2016 {re application DM/2016/00297}. It was given as 0.52 hectares/1.28 acres in the current Planning Statement and Justification report. It was given as 0.55 hectares/1.35 acres in the Nutrient Assessment report. Which figure is correct?
- Further clarity would be welcome to define ownership of the hedges.

5.3 Other Representations

None.

5.4 Local Member Representations

Cllr Neil – No comments received to date.

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 It has been established that the lifestyle of the applicant and their family falls within the definition of Gypsies and Travellers in Welsh Assembly Government Circular 30/2007 - Planning for Gypsy and Traveller Caravan Sites and Section 108 of the Wales Housing Act; the main Local Development Plan (LDP) Policies relevant to the determination of this application are Policy H8 - Gypsy, Traveller and Travelling Showpeople sites, DES1- General Design Considerations and EP1 - Amenity and Environmental Protection. Also, of relevance is the Gypsy and Traveller Accommodation Assessment 2016 and the 2021 GTANA which identified the applicant and her immediate family members as being in need of accommodation.

6.1.2 The Council's most recent GTANA was completed in 2021 and, in summary, the conclusions are a need for 13 pitches for families already living within Monmouthshire. The need can be broken down as follows:

- An unmet need of nine pitches under the assessment period 2020 to 2025.
- Beyond 2025, a further unmet need for four pitches over the remaining length of the Replacement LDP (2026 to 2033) to accommodate family growth as children become adults and require their own pitch.
- There is no need for an allocation for travelling show people or circus people.
- The assessment did not identify a need to provide a transit site.

6.1.3 The above assessment considers accommodation requirements for the period of the replacement LDP 2018 to 2033. Of the thirteen pitches need as identified in the 2020 to 2025 GTANA, two pitches have been granted planning permission in 2022. This reduces the pitch requirement to eleven although the location of any pitches is yet to be determined. The family that have submitted this planning application is identified within this housing requirement and are in

need of pitches to accommodate the family. The Council is seeking to meet Gypsy and Traveller additional pitches through a variety of ways including:

- Public sites using Council-owned land. This can be achieved by using land currently owned by the Council or they could potentially purchase land for the purpose of providing a public site.
- Invite the public to put forward land for consideration (as is the case with this application).

6.1.4 The Council is taking a pro-active approach to identify land within the RLDP to meet this housing need and support the Gypsy and Traveller Community. However, at this point in time, in the event of a planning application being submitted by either public or private sector parties, where a need has been identified, current LDP Policy H8 applies

6.1.5 Policy H8 of the LDP states that where a need is identified for transit or permanent pitches/plots for the accommodation needs of Gypsies, Travellers and Travelling Showpeople, they will be permitted provided they:

- a) Would enable the established need to be met at a location that is accessible to schools, shops and health care, by public transport, on foot or by cycle.
 - b) Have a safe and convenient access to the highway network and will not cause traffic congestion or safety problems.
 - c) Are of a suitable size to allow for the planned number of caravans, amenity blocks, a play area (for children on sites housing multiple families), the access road and include sufficient space for the parking and safe circulation of all vehicles associated with occupiers within the site curtilage;
 - d) Do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment. Where necessary the proposal will include mitigating measures to reduce the impact and assimilate the proposal into its surroundings e.g. screening and landscaping.
 - e) Avoid areas at high risk of flooding and proximity to uses with potential sources of pollution or emissions.
 - f) Are of an appropriate scale to their location and do not have an unacceptable impact on the amenities of neighbouring land uses.
 - g) Are served, or can be served, by adequate on-site services for water supply, power, drainage, sewage disposal and waste disposal (storage and collection), and for Travelling Showpeople that there is a level area for outdoor storage and maintenance of equipment.
- Proposals for the use of land for emergency pitches to meet proven need for use by gypsies and travellers will provide basic facilities, meet criteria b, d, e and f of this policy, and the location should be within reasonable travelling distance of a settlement with services.

6.1.6 Policy H8 sets out the criteria for assessing such planning applications through the development management process. The policy does not preclude pitch development outside of settlement boundaries where it can be demonstrated that there are no other sites available within or adjacent to existing settlements and that very special circumstances exist. No other sites within or adjacent to settlements in the County have been identified at this time.

6.1.7 The applicants have been living on this site for over 8 years and now need permanence to ensure a peaceful, safe and settled family base for their children's medical and education needs as they have nowhere else to live. Since the decision to dismiss the appeal in 2017 the Council has not taken any further action to secure the cessation of the use and removal of caravans given its duty under The Housing (Wales) Act 2014 legislation that places a statutory duty on Local Authorities in respect of homeless Gypsy & Traveller households or those threatened with homelessness.

The other requirements of Policy H8 are discussed in detail below.

6.2 Good Design / Place Making

6.2.1 The site is capable of accommodating four pitches laid out to comply with advice in the Designing Gypsy Traveller Sites Guidance document issued by the Welsh Government in May 2015. It is also proposed to create an on-site play area for the occupants of the site. The proposed new day rooms would be of similar ridgelines of 3.8m and 3.6m, which is broadly consistent with existing structures on site that are already well-screened by mature boundary hedgerows. These boundaries would be bolstered by new tree planting and infilling of any gaps.

6.2.2 Considering the low-level nature of caravans and ancillary buildings the Inspector who determined the previous appeal considered the development on the appeal site would not be visually prominent and would cause limited harm to the character and appearance of the surrounding countryside. The Inspector disagreed with the Council's third reason for refusing the previous application on visual impact stating that, "Whilst it is visible in part, for example the tops of the caravans can be seen at certain points from long range travelling south along the B4598 towards Usk, views of the development are primarily limited to glimpses through the access and gaps in the vegetation when passing along the site frontage. For the most part, the site is largely screened by the existing vegetation along the site frontage and the hedgerow separating it from the fields beyond. In visual impact terms therefore, it is the access itself which is most visible, which is not dissimilar to others along this stretch of the highway."

6.2.3 On the basis of the above, the Inspector, while dismissing the appeal on flood and drainage grounds, concluded that the location of the site was acceptable and the scale of the development together with the position of the caravans and associated parking, did not seriously harm the character and appearance of the rural landscape.

6.2.4 The conclusion of the Inspector in this regard is agreed and it is not considered that there would be significant visual harm caused by the proposed development, including the very limited and localised impact of the proposed emergency access track that would add a relatively small opening through the hedgerow on the eastern boundary of the site.

As such, it is considered that there is no conflict with the provisions of LDP Policy DES1.

6.3 Landscape

6.3.1 The site is located in the open countryside on the edge of the hamlet of Llancayo and currently consists of a small caravan site with associated buildings bounded by existing hedges and an agricultural field to the north accessed from the Abergavenny road to the west and bounded by a lane leading to upper Llancayo to the east.

6.3.2 The site is opposite the entrance to the Cadw-listed Llancayo House as well as the Llancayo Court business area to the north-west. Intervisibility is obscured by existing trees and vegetation. The site includes a short section of an existing public right of way (PROW).

6.3.3 The site lies within the Upper Usk Valley landscape character area typified by 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. 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, with means of 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.

6.3.4 An analysis of the relevant sensitivity appraisals from LANDMAP information indicates that the Landscape Character Area has been evaluated as;

Visual and Sensory - 4% Outstanding, 90% High
Landscape Habitats - 5% Outstanding
Historic Landscape - 7% Outstanding, 89% High
Cultural - 36% Outstanding 64% High

6.3.5 From an LDP Policy perspective, Policy LC5 (Protection and Enhancement of Landscape Character) highlights that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects. The Council's Landscape & Urban Design Officer has advised that from a Landscape and GI perspective that the proposal is broadly acceptable.

6.3.6 The site has established mature boundaries of hedgerow and trees which have been able to reduce existing development impacts on the wider landscape during late spring to late autumn. The applicant has provided a relatively comprehensive assessment of the site, a GI Statement summarising the step-wise approach to minimise impacts and the provision of compensatory tree planting for the loss a small section of hedge within a revised layout that rationalises the existing layout. It is noted that there is no aftercare prescription for the proposed landscaping. This can be provided as a condition of approval should Members be minded to approve the application.

As such, it is considered that the proposed development would not have an unacceptable adverse impact on the character of the landscape and the provisions of LDP policies LC1 and LC5 have been met.

6.4 Green Infrastructure

6.4.1 In line with Chapter 6 of PPW12, a step-wise approach has been undertaken to assess and secure net benefits for biodiversity via this proposed new development. Firstly, considering avoidance, minimising impact and then enhancement and long-term management on site. During this particular assessment off-site compensation measures were not considered to be needed and would, however, only be considered as a last resort. The overall intention of PPW12 is to continue and enhance the Section 6 duty to maintain and enhance biodiversity as part of new development proposals. The changes in PPW12 include the requirement of the submission of a 'proportionate' green infrastructure statement; the need to consider biodiversity net gain, enhancement and long-term management at each step, promoting new planting as part of development based on 'securing the right tree in the right place.'

6.4.2 As such, a Green Infrastructure Statement has been provided with the application supported by Drawing 07H (Proposed Site Plans). The statement takes into account the further advice set out in the accompanying annexe where considered relevant, which refers to the concept of the 'step-wise approach' to assessing impacts upon habitats and species (avoid – minimise – mitigate/restore – compensation –enhancement).

6.4.3 In line with the step-wise approach 'avoidance and minimisation' have been the first considerations. As such the proposal ensures minimal disturbance to the surrounding environment. Consideration has been given to the potential impact on local ecosystems, water usage, and waste management. The following biodiversity net gains / ecological and landscaping enhancements are proposed:

- The proposal seeks to mitigate and remove any waste materials further and debris improving the visual appearance proposing a significant landscaping enhancement and details a scheme and schedule. (See Drawing 07H)
- The proposal seeks to mitigate and improve tree/ hedgerow provision by offering an additional tree and hedge planting scheme having regard the size of the application site and surrounding features. The applicants have carried out extensive shrub and tree planting throughout the site since their occupation.
- All existing boundary trees and hedges will be retained other than where the necessary emergency access is proposed. A replacement / translocated hedge is offered as mitigation inside the site.
- The site is not located within a Green Wedge or Special Landscape Area.
- The proposal avoids any designated or protected sites, and therefore any damage to biodiversity or ecosystems.

- The proposal includes biodiversity enhancements, which include the proposed landscaping and native planting, but also the incorporation of bird and bat boxes and hedgehog nest boxes, within the overall development.
- A sustainable drainage system forms an integral part of the development with foul water.
- Drainage disposed via a replacement biological treatment plant of sufficient capacity to cater for the residential units and a sustainable urban drainage system will be installed to deal with surface water.
- A Nutrient Neutrality Assessment and Mitigation Strategy details the proposed measures to neutralise phosphates emanating from the treated foul water from the treatment plant.

The above measures are considered to be appropriate and proportionate to the scale and type of development involved and meet the aims and objectives of PPW12 as well as the requirements of LDP Policy G11.

6.5 Biodiversity

6.5.1 Priority habitat on site is limited to the boundary hedgerows and treelines. The 'Proposed Site Plan' shows the creation of a proposed new gated emergency access that will require the removal of a section of hedgerow along the eastern boundary. This will be mitigated through the proposed planting of a native hedgerow within the site boundary.

6.5.2 Records of Hazel Dormice have been returned from within 1km of the development site. The hedgerows along the site boundary offer suitable habitat for hazel dormice and extensive removal of this habitat will likely require a dormice licence to be obtained from NRW. The present proposals include the creation of a proposed new gated emergency access that will require the removal of a section of hedgerow along the eastern boundary. This will be mitigated through the proposed planting of a native hedgerow within the site boundary.

6.5.3 The hedgerows bounding the site have the potential to support a range of nesting birds. Consequently, any hedgerow removal should be undertaken outside of the nesting bird season (March – August) or, if this is not possible, supervised by an experienced ecologist.

6.5.4 Planning Policy Wales (PPW) 12 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.” This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016. The following biodiversity net gains / ecological and landscaping enhancements are proposed:

- Shrub and tree planting throughout the site since occupation.
- All existing boundary trees and hedges will be retained other than where the necessary emergency access will be located. A replacement / translocated hedge is offered as mitigation inside the site.
- The provision of bird and bat boxes and hedgehog nest boxes, within the overall development.
- A sustainable drainage scheme.
- Measures to neutralise phosphates emanating from the treated foul water from the treatment plant.

6.5.5 As the application is partly retrospective, the following wording from PPW 12 must be considered: “Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point.” Satellite imagery shows that the site was grazed pasture, of low ecological value, prior to occupation. The planting of a number of native trees, the provision of a wildflower meadow and the provision of bat/bird boxes is welcomed. Considering the low biodiversity value of the previous grazed pasture, the provision of additional habitats, foraging opportunities and shelter for a range of species should provide a moderate increase in the overall biodiversity value of the site. Thus, the measures proposed, are considered to provide a proportionate response to the need to provide a net benefit for biodiversity.

6.6 Impact on Local Residential Amenity (including Noise and Foul Drainage)

6.6.1 The application site is approximately 230m away from the existing dwellings to the north and given this significant intervening distance, there would be no adverse impact on any occupiers in terms of loss of privacy through over-looking, overshadowing or excess noise or disturbance.

6.6.2 Representations received in response to the publication of the planning application have raised concerns that an aggressive barking dog has made the footpath running adjacent to the site impassible. Barking dogs are not uncommon in any residential or farmyard setting and as the application site is separated by a hedgerow, , dogs could not be expected to stray onto the footpath. It would therefore be unreasonable to refuse the application on the basis of that perceived threat. Should any barking dogs become a statutory noise nuisance then the issue would be dealt with under Environmental Health Regulations.

6.6.3 In terms of impacts from noise and traffic generated by the permanence and increase in size of the site, there would be no additional plot(s) to make any impact on traffic or noise levels above and beyond what is already existing. The Council's Highway Officers are content that the means of access as detailed accords with current design standards and in the previous appeal decision, the Inspector considered that there would be adequate space for parking and vehicle movements within the site. This is also demonstrated on the plans now submitted (see Section 6.7 below).

6.6.4 Local residents have also raised the issue of noise from vehicles kept on the site. The keeping of vehicles associated with a (relatively small) residential use would not be cause for concern given the associated land uses that feature residential and agricultural uses. Should engine noise become excessive, the Council's Environmental Health team has powers to investigate as a Statutory Nuisance. The same applies to outdoor fires and anti-social behaviour.

6.6.5 In terms of potential pollution of the site due to overdevelopment, a new private treatment plant is now proposed to drain to ground. A Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS) prepared by Enviren Ltd has been submitted in support of the application. This demonstrates that the development will achieve Nutrient Neutrality through the introduction of a new high functioning Package Treatment Plant (PTP) connected to a P filter which provides final cleansing and SuDS resulting in no additional phosphorus being discharged. The proposed treatment plant and drainage field have been designed to British Standards and meet the requirements of Approved Document H which is part of the Building Regulations.

6.6.6 The details of the proposed method of foul drainage have been assessed by NRW, and MCC Building Control, Environmental Health and Biodiversity Teams and they have all confirmed that it has been demonstrated that the foul drainage solution proposed would be an improvement on the existing arrangement of a septic tank and it would function appropriately at the site. The proposed PTP will drain to ground and there will be no direct route to a watercourse. As such, the development and will not have a significant impact on local amenity in terms of pollution or odour and will not harm the water quality of the River Usk.

6.6.7 The residential amenity of the people living on the application site is also a material consideration. In terms of the layout of the site itself, the requirements of the 'Model Standards for Caravans in Wales' (2008) does not apply to Gypsy and Traveller sites. Instead, the Welsh Government has produced a document called 'Designing Gypsy and Traveller Sites' (2015). This document is intended as a guide to Local Authorities in providing appropriate services for Gypsies and Travellers living on residential sites in Wales. It contains practical guidance to assist Local Authorities to ensure their sites are fit-for-purpose. It should be noted that this guidance is not statutory.

6.6.8 The guidance suggests that in line with the 2008 Model Standards for Caravan Sites in Wales, a gap of 3 metres should be observed between a mobile home and any pitch boundary and each individual mobile home should be spaced at a distance of no less than 6 metres from any other mobile home. This is because mobile homes are highly flammable and helps to ensure privacy from neighbouring households. In this case there is a distance of approximately 3.5m

between any mobile home and the boundary and approximately 12m between the mobile homes themselves.

On the basis of the above, there is no conflict with the provisions of LDP Policies DES1, EP1 and EP5.

6.7 Highways

6.7.1 Access and Parking

The site was the subject of an earlier application DM/2016/00297 that was subject to appeal. The Highway Authority in responding to the original application DM/2016/00297 made a number of comments and observations and raised the following concerns:

"The significant increase in vehicle movements of varying numbers and size of vehicles associated with a development of this type is detrimental to highway safety without significant improvements of the existing vehicle access over and above that which has currently been carried out or as detailed on the site plan submitted in support of the application.

Although the impact of the additional vehicles on the local highway network, the B4598, is not considered detrimental, the current access improvements and the proposed amendments to the existing access indicated on the supporting documents, site plan are not acceptable".

The Planning Inspector when considering the issue of highway safety stated:

"48. I thus conclude that adequate visibility can be achieved in accordance with the guidance in MfS (Manual for Streets). Consequently, the development is acceptable in highway safety terms.

49. Although not cited in its reason for refusal, I also note the Council's concern regarding the provision for parking and vehicular movement. Given the size of the site, I am satisfied that this matter could be dealt with by condition in the event of planning permission being granted."

In light of the aforementioned, the Council's Highway Officer has updated their comments and observations regarding the current proposal.

The means of access has now been in use for in excess of 7 years, albeit that the access is currently only providing access to two established plots. Although the access was not constructed in accordance with either the original drawings or the original highway authority recommendations to improve vehicular access and egress and road safety, improvements have now been proposed as detailed on Drawing No.07H - Proposed Site Plan.

The means of access as detailed accords with current design standards and the highway authority offers no objection to the proposal subject to the means of access being improved in accordance with Drawing No.07H. This can be secured via condition should Members be minded to approve the application.

Thus, previous concerns relating to access have been overcome.

6.7.2 Sustainable Transport

In terms of sustainable transport, there is a preference for sites to be sustainably located and accessible to schools, shops and health care, by public transport, on foot or by cycle. Circular 005/2018 advises against over-rigid application of development plan policies that seek a reduction in car borne travel as they could be used to effectively block proposals for Gypsy sites in rural areas outside of recognised settlement boundaries.

The application site is located adjacent to the B4598 approximately 2km to the north of Usk where there are a reasonable range of community, commercial and retail premises available for day-to-day living. School buses are available to transport the children to school. Paragraph 19 of the Circular 005/2018 advises that issues of site sustainability are important for the health and well-

being of Gypsies and Travellers, not only in respect of environmental issues but also for the maintenance and support of family and social networks. Site sustainability should not be considered only in terms of transport mode, pedestrian access, safety and distances from services but the benefits that follow from a settled base including access to health and education facilities for children as well as the maintenance and support of family and social networks. A key factor would be the applicant's children being able to attend local schools.

The site is considered reasonable in sustainability terms having regard to the advice in Circular 005/2018.

6.8 Flooding

6.8.1 The west of the application site is partially situated within a C2 Flood Zone as defined on Flood Maps relating to TAN 15 'Development and Flood Risk'. This risk emanates from an unnamed brook to the north of the application site which has a small ungauged catchment. The four residential pitches would be located to the east of the site outside of the flood zone. The vehicle access and part of the site being retained as open space would be sited within the flood zone.

6.8.2 It is accepted that the planning application proposes development associated with highly vulnerable development within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). Determining the previous appeal the Inspector expressed concern that this issue had not be properly assessed, including what impact this would have on the existing access arrangements given the lack of a Flood Consequence Assessment (FCA). The Inspector did outline that given that the access forms part of the highly vulnerable development and that TAN15 advises that access routes should be operational under all conditions there was conflict with the tests in TAN15.

6.8.3 Notwithstanding the above, it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15 and make a balanced judgement based on planning merit rather than a less nuanced binary decision. The site characteristics are unique and additional information, evidence and mitigation measures have been submitted in relation to the risk of flooding at the site. The site is located on the periphery of flood zone C2 and all the residential caravans would be sited to the east of the site outside of the flood zone on higher ground than the remaining part of the site. The caravans would therefore be flood free in the event of a flood.

6.8.4 Unlike the previously refused scheme, a FCA has been carried out (by J B Consultants) in support of the current application to assess the impact of potential flooding and what mitigation measures are appropriate based on the location and scale of development proposed. The detailed report is attached as Appendix B. The suggested mitigation includes the provision of a new vehicular access onto the minor road through the existing hedge which would be used should an emergency arise. This would be a gated facility requiring the removal of 4m of existing hedging and the need for this outweighs any potential (and very localised) harm. Replacement planting is proposed to take place elsewhere on the site to compensate for the loss. In addition the applicants have submitted a Flood Emergency Plan.

6.8.5 NRW have reviewed the FCA submitted with the application which demonstrates that the site is located on the periphery of the flood zone, all residential development is outside of the flood zone and there is a flood free emergency access. While the Inspector's views on flooding are appreciated, unlike the application that was subject to appeal, in this case a detailed FCA has been provided (and accepted by NRW) and because of this additional and critical information the flood risk is considered to be acceptable.

6.8.6 Flooding of the main access road in the north-west is predicted up to a maximum depth of 294mm, and this is within the tolerable limits (600mm) suggested within A1.15 of TAN15 for

access routes on residential sites. The proposed emergency access to the eastern boundary of the site is predicted to be flood-free during all events. Access / egress to the site is available from the eastern boundary, in a northerly direction, where flood depths are less than 300mm on the unnamed highway. This is well within the tolerable limits (600mm) suggested within A1.15 of TAN-15 for access routes on residential sites. As such, the Inspector's concerns about flooding are considered to have been overcome.

6.8.7 All the residential caravans are outside of the flood zone, and the applicant has responded to NRW's concerns so that the kennels and stables previously proposed that would have been in the flood plain have been omitted and thus, there is no built development in the flood zone. There is a secondary exit proposed that would remain flood free in the event of a flood. The proposed foul drainage in the form of a PTP and soakaways would also be flood free. Furthermore, the proposal has evidenced that it would not cause flooding to any neighbouring land and result in flooding elsewhere.

6.8.8 It is noted that in their response to the application, NRW recommended that the council consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. As such the Council's Emergency Planning Team have been asked to look at the Flood Evacuation Plan by the applicant with the application. They have advised that the plan appears to be fairly comprehensive. The Flood Risk itself is clearly identified and apparent that for the proposed development itself, this falls within Zone 1 with less than a 0.1% AEP (1 in 1000) chance of fluvial flooding. With the applicant providing this plan, together with the flood risk clearly outlined, it is considered that it is evident that the applicant is aware of the risks and accept these.

6.8.9 The plan outlines alternative egress arrangements should the main site access be compromised and considers alternative arrangements for those that evacuate. It is noted that several considerations are taken into account in the document and that 'shelter' and remaining on-site (and the potential consequences of remaining – such as loss of utilities etc) are equally considered in addition to evacuation.

6.8.10 In conclusion, it is considered that a planning balance judgement needs to be made in relation to flood risk. The application proposes that all of the caravans are outside of the flood zone, evidences that the flooding at the access would be within the tolerable levels (A1.15 of TAN15), would not result in flooding elsewhere and provides mitigation measures in the form of a secondary emergency access and a Flood Evacuation Plan. It is considered that on balance the risks and consequences of flooding can be reasonably managed in accordance with the requirements of TAN15 and Policy SD3 of the LDP.

6.9 Drainage

6.9.1 Foul Drainage

In accordance with Welsh Government Circular 008/2018, it has been demonstrated that there is no connection to mains drainage available. As such, this planning application is supported by a full assessment of the proposed use of a private treatment plant to demonstrate that adverse effects would not arise.

In this case, the site currently drains to an existing septic tank. It is noted that a septic tank which has been installed without any form of assessment, even if properly constructed and maintained fails to provide a thorough examination of the impact of the disposal of the final effluent. Furthermore, the site is within the Phosphorous Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC). Within these areas, all development must also demonstrate phosphate neutrality or betterment.

The information submitted with the application proposes that a new package treatment plant is installed and the existing septic tank decommissioned. The existing site currently accommodates caravans, buildings, hardstanding and grassed areas, some of which have resulted in an increase

in phosphorus discharging into the surrounding water network due to foul water discharge from the properties.

There is an existing foul drainage system with septic tank serving the site and the site has been occupied for 8 years. This discharge is not permitted. This application proposes that the existing septic tank is decommissioned, and the foul water drainage will discharge firstly to a GRAF One2Clean biological Package Treatment Plant (PTP) located a minimum of 7m away from the dwellings. Downstream of the PTP a phosphate (P) filter will be installed which will contain a phosphate removal media to maximise phosphorus removal. This consists of a limestone bed which is proven to have a phosphorus removal rate of 87%.

As the proposed private system has been changed from a surface water connection to drainage to ground, the applicant has submitted a revised Nutrient Neutrality Assessment and Mitigation Strategy (NNA), by Enviren, (12 June 2024). Given the proposal is now for a discharge to ground (not surface water as previously proposed) there is less importance on the applicant to demonstrate the site's phosphorus balance calculation. Nonetheless, NRW have considered the NNA and balance calculations and are satisfied with the conclusions.

An 18 people occupancy and a daily flow of 150 litre equates to an effluent discharge of 2.7m³ per day. This is in excess of the 2m³ per day figure referenced in NRW's Interim Planning Advice to screen out a proposal for possible significant effects on the River Usk SAC. In addition, the drainage field is located less than 40m from a watercourse. It is therefore necessary for the Local Planning Authority to undertake a Habitats Regulations Assessment (HRA). This is still to be finalised by the Council's Biodiversity Officer and will need to be reviewed by NRW prior to adoption. However, based on the current information available, the draft HRA concludes that 'the capabilities of the biological PTP and the limestone bed filter mean that Phosphorous levels are such that 373.4mg per day would discharge directly to ground via a drainage field. We conclude that, subject to the imposition and incorporation of the additional mitigation measures detailed, that the project will not adversely affect the integrity of the River Usk SAC. The drainage proposals for the site is a betterment on the existing unauthorised arrangement (septic tank), and it has been evidenced to function within the site in accordance with Building Regulations and Environmental Health requirements. The drainage would outflow to ground and therefore there would be no direct route to a watercourse. The Appropriate Assessment submitted to NRW is likely to evidence that the development would not have a significant impact on the integrity of water quality of the River Usk and the development is therefore acceptable.

6.9.2 Surface Water Drainage

Soakaway testing carried out on site demonstrates that infiltration rates are favourable, thus allowing infiltration of surface water to ground. Runoff from roofs would be discharged into soakaways and the hardstanding area will be constructed from permeable paving. Although a part of the site is within the flood zone, the proposed SuDS features are not within that area.

The Council's SAB Team have reviewed the latest surface water drainage information submitted. The calculations show that the blanket infiltration approach should work based on the ground testing they have undertaken so far and a factor of safety of 10 showing the half drain times are still below 24 hours as required. At this stage the Council's SAB Team is therefore satisfied that a fully compliant SuDS System can be achieved on the site with the full details to be agreed through the SAB process.

6.10 Contaminated Land

There is no record of historic contamination of land at the site which has been in residential use. As such, it is considered to be unreasonable to insist upon a Contaminated Land Assessment to support the application. A Method Statement for the safe removal for the existing septic tank has been provided and compliance with this can be conditioned to ensure that there is no pollution as a result that could adversely affect the River Usk Special Area of Conservation, or local amenity. A

condition to cover the treatment of any unknown contamination that might be encountered during the construction period is recommended if consent is granted.

6.11 Planning Obligations

Due to the nature of the accommodation proposed, there are no requirements for the provision of affordable housing or any other planning obligations.

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

Llanarth Community Council and local residents have provided detailed objections to the development which will be addressed in turn. The principle of the development has been assessed in Section 6.1.

6.12.1 Flooding

It is accepted that the planning application proposes highly vulnerable development: a travellers' site within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 Rivers. As such reference must be made to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

Notwithstanding the above, it is for the Local Planning Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15. In this case, NRW have reviewed the FCA submitted with the application which demonstrates that the site is located on the periphery of the flood zone, all residential development is outside of the flood zone and there is a flood free emergency access. While the Inspector's views on flooding are appreciated, unlike the application that was subject to appeal, in this case an FCA has been provided (and accepted by NRW) and because of this additional and critical information the flood risk is considered to be acceptable.

The emergency access to the eastern boundary of the site is predicted to be flood free during all events. Access / egress to the site is available from the eastern boundary, in a northerly direction, where flood depths are less than 300mm on the unnamed highway. TAN15 advises that access routes should be shown to be operational under all conditions and this depth of flooding is within the tolerable limits (600mm) as suggested within A1.15 of TAN15 for access routes on residential sites. Tolerable limits are depths of flooding where the velocity and depth of floodwaters are such that structural damage is not possible or people could be swept away by the flood.

A Flood Response Plan has been provided by the applicant that demonstrates that any occupiers will be aware of the risks of flooding and also have a step-wise plan of action should a flood warning or flood event occur.

Section 6.7 of this report also refers.

6.12.2 Foul Drainage

Detailed proposed means of foul drainage has been provided by the applicant and is deemed acceptable by NRW and the Council's Biodiversity, Environmental Health and Building Control Offices.

Section 6.9.1 of this report also refers.

6.12.3 Surface Water Drainage

Following discussions with the applicant, the Council's SAB Officer has now advised that it has been demonstrated that the proposed infiltration blanket approach should have sufficient capacity to manage all surface water from the site in a 100 year + climate change event. Given that a surface water drainage solution has been demonstrated to be possible, there are no grounds to refuse the planning application on surface water drainage grounds. Further ground investigation will be required across the site to support the SAB application when this is submitted; this will also include an assessment of the drainage of the existing surfaces across the site to ensure that the development does not increase on site or off site flood risk.

Section 6.9.2 of this report also refers.

6.12.4 Landscape Impact

In the previous appeal decision the Inspector concluded the development causes some limited harm to the character and appearance of the countryside. That limited harm must nevertheless be viewed in the context of the implicit acceptance in the Circular that Gypsy and Traveller sites may be located in rural areas. Furthermore, she did not agree with the Council's argument that the site could reasonably be described as 'visually prominent' stating that, 'Whilst it is visible in part, for example the tops of the caravans can be seen at certain points from long range travelling south along the B4598 towards Usk, views of the development are primarily limited to glimpses through the access and gaps in the vegetation when passing along the site frontage.'

The Inspector went on to say that '*None of the key qualities of the Upper Usk Valley landscape character area are seriously affected by the development; it does not affect the river, harm views to higher ground or enclose the open, flat riparian landscape which is of high scenic quality. Consequently, I do not find that the location of the site is inherently unacceptable and I consider that the limited scale of the development together with the position of the caravans and associated parking does not seriously harm the character and appearance of the rural landscape. Neither do I consider that the additional development proposed would have a significantly greater visual impact.*'

Furthermore, additional landscaping along the field boundary and site frontage can be controlled by condition should Members be minded to approve the application which would provide a betterment for the site.

Section 6.3 of this report also refers.

6.12.5 Impact on Heritage Assets

The Community Council have noted the following assets within the vicinity of the site:

- Upper Llancayo Farm- Early C17 gentry house, now farm house.
- Llancayo House - Early C19 country house - marked on 1842 Tithe Map.
- Railings and gates to the south of Llancayo House-earlier C19 screen of low railings dividing front lawn of Llancayo House from field beyond, built before 1818 or part of a remodelling 1830.
- Lower Llancayo Farm and attached outbuilding
- Mill building at Lower Llancayo Farm- early C19 granary and mill Barn @ Lower Llancayo
- Farm- very large earlier C19 barn built for the Llancayo House Estate- marked on 1842 Tithe Map.
- Outbuildings to the east of Lower Llancayo Farm- Former stable range, earlier C19 built for Llancayo House Estate- marked on 1842 Tithe Map.
- Windmill Tower to the West of Llancayo House; also listed in Windmills in Wales as Llancayo Windmill.

The site is largely screened by the existing vegetation along the site frontage and the hedgerow separating it from the fields beyond. In visual impact terms therefore, it is the access itself which is most visible, which is not dissimilar to others along this stretch of the highway. Only glimpses of the caravans through the existing and proposed vegetation will be possible and therefore it would

be unreasonable to conclude that the site will have any significant impact on the setting of any Grade II Listed structures. It is also worth noting that the Inspector did not consider this an issue in her previous decision. The Council's Heritage Officer has also assessed the current application and has raised no objections.

6.12.6 Highway Safety

The suitability of access in regard to highway safety has been addressed in Section 6.6 above. The Highway Authority have also confirmed that there are no grounds to refuse the application on highway safety grounds.

Section 6.7.1 of this report also refers.

6.12.7 Other Matters

There has been a query raised regarding the correct site area as it has seemingly increased from 0.44ha at the time of the 2016 planning application, to 0.52ha in the current application. The site on the current application has been calculated by CAD from the current O/S map. As such that measurement is considered to be the correct site area.

In terms of the ownership of the hedges, it is understood that these are divided down the middle with the inside being controlled by the applicant and the outside by Highway Authority. As such, ongoing management of the hedges to maintain intervisibility, and the enhancements proposed to reinforce boundary integrity are within the applicant's control.

It is noted that the existing kennels and stables are to be removed as part of the current planning application. At this time the need for the homes is the priority for the applicant and they have agreed to a condition requiring their removal.

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

6.14.1 The applicant's lifestyle and family traditions fall within the statutory definition of Gypsies and Travellers as defined in Welsh Assembly Government Circular 005/2018 "Planning for Gypsy, Traveller and Show People sites" and Section 108 of the Wales Housing Act. They have a strong family history and connections within the South Wales area, including Usk. The site was purchased to enable them to continue their Gypsy lifestyle, to remain on a safe and secure site to enable the children and adults to continue receiving welfare, education and medical attention and some occupiers to continue to receive care from relatives on site.

6.14.2 The Gypsy and Traveller Accommodation Assessment (GTANA), approved by WG in June 2024, identified the need for 13 additional pitches over the plan period to 2025. This need is currently unmet and it has been demonstrated that any unmet need for additional pitches will, over the next few years, only be satisfied by the provision of private sites brought forward by the Gypsy and Traveller community. Without this site, the applicants would effectively be homeless. The current proposal is for the applicants to establish the site as their home as they cannot be accommodated on any other private authorised site within the County.

6.14.3 The current policy is insufficiently flexible to cater for any unexpected demand for new pitches arising from the indigenous Gypsy community.

6.14.4 Significant weight should be given to the lack of alternative sites within the County. To address the unmet need the Council states that applications for Gypsy and Traveller sites will be considered having regard to the outstanding need in accordance with the most recent government guidance. Policy H8 is a criteria-based policy against which such applications will be assessed through the development management process. There will be a preference for accommodation needs to be met on allocated site (of which there are none), existing Gypsy and Traveller sites or on appropriate extensions to those sites or sites within existing settlements. However, Circular 005/2018 advises that sites in the countryside can be treated as exception sites subject to satisfying the criteria in Policy H8 and identifying a need that cannot be met elsewhere.

6.14.5 The criteria in Policy H8 are considered to have been met in that the site is well screened by natural vegetation without causing harm to the surrounding landscape or any nearby properties, has a safe means of access with on-site parking and turning facilities. The site can unobtrusively accommodate the development providing a spacious and safe layout for the pitch and services are available.

6.14.6 The Planning Inspector's two key concerns set out in the appeal decision from 2017 have now been addressed by the applicant via a detailed flood assessment with the area proposed for the living accommodation demonstrated as flood free (as would the emergency access be), and with a main access that floods within tolerable limits, allowed for in TAN15. The drainage concerns are being addressed by the removal of the existing septic tank and its replacement with a private treatment plant that will operate to good environmental standards. Other concerns offered by the Council at the time, including access, parking and visual impact were not supported by the Inspector.

6.14.7 Article 8 of the European Convention on Human Rights as enshrined in the Human Rights Act 1998 gives paramount respect and importance to protect private and family life, as well as the public sector duties under the Equality Act 2010. Article 3 (1) of the United Nations Convention on the Rights of the child provides that the best interests of the children shall be a primary consideration in all actions by public authorities concerning children, meaning no other consideration can be inherently more important than the best interests of the child. The lack of alternative sites within the current plan period, the personal circumstances of each family, contained in Appendix A, and the rights of children and vulnerable people have significant weight to overcome the perceived harm the development would have on this well-screened rural site. They must be afforded an importance or weight as great as any other material consideration prior to examination of the circumstances of the case.

6.14.8 The above demonstrates that very special circumstances exist that outweigh any perceived harm of new residential development in the open countryside.

7.0 RECOMMENDATION: APPROVE (Subject to Appropriate Assessment under the Habitats Regulations being agreed with NRW)

Conditions:

1 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.

2 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.

3 The existing access shall be improved in accordance with Drawing No.07H Proposed Site Plan within six months of the date of this permission. Thereafter it shall be retained, unobstructed, in this form in perpetuity.

REASON: In the interests of highway safety in accordance with LDP Policy MV1.

4 All measures to provide net benefit for biodiversity as shown on approved plan 07H including 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. Planting of Trees shall be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. The works shall be carried out within the first planting season following the date of this permission. 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, 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.

5 Any unforeseen contamination encountered during development shall be notified to the Local Planning Authority as soon as is practicable. Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, an appropriate ground investigation and/or remediation strategy shall be submitted to and approved in writing by the Local Planning Authority, and the approved strategy shall be implemented in full prior to further works on site. Following remediation and prior to the occupation of any building, a Completion/Validation Report, confirming the remediation has been carried out in accordance with the approved details, shall be submitted to and approved in writing by the Local Planning Authority.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

6 The existing stables and kennels shown on site plan 02B shall be removed from the site within six months of the date of this permission.

REASON: the buildings would prevent the site being developed as approved and are in the flood plain and thus would be vulnerable to flooding, contrary to advice set out in TAN15.

7 The new Private Treatment Plant shall be installed within 12 months of date of this permission, in accordance with approved drawing 07H.

REASON: To ensure the integrity of the River Usk Special Area of Conservation.

8 Within three months of the first beneficial use of the new Package Treatment Plant, the existing septic tank shall be decommissioned in accordance with the 'Method Statement for Decommissioning of Septic Tank Llancayo Traveller' Site dated 14/5/24.

REASON: To ensure that any potential risks to human health or the wider environment which may arise as a result of potential land contamination are satisfactorily addressed.

9 No new development or vegetation clearance shall take place or material or machinery brought onto the site until a Construction Method Statement has been submitted to and approved in writing by the local planning authority. The content of the method statement shall include details of measures to protect: 1. Nesting Birds 2. Hazel Dormice 3. Hedgehogs. The Construction Method Statement as approved shall thereafter be implemented in full.

REASON: Safeguarding of protected and priority species during construction works LDP policy NE1 and the Section 7 of the Environment Act (Wales) 2016.

10 The approved 'Proposed Site Plan' drawing by Elliot Haystons Development and Planning Ltd, which illustrates the extent of hedgerow mitigation, shall be 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 period by which the landscaping shall be carried out as identified by condition 4 above.

REASON: To provide biodiversity net benefit and ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP policy NE1.

11 The emergency access shown on site plan 07H shall be implemented and available for use within twelve months of the date of this permission.

REASON: to ensure a safe and convenient access to the site can be provided, in accordance with Policy MV1 of the LDP.

12 No residential caravans or any associated living accommodation shall be positioned other than as is shown on the approved site plan 07H.

REASON: part of the larger site is within Flood Zone C2 and it would not be acceptable to locate living accommodation on the part of the site that floods having regard to advice in TAN15.

13 The occupation of the site shall only be by Gypsies and Travellers as defined in Circular 005/2018 published in June 2018 where Paragraph 2 refers to Section 108 of the Housing (Wales) Act 2014 where Gypsies and Travellers are defined as:

- a) Persons of a nomadic habit of life, whatever their race or origin, including
 - (i) "Persons who, on grounds only of their own or families or dependent's educational or health needs or old age, have ceased to travel temporarily or permanently, and
 - (ii) Members of an organised group of travelling show people or circus people (whether or not travelling together as such); and
- b) All other persons with a cultural tradition of nomadism or of living in a mobile home.

REASON: To ensure the site is only occupied by qualifying gypsies or travellers in accordance with Welsh Government Circular 005/2018.

INFORMATIVES

1 Due to the minor nature of the proposed development (including any demolition) and the location of the proposed development, it is considered that the proposals did not need to be screened under the Environmental Impact Assessment Regulations.

2 As of 7th January 2019, all construction work in Wales with drainage implications, of 100m² or more, is now required to have Sustainable Drainage Systems (SuDS) to manage on-site surface water (whether they require planning permission or not). These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage.

The SuDS Approving Body (SAB) is a service delivered by the Local Authority to ensure that drainage proposals for all new developments of at least 2 properties OR over 100m² of construction area are fit for purpose, designed and built in accordance with the National Standards for Sustainable Drainage published by Welsh Ministers.

If you are in any doubt as to whether you require SAB approval, please contact:

SAB@monmouthshire.gov.uk

For advice regarding the application process and general enquiries - 01495 768306

For technical advice regarding your SuDS design and meeting the National Standards - 01633 644730

3 Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended). The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.

4 The applicant's attention is brought to Public Footpath 64 in the community of Gwehelog Fawr which runs within the site of the proposed development. Public Path no. 360/64 must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path, and any damage to its surface as a result of works or private vehicular use must be made good. If the path needs to be temporarily closed to allow works, the applicant should apply for a temporary traffic prohibition order.

5. The applicant's attention is drawn to the Flood Emergency Plan Guidance Llancayo Traveller Site Version 1 (June 2024). This Plan is owned, maintained, and updated by Sharmane Jones & Mike Purcell. All residents are asked to advise Sharmane Jones & Mike Purcell of any changes in circumstances that may materially affect the plan in any way, such as a change of contact number and/or email address, The plan should be reviewed at least every three years, as a result of lessons identified after an activation event or exercise, following major changes of personnel or following any change to the flood risk or warning process.



Penderfyniadau ar yr Apêl

Gwrandawriad a gynhaliwyd ar 07/06/17

Ymweliad â safle a wnaed ar 07/06/17

gan **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

Arolygydd a benodir gan Weinidogion Cymru

Dyddiad: 06.12.17

Appeal Decisions

Hearing Held on 07/06/17

Site visit made on 07/06/17

by **Melissa Hall BA(Hons), BTP, MSc, MRTPI**

an Inspector appointed by the Welsh Ministers

Date: 06.12.17

Appeal A: APP/E6840/C/17/3169691

Site address: Land opposite Llanccayo House, Llanccayo, Usk NP15 1JF

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Mr M Purcell against an enforcement notice issued by Monmouthshire County Council.
- The enforcement notice, Ref E16/035, was issued on 19 January 2017.
- The breach of planning control as alleged in the notice is the unauthorised change of use of land to a caravan site including the creation of a hardstanding.
- The requirements of the notice are:
 - (i) Remove all unauthorised caravans / mobile homes from the land.
 - (ii) Remove all associated vehicles, gas containers and other extraneous materials from this site.
 - (iii) Remove the hardstanding completely from the land.
 - (iv) Cease the use of the land as a caravan site.
- The period for compliance with the requirements is 2 calendar months from the date that the Notice takes effect.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (g) of the Town and Country Planning Act 1990 as amended.

Appeal B: APP/E6840/A/17/3169689

Site address: New Stables, Abergavenny Road, Llanccayo, Usk, Monmouthshire NP15 1JF

The Welsh Ministers have transferred the authority to decide this appeal to me as the appointed Inspector.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Michael Purcell against the decision of Monmouthshire County Council.
 - The application Ref DC/2016/00297, dated 28 July 2016, was refused by notice dated 12 December 2016.
 - The development proposed is described as a 4 plot gypsy site for one family – comprising 4 plots with space for mobile home, touring caravan, utility / amenity building and parking space.
-

Decisions

Appeal A: APP/E6840/C/17/3169691

1. The appeal is allowed in respect of ground (g) only, but otherwise dismissed. I direct that the Enforcement Notice be corrected and varied by:
 - The addition of the words "sheds", "septic tank" and "generator" to Requirement (ii) of Schedule 4 so that it reads as follows "Remove all associated vehicles, sheds, septic tank, generator, gas containers and other extraneous materials from this site".
 - The re-wording of Requirement (iii) of Schedule 4 from "Remove the hardstanding completely from the land" to "Remove completely from the land the hardstanding to yard area currently occupied by caravans".
 - The deletion of the words "Time for compliance: 2 calendar months from the date this Notice takes effect" and their replacement with the words "Time for compliance: 12 calendar months from the date this Notice takes effect".

Subject to these variations the Enforcement Notice is upheld.

Appeal B: APP/E6840/A/17/3169689

2. The appeal is dismissed.

Application for Costs

3. An application for costs has been made by the appellant against Monmouthshire County Council. This application is the subject of a separate Decision.

Procedural and Preliminary Matters

4. As set out above, two appeals are before me which will be considered on their individual merits. Nevertheless, to avoid duplication I have dealt with the two together, except where otherwise indicated.
5. Although the site address stated on the Enforcement Notice ("the EN") differs from that shown on the planning application form, I am satisfied that both appeals relate to the same site.
6. The development the subject of the planning application has, in part, been implemented. Whilst the planning application form states that a cesspit would be used to dispose of foul water, at the Hearing the appellant confirmed that a septic tank has instead been installed. Other than an indication on the submitted plan of the location of the septic tank, the planning application was not accompanied by details or its specification, nor have they subsequently been provided with the appeal.
7. Although not cited in its reasons for refusing the planning application, the Council's Committee Report takes issue with the installation of a cesspit, stating that it has not been inspected by Council officials to ensure that it is installed correctly. Whilst it is clear that a cesspit has not been installed, the Council confirmed at the Hearing that its concern relating to the installation of non-mains drainage remains. This matter was therefore discussed at the Hearing having regard to national planning policy guidance outlined in Welsh Office Circular 10/99 '*Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development*'.

8. The Plot Plan submitted in respect of the planning application shows the footprint of the amenity blocks, albeit no corresponding plans or elevations have been provided showing their detail. I was told that the details were described in the Design and Access Statement (DAS). At the Hearing, the Council could not explain how it came to determine the planning application without these details and I am not satisfied that a description of the amenity blocks in the DAS is sufficient. It was suggested to me that details of the amenity blocks could be the subject of a planning condition in the event of planning permission being granted. It is on this basis that I have considered this aspect of the development the subject of the S78 appeal.
9. In support of the appeal, the appellant submitted an alternative Layout Plan. However, at the Hearing it was agreed that the appeal is to be determined on the basis of that used by the Council in its determination of the planning application. I have not therefore considered the acceptability of the amended site layout in coming to my Decision.
10. There is no dispute that the occupants are not gypsies within the terms of Paragraph 3 of Welsh Assembly Government Circular 30/2007 '*Planning for Gypsy and Traveller Caravan Sites*'. I have no reason to conclude otherwise.

The EN

11. The appellant considers the reference to 'extraneous material' in Requirement (ii) of Schedule 4 to be imprecise and ambiguous and that it does not accurately tell the recipient what is required to comply with the EN. The Council explained that it was intended to relate to materials such as the sheds, the generator and scrap metal.
12. Following a discussion at the Hearing, I consider that the sheds, septic tank and generator do not constitute 'extraneous material', but instead should be listed as individual structures or items that are to be removed from the site. However, using the dictionary meaning of the word 'extraneous', the reader would understand it to mean '*irrelevant or unrelated to the subject being dealt with*'. I am satisfied that this description adequately explains the type of other items that need to be removed, such as the scrap metal, which are in situ only by reason of the use of the land as a Gypsy site.
13. The appellant sought to clarify the extent of the hard standing that needed to be removed to comply with the EN. Both parties agreed that the EN seeks to attack the area of hardstanding to the yard area on which the caravans stand. I will therefore amend the wording of Requirement (iii) of Schedule 4 of the EN accordingly.

Background

14. I understand from the appellant that, at the time the EN was issued, the site contained an access track some 35 metres long and 7 metres wide, with double gates set back from the highway by approximately 10 metres. A yard, measuring in the order of 40 metres by 30 metres, was being used for the stationing of three touring caravans, a single unit mobile home and three sheds (one of which has a toilet, bath and washing machine connected to a septic tank). There were two short lengths of panel fencing and timber fencing enclosing a horse paddock. In the paddock area was a block of kennels, tack and a cart together with a container and a lorry body used for storing animal feed.
15. At the Hearing, the Council confirmed that the EN does not seeks to attack the use of the land for the keeping of horses and the siting of the associated van body /

container used to store animal feed together with the tack, cart and the dog kennels in the adjoining paddock area.

16. The corresponding planning application seeks the provision of four individual plots for one Gypsy family. A greater number of physical structures are shown on the submitted drawings than were on the site when the EN was served; this includes featheredge fencing subdividing the hardstanding area into the 4no plots, each with its own separate amenity block (comprising a toilet/ bathroom and kitchen). There would also be a larger area of hard surface and space would be available within each plot for a mobile home and /or touring caravan and a parking area.

Statement of Common Ground

17. The appellant prepared a draft Statement of Common Ground (SOCG) in advance of the Hearing, albeit the Council did not respond to or comment on its content.
18. I therefore requested clarification of the Council's position in respect of the submitted draft SOCG at the Hearing. The Council agreed the following:
- The lawful use of the land at paragraph (4) is correctly stated insofar as it is agriculture but it was being used for the keeping of horses.
 - The Relevant Policy section at paragraph (5) confirms that incorrect reference had been made to Policy ENV1 of the adopted Monmouthshire Development Plan 2014 (LDP) in the EN. Rather reference should have been made to Policy EP1 which relates to amenity and environmental protection.
 - The Need for Sites at paragraph (6) refers to the 2015 Monmouthshire Gypsy and Traveller Accommodation Assessment (GTAA) submitted to Welsh Government (WG) in February 2016 for 8 pitches to 2021. The Council confirmed that the GTAA was ratified by WG in December 2016.

Deemed planning application / ground (a) and the S78 appeal

Main Issues

19. Against the background that I have described, the main issues are:
- The effect of the development on the character and appearance of the area with particular regard to the Upper Usk Valley Landscape character.
 - The effect on highway safety, with particular regard to visibility at the site entrance.
 - Whether the site can offer safe conditions because of the risk from flooding.
 - Whether the site can be adequately drained.

Character and appearance

20. LDP Policy LC1 seeks to protect the countryside for its own sake and presumes against new development in the open countryside unless exceptionally justified. It is no part of the appellant's case that the proposal is any of the exceptions listed in Policy LC1 relating to new development in the open countryside.
21. Whilst the Council also refers to conflict with LDP Policy S1, the appellant questions its relevance. From my reading of this policy, it relates to the special distribution of new housing provision and not specifically to the provision of Gypsy and traveller sites. Be that as it may, this policy directs new residential development to within or adjoining the 'Main Towns', the 'Severnside' sub-region settlements and the 'Rural Secondary

- Settlements' which have sufficient form and capacity for growth. It is not the case that the appeal site lies within any of the settlements listed.
22. Rather the appeal site lies some 2km north of the town of Usk and on the periphery of the small hamlet of Llancayo, along the main B4598 Abergavenny Road linking these two areas. The appellant relies in part on Welsh Government Circular 30/2007 'Planning for Gypsy and Traveller Caravan Sites', which advises that sites on the outskirts of built up areas may be appropriate or that sites may also be found in rural or semi-rural settings. It adds that rural settings, where not subject to specific planning or other constraints, are acceptable in principle¹.
 23. LDP Policy H8 presumes in favour of permanent pitches for Gypsy and traveller sites where a need is identified provided that they *inter alia* do not occupy a prominent location and are consistent with LDP policies for protecting and enhancing character and distinctiveness of the landscape and environment (my emphasis). This policy also requires such sites to have a safe and convenient access to the highway, to avoid areas at high risk of flooding and to be served by adequate on-site services for sewage disposal, which I will deal with later in my Decision.
 24. LDP Policy DES1 deals with the protection and enhancement of character and distinctiveness insofar as it requires new development to be of a high quality design, in particular, to respect natural views and panoramas where they include attractive landscape.
 25. Once it is accepted that Gypsy and traveller caravan sites are acceptable in rural and semi-rural areas, then some degree of harm is inevitable. The question then becomes whether that harm is acceptable as it is, or if can be made so by the imposition of suitable planning conditions. In my view, the requirement in LDP Policy H8 for such sites do not occupy a prominent location and to be consistent with other development plan policies for protecting and enhancing character and distinctiveness advances the approach taken in the Circular to dealing with semi-rural or rural sites.
 26. Be that as it may, I do not consider that the appeal site could be described as remote from a settlement given its position on the main B4598 between Llancayo and Usk. It does not lie within an area subject to specific planning constraints, such as a National Park, an Area of Outstanding Natural Beauty or a Conservation Area. Neither is it within Green Belt or Green Wedge.
 27. The Monmouthshire Landscape Study (MLS) identifies that the site falls within the Upper Usk Valley landscape character area. It is described as the flat floor of the Usk valley upstream from Usk to the county boundary beyond Gilwern. Its landscape characteristics are a floodplain, intensively farmed with large fields of permanent pasture and arable crops enclosed with linear tree belts, low managed hedges and post and wire fence.
 28. The appellant argues that the site and development is read as part of the settlement of Llancayo, not least as its entrance is located after the road sign for those entering the hamlet, opposite the entrance to Llancayo House and after the turning for the Llancayo Business Park. However, I do not agree on this point. Although the access points to Llancayo House and the Business Park are clearly visible from the B4598 travelling past the site, the associated built form is considerably less so. Similarly, the site is physically separated from the existing buildings in Llancayo by fields, hedgerows and vegetation. Rather, in my opinion, the site is read largely in the

¹ Paragraph 26 of Circular 30/2007.

- context of the natural landscape described in the MLS, albeit with the various access points along this stretch of the B4598 visible and contributing to the context.
29. The development is clearly identifiable as a caravan site and has inevitably taken the appearance of a permanent residential development. This is made all the more apparent from the associated paraphernalia such as the hard standing, surfaced and widened access, car parking, fencing and shed. The additional structures and alterations proposed as part of the planning application would further add to this residential character and appearance.
 30. In other words, the use has altered the nature and character of the site from the former agricultural land used for the keeping of horses, which formed part of the open countryside beyond the built-up area to a residential site with a more urban appearance. The development thus causes some limited harm to the character and appearance of the countryside. That limited harm must nevertheless be viewed in the context of the implicit acceptance in the Circular that Gypsy and traveller sites may be located in rural areas.
 31. I do not agree with the Council that the site could reasonably be described as 'visually prominent'. Whilst it is visible in part, for example the tops of the caravans can be seen at certain points from long range travelling south along the B4598 towards Usk, views of the development are primarily limited to glimpses through the access and gaps in the vegetation when passing along the site frontage. For the most part, the site is largely screened by the existing vegetation along the site frontage and the hedgerow separating it from the fields beyond. In visual impact terms therefore, it is the access itself which is most visible, which is not dissimilar to others along this stretch of the highway.
 32. Whilst it is a pleasant predominantly rural landscape, it is of no specific importance and has not been afforded any particular protection. None of the key qualities of the Upper Usk Valley landscape character area are seriously affected by the development; it does not affect the river, harm views to higher ground or enclose the open, flat riparian landscape which is of high scenic quality.
 33. Consequently, I do not find that the location of the site is inherently unacceptable and I consider that the limited scale of the development together with the position of the caravans and associated parking does not seriously harm the character and appearance of the rural landscape. Neither do I consider that the additional development proposed would have a significantly greater visual impact.
 34. Furthermore, and in order to minimise any adverse visual impact, additional landscaping along the field boundary and site frontage could be controlled by condition.
 35. As such, I do not find conflict with LDP Policy H8, DES1 or Circular 30/2007 in this regard.

Highway Safety

36. The site access is positioned on a straight section of the B4598, but on the outside of the bend into Llancayo. This section of the B4598 has no footways or street lighting and visibility to the south is restricted in part by the roadside hedgerow, vegetation and road traffic signs. It is, however, a relatively wide carriageway measuring some 8.5 metres adjacent to the site. The road is subject to a 50mph speed limit from Usk reducing to 40mph through Llancayo. The site access lies some 20 metres within the 40mph speed limit.

37. The Council argues that the significant increase in vehicular movements of varying number and size of vehicles associated with a development of this type is detrimental to highway safety without significant improvements to the existing vehicular access over and above that which has already been carried out or is detailed on the submitted plans.
38. The appellant contends that the use is likely to generate no more than 16-20 vehicle movements per day and that most trips would be by private car. The Council does not put a figure to the anticipated additional traffic movements. Circular 30/2007 states that projected vehicular movements for Gypsy and Traveller sites should be assessed on an individual basis for each site. Proposals should not be rejected if they would give rise to only modest additional daily vehicle movements and/or the impact on minor roads would not be significant.
39. Notwithstanding the above, there is no disagreement between the parties that there is a material increase in the use of the access over and above that associated with the previous use of the site for the keeping of horses. In addition to the use of the access by, in effect, a family group in private cars for the most part, there would also be caravans being towed so that slow moving combinations would need to enter and leave the junction. The issue, therefore, is whether visibility at the junction would be so inadequate for the nature and volume of additional traffic movements that the impact on highway safety would be significant.
40. The Council seeks visibility splays of 120 metres (40mph) to the right and 160 metres (50mph) to the left based on the Design Manual for Roads and Bridges (DMRB). At the Hearing, it confirmed that the visibility splays are required based on speed limits along the road. Whilst it was argued that drivers do not adhere to the speed limit along this stretch of road, the Council has not produced any corroborating evidence of traffic volume and speed data.
41. The appellant's written evidence states that in seeking the speed limit order in 2014, the average 7 day vehicle flow through Llancoyo on the B4598 was between 2337 and 2977 vehicles. The mean speed either side of the hamlet was between 45 and 47mph and the 85th percentile speed was between 54 and 56mph. Consequently, the appellant concludes that these are very low traffic levels for a road of this standard and there are large gaps between passing vehicles. At the time of my site visit, which was at mid-afternoon on a weekday, this was certainly evident.
42. The appellant argues that the approach taken by the Council is not that advocated in Manual for Streets (MfS). In particular, my attention is drawn to paragraph 1.4.4 which states that the DRMB is not an appropriate design standard for most streets, particularly those in lightly trafficked residential and mixed-use areas. In the case of the appeal site, I agree that there are several side roads, farm access points and other access points for properties and traffic speeds are restricted. That is, continuous traffic movement without manoeuvres influencing traffic road speed is not the primary function of this road.
43. In this context, I consider that it is appropriate to use the standards set out in MfS. The appellant tells me that a visibility splay of 79 metres (40mph) to the right and 113 metres (50mph) to the left would be required. I have no evidence that leads me to any other conclusion in this regard.
44. The vision splay to the right can be easily achieved. It is the visibility to the left that is more problematic due to the roadside vegetation hedgerow and street signs, albeit I accept that the vegetation had been trimmed back prior to my site visit.

45. Following the imposition of the speed restriction, vehicles approaching the site from the north towards Usk should be travelling at speeds no greater than 40mph. Those approaching from the south should be slowing down as they emerge from a 50mph into the 40mph speed limit on entering Llancayo.
46. Taking the MfS measurements, the visibility splay to the left would be achievable to the centre line of the road. I am satisfied that the driver of a vehicle approaching from the south towards Llancayo would have the opportunity to see a vehicle emerging from the site to the right and adjust his speed accordingly. Given the generous width of the road, there would also be no need for a vehicle to cross the centre line when emerging from the access and turning left thus minimising the potential for conflict with an oncoming vehicle heading north. Given that the road speed is 40mph at this point, neither is there an expectation that an oncoming vehicle would be overtaking heading towards Llancayo.
47. I note that local residents comment on the traffic speeds and accidents along this road and, as I understand it, this was the primary reason for the speed reduction along this stretch of the B4598 in 2014. No records of accident data since this time are before me and there is no substantive evidence of subsequent accidents as a result of traffic emerging from any of the junctions along this road.
48. I thus conclude that adequate visibility can be achieved in accordance with the guidance in MfS. Consequently, the development is acceptable in highway safety terms.
49. Although not cited in its reason for refusal, I also note the Council's concern regarding the provision for parking and vehicular movement². Given the size of the site, I am satisfied that this matter could be dealt with by condition in the event of planning permission being granted.

Flood Risk

50. There is agreement between the parties that part of the site lies in Zone C2³ as defined in Technical Advice Note 15 'Development and Flood Risk' (TAN 15). Paragraph 6.2 of TAN 15 identifies that new development should be directed away from Zone C and that highly vulnerable development and Emergency Services in Zone C2 should not be permitted.
51. Natural Resources Wales (NRW) has confirmed that its flood maps indicate that flood risk at the site is from the unnamed brook to the north of the site which has a small ungauged catchment. Any flooding is likely to be rapid with no significant lead in time. Flooding from the River Usk appears to be limited to the B4598 and low lying land to the south of the site. It acknowledges that the land on which the caravans and septic tank are sited lies is higher ground and outside the flood risk area. Thus, its concern relates primarily to the acceptability of the access / egress⁴.
52. Residential caravan sites are deemed to be highly vulnerable development. I accept that, in this case, it is only the north-west corner of the site that lies within Zone C2. However, TAN 15 advises that access routes should be operational under all conditions.

² Notwithstanding its acknowledgement in paragraph 5.3.6 of its Committee Report that there is sufficient land available within the site to provide adequate parking facilities.

³ Defined as areas of the floodplain without significant flood defence infrastructure.

⁴ Whilst NRW provided additional comments on 11 April 2017 based on an alternative layout plan showing an alternative access outside Zone C2, this layout is not before me.

53. At my site visit I observed that the watercourse to the north lies below the level of the site. I therefore agree with the appellant that it is likely that much of the adjoining field would flood before the road. Be that as it may, I have been told by local residents that the B4598 and the houses in the vicinity have flooded on several occasions. The appellant acknowledges that most of the hamlet of Llancayo is Zone C2, as is much of the grounds of Llancayo House and the private access road and business units associated with Llancayo Farm to the west.
54. In this context, I cannot be certain from the evidence before me how quickly the access and road would flood after the field or whether there would be sufficient warning for occupants of the site to evacuate the site before being cut off by flood water. As this part of the site provides the only means of access to and from the site, I am not satisfied that the occupants would be provided with a safe means of escape in the event of a flood. Neither is there a Flood Warning service available in respect of the ungauged watercourse to alert the occupants of potential rapid flooding in the area. Hence, it has not been demonstrated that the development would be safe for the lifetime of the development.
55. It therefore follows that the development would not be permissible in this location on the basis that it is highly vulnerable development in an area at risk of flooding which cannot be justified in the context of national planning policy guidance. It would also conflict with the aims of LDP SD3 which states that highly vulnerable development will not be permitted in areas liable to flooding and with Policies H8 and S12 which require new development to avoid the siting of development in areas at risk of flooding.
56. Even were that otherwise, NRW advised the Council that if it were minded to grant planning permission contrary to the requirements of TAN 15, the applicants should be required to undertake a Flood Consequences Assessment (FCA). This is to ascertain whether the consequences of flooding can be managed down to an acceptable level for the type of development proposed, although it is to be borne in mind that the FCA is additional to the other tests, not instead of them.
57. I note that the Council invited the appellant to submit a Flood Consequences Assessment (FCA). However as the development does not meet the first tests outlined in the TAN, I do not consider it appropriate to conclude on whether an FCA should be submitted and whether mitigation could be provided given the fundamental conflict with the aims of national planning policy to steer unjustified highly vulnerable development away from areas at risk from flooding.
58. I also acknowledge the appellant's concern that NRW does not conduct site visits, rather its raises an objection in principle. Whilst I do not dispute that in some circumstances it may be appropriate to take a pragmatic approach, in this case, the lack of clear evidence that the risk of flooding would be insignificant prevents me from concluding that the site can offer safe conditions for its occupants.

Drainage

59. At the Hearing, the appellant told me that a septic tank has been installed. I have not been provided with the details of its design or size, albeit the appellant stated that it is the largest sized tank that can be purchased.
60. Welsh Office Circular 10/99 '*Planning Requirements in respect of the Use of Non-Mains Sewerage incorporating Septic Tanks in New Development*' provides advice on non-mains sewerage aspects of development so as to avoid environmental, amenity or public health problems which could arise from the inappropriate use of non-mains sewerage systems. It states that the first presumption must always be to provide a

system of foul drainage discharging into a public sewer. If it can be demonstrated that connection to a public sewerage system is not feasible, a package sewage treatment plant incorporating a combination of treatment processes should be considered.

61. The appellant is of the understanding that there is no connection to mains drainage available, particularly as others in the area are relying on septic tanks. The Council was not able to confirm a mains connection in the area.
62. The Circular advises that responsibility for demonstrating that a development is effectively served by a sewerage system rests with the developer. It adds that applications for planning permission should be supported by a full assessment of the *proposed* use of septic tanks to confirm that adverse effects would not arise (my emphasis).
63. I accept that, in principle, a properly constructed and maintained septic tank should not lead to environmental, amenity or public health problems. However, in practice, problems can occur as a result of poor maintenance or inadequate capacity. In this particular case, the installation of the septic tank without any form of assessment fails to provide a thorough examination of the impact of the disposal of the final effluent or whether it is discharged to a water course or disposed of by soakage into the ground. If a soakaway is to be used, neither have I been provided with the results of a percolation test which would confirm the extent of soakaway that would be needed.
64. I also note the observations of NRW that a septic tank discharging 5 cubic metres per day or less to surface water or 2 cubic metre per day or less to ground water must be registered. Should the discharge be more, a permit to discharge would be required by NRW. Given the lack of any detail whatsoever in relation to the septic tank that has been installed, this matter adds further to my concern regarding the potential adverse impacts arising.
65. Hence I cannot conclude that the use of the septic tank does not or would not lead to a significant environmental, amenity or public health problem in the area. In this regard, the proposal would conflict with the Circular and with LDP Policy H8 to ensure that the development is served by adequate on-site services for sewage disposal.
66. I have had regard to whether it is possible to overcome this issue by means of condition. However, in my opinion it would be inappropriate to condition a form of non-mains drainage that has already been implemented and which should be material to the consideration of the acceptability of the development. Furthermore, such a condition would be unenforceable because I am not persuaded that it is, in practice, possible to ascertain details of the tank that has been installed together with its capacity and any environmental impacts. It would thus fail the tests outlined in Welsh Government Circular 016/2014 '*The Use of Planning Conditions for Development Management*'.

Other Considerations

Need for gypsy pitches

67. Paragraph 17 of Circular 30/2007 requires local planning authorities to allocate sufficient sites in Local Development Plans to ensure that the identified pitch requirements for residential use can be met and that such sites are suitable with a realistic likelihood that they will be made available for that purpose.
68. The Council's identification of Gypsy / traveller sites is based on objectively assessed need. Its GTAA concludes that there is an estimated unmet need for 8 pitches to

2021, based on overcrowding, unauthorised occupation and the likelihood of cultural aversion to conventional housing.

69. After some discussion, the Council agreed that the needs assessment may not be representative of actual need. The identified need does not adequately take account of in-migration⁵ and I agree with the appellant that it is difficult to reconcile this figure of 8 with the current appeal before me for a 4 plot gypsy site and an application for 5 additional pitches at the Llangeview Usk site (which was refused permission in November 2016). I also note that on the appeal site alone several, but not all, of the family members were taken into account in the needs assessment; I am not entirely convinced therefore, that it properly reflects existing or future household formation. Hence, the immediate identified need appears to be low and I therefore consider that it should be regarded as a minimum.
70. The GTAA shows that there are currently no Council owned and run sites, either residential or transit. There are two authorised sites which are privately owned (the occupation of which is restricted by personal condition) and 10 unauthorised encampments on Council owned land by the travelling community. Hence there are no socially rented sites currently available in the Monmouthshire area.
71. I also understand that the second annual review of the LDP (2015-2016) recommended an early review of the development plan given that the supply of housing sites fell below the required five year period. In doing so, it was suggested that the review could consider other LDP policies, including the Gypsy and traveller policy in light of the shortfall of pitches to meet identified need. However, the Council confirmed that the LDP review process will not commence until early 2018. As a consequence, there is still no timescale as to when the pitches will be provided to meet identified need.
72. In terms of the availability of alternative sites, the appellant stated that the authorised sites in Cardiff, Blaenau Gwent and Torfaen are full. I heard that whilst some of the occupants spent a period in bricks and mortar accommodation, it was purely to secure access to a college education for one of the children and the tenancy ended when the college course was completed. There was a period in which another of the occupants resided in bricks and mortar accommodation in Pontypool for reasons of personal safety, but that tenancy has also been surrendered. However, the appellant explained of an aversion to bricks and mortar accommodation, such that it is not a realistic alternative.
73. In light of the evidence in this regard, I cannot be certain of the alternative living arrangements that would be available to the family in the event of planning permission being refused and the EN being upheld. It seems likely that the family would need to move outside the Monmouthshire area in search of alternative accommodation as there are no other Gypsy or traveller sites to allocate to in the county.

Personal circumstances

74. The appellant's grounds of appeal and subsequent oral evidence at the Hearing provides considerable details of the social and education needs of the occupants, with particular reference to the children. I am aware that the family are committed to their children's education; two of the children attend the local school in Usk and are taken

⁵ The GTAA states that no additional households wanting to live in the County were drawn to the attention of the Authority by other Authorities.

to school in the school minibus and a third child attends a high school in Pontypool. The family are engaged in a variety of activities and hold positions in the community where they are much involved in local issues. The family attend the Gypsy church in Newport with prayer meetings in Pontypool and Blackwood. Two of the family members travel for work and a third has recently started a training course in Cardiff. The family also travel to Gypsy horse fairs and trotting events.

75. The upholding of the EN and dismissal of the appeals would be likely to lead to the family's group eviction from the site, thus interfering with their private and family life. It would result in the loss of their home, albeit unlawful, and the apparent lack of immediate available alternative accommodation makes such interference more serious. I also do not dispute that the children will be reliant on local education provision in the foreseeable future, and that there would be some disruption arising if the continued occupation of this site ceased.

The Balancing Exercise and Conclusions

76. For the reasons I have given, I consider that the development is in conflict with the tests outlined in national and local planning policy relating to highly vulnerable development in flood risk areas and I cannot be certain that the site can be adequately drained. So the question is whether this harm is outweighed by other considerations that justify the development.
77. In favour of the appeals is the unmet need for sites in Monmouthshire. This carries significant weight as does the failure of the Council to currently meet that need. The lack of alternative available sites for the appellant and his family also adds weight to the appellant's case.
78. I have had regard to the personal circumstances of the appellant and his family with particular reference to the Human Rights Act 1998 (HRA) and the Public Sector Equality Duty under the Equality Act 2010. Article 8 of the European Convention on Human Rights (as incorporated by the HRA) requires that decisions ensure respect for private and family life. Dismissing the appeal would force the appellant and his family to leave the site and resume an itinerant lifestyle. This would represent an interference with the occupants' homes and their family life.
79. However, these are qualified rights and interference may be justified where in the public interest. In applying proportionality, these interferences would be in accordance with the law and in pursuit of legitimate aims to avoid siting highly vulnerable development in areas at high risk of flooding and to ensure that development can be served by adequate on site services for sewage disposal. In the context of this case, these matters outweigh the human rights of the family. Despite the unmet need for pitches and the lack of alternative sites, I have concluded that the granting of a permanent planning permission would not be appropriate.
80. Where Article 8 rights are those of children, as in this case, they must also be seen in the context of Article 3 of the United Nations Convention on the Rights of the Child. This requires a child's best interests to be a primary consideration. The courts have held that, although a primary consideration, the best interests of a child are not a determinative planning issue, but no consideration must initially be regarded as more important or, in advance of the subsequent assessment of the individual circumstances, be given greater weight.
81. The Guidance similarly advises that decision-makers need to assess whether children's best interests are relevant to any planning issue under consideration. In doing so, it advises they will want to ensure their approach is proportionate. They need to

consider the case before them, and need to be mindful that the best interests of a particular child will not always outweigh other considerations, including those that impact negatively on the environment or the wider community.

82. I accept that the best interests of the children would be served by a permanent and secure home and continued access to the local schools, facilities and activities in the wider community. However, this does not outweigh my concern about the existing risks to children in connection with flooding in particular, and that this potential harm cannot be addressed by a planning condition.
83. Overall, I am satisfied that the need to resist the residential use of a site at high risk of flooding and ensure that it can be adequately drained cannot be achieved by any means which are less interfering with the appellant's and the family's rights and with the best interests of the children. They are thus proportionate and necessary in the circumstances.

Temporary permission

84. The possibility of a temporary permission for a 3-5 year period has been raised. The Council states that a temporary permission was considered as part of the determination process but was ruled out due to the unsustainable location of this site and its harm to the landscape.
85. Circular 30/2007 identifies that there are three factors to be taken into account in considering whether a temporary permission should be granted; these are unmet need, no available alternative sites and a reasonable expectation that new sites are to become available in the area at the end of the temporary period which will meet need.
86. I do not dispute that there continues to be an unmet need and a current lack of available alternative sites. However, no timing has been provided in relation to the Council's provision of an authorised site and how many pitches it would accommodate, albeit it is likely to coincide with the second LDP review which does not commence until 2018 at the earliest. Hence, I do not consider that a realistic, alternative site will become available within the minimum 3 year temporary period suggested by the appellant.
87. Added to this, I am concerned regarding the current lack of satisfactory foul drainage arrangements, and the absence of a detailed assessment of the septic tank having regard to matters such as capacity and maintenance and the potential environmental, amenity or public health effects should failure occur. Such would be the scale of the planning harm inherent in the development in this instance, granting permission for the suggested temporary (albeit considerable) maximum period of 5 years would unacceptably extend the potential risks that I have identified and would not outweigh considerations against the development.
88. I consider that these matters override the unmet need, lack of alternative sites and the personal circumstances of the appellant and his family in deciding whether a temporary planning permission is justified.

The ground (g) appeal

89. The appeal under Ground (g) is made on the basis that the 2 month period for compliance with the EN is too short in view of the potentially homeless situation in which the occupants may find themselves and the absence of suitable alternative accommodation currently available. A period of 12 months with a further 2 months to restore the site to its previous condition is therefore sought.

90. The Council accepted the difficulty of a 2 month period, but considered that 6 months would provide sufficient time to find alternative accommodation. As I understand it, the appeal site is the only place of residence for the occupants and they own no other property or land.
91. To extend the period for compliance would prolong the harm I have identified. However, I have also had regard to the lack of realistic available alternative sites in the county and the likely effect on the occupants of resorting to a roadside existence or other unauthorised sites. An extended compliance period would increase the likelihood of another suitable site being found. In these circumstances, and as discussed, I conclude that an extended period of 12 months should provide sufficient opportunity for the occupants to find alternative accommodation. I do not find that a further 2 months is required to restore the site to its former condition given that the caravans and much of the domestic paraphernalia would be re-located concurrently with the family's move to an alternative site. I shall vary the EN accordingly.

Overall Conclusion

92. In conclusion, the appeals are unsuccessful on ground (a) / deemed application and I refuse to grant planning permission. The appeal on ground (g) succeeds as I find the compliance period too short, and I am therefore varying the EN accordingly prior to upholding it.

Melissa Hall

Inspector

APPEARANCES

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| | |
|--------------------------|--------------------------|
| Ms Alison Heine | Planning Consultant |
| Ms Sharmane Jones | Occupant |
| Mr Andrew Morgan-Andrews | Family support |
| Ms Trudy Aspinall | Travelling Ahead advisor |

FOR THE LOCAL PLANNING AUTHORITY:

| | |
|----------------------|---------------------|
| Ms Kate Young | Planning Officer |
| Mr Guy Delamere | Enforcement Officer |
| Mr Stephen Griffiths | Housing Officer |

INTERESTED PARTIES:

| | |
|------------------|---|
| Ms Valerie Smith | Local Ward Member, Monmouthshire County Council |
|------------------|---|

DOCUMENTS

1. The Council's letter of notification of the appeal, dated 17 May 2017.
2. Monmouthshire County Council Gypsy and Traveller Accommodation Assessment 2016-2021.

Llancayo Flood Consequences Assessment

Version 1

March 2024

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Contract

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JBA Project Code 2023s1540

This report describes work commissioned by Travelling Ahead by an instruction dated October 2023. Charlotte Lickman of JBA Consulting carried out this work.

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1 Introduction

1.1 Terms of Reference

JBA Consulting (JBA) were commissioned by Travelling Ahead to undertake a Flood Consequences Assessment (FCA) to support a six-plot traveller site with associated amenities. This FCA demonstrates the suitability of the proposed development.

1.2 FCA Requirements

This FCA follows Welsh Government guidance on development and flood risk set out in Technical Advice Note 15: Development and Flood Risk (TAN-15). Where appropriate, the following aspects of flood risk should be addressed in all planning applications over their expected lifetime:

- The likely mechanisms of flooding
- The likely source of flooding
- The depths of flooding through the site
- The speed of inundation of the site
- The rate of rise of flood water through the site
- Velocities of flood water across the site
- Overland flow routes
- The effect of access and egress and infrastructure, for example, public sewer outfalls, surface water sewers and effluent discharge pipes from wastewater treatment work.
- The impacts of the development in terms of flood risk on neighbouring properties and elsewhere on the floodplain.

2 Site Description

2.1 Site summary

The proposed traveller site is located in the village of Llancayo, Monmouthshire. The site is bound to the west by the B4598, as shown in Figure 2-1. The south and east of the site are bound by an unnamed lane, and adjacent to the north, and the wider surrounding area is predominantly greenfield land which is used for farming purposes. The site is approximately 0.52ha in size and is currently used as an unauthorised traveller site.

A summary of the site details is shown in Table 2-1.

Table 2-1 Site summary

| | |
|----------------------------|------------------------------|
| Site name | Llancayo Traveller Site |
| Site area | 0.52 ha |
| Existing land use | Unauthorised Traveller Site |
| Purpose of development | Residential |
| OS NGR | SO 36935 02933 |
| Local Planning Authority | Monmouthshire County Council |
| Lead Local Flood Authority | Monmouthshire County Council |

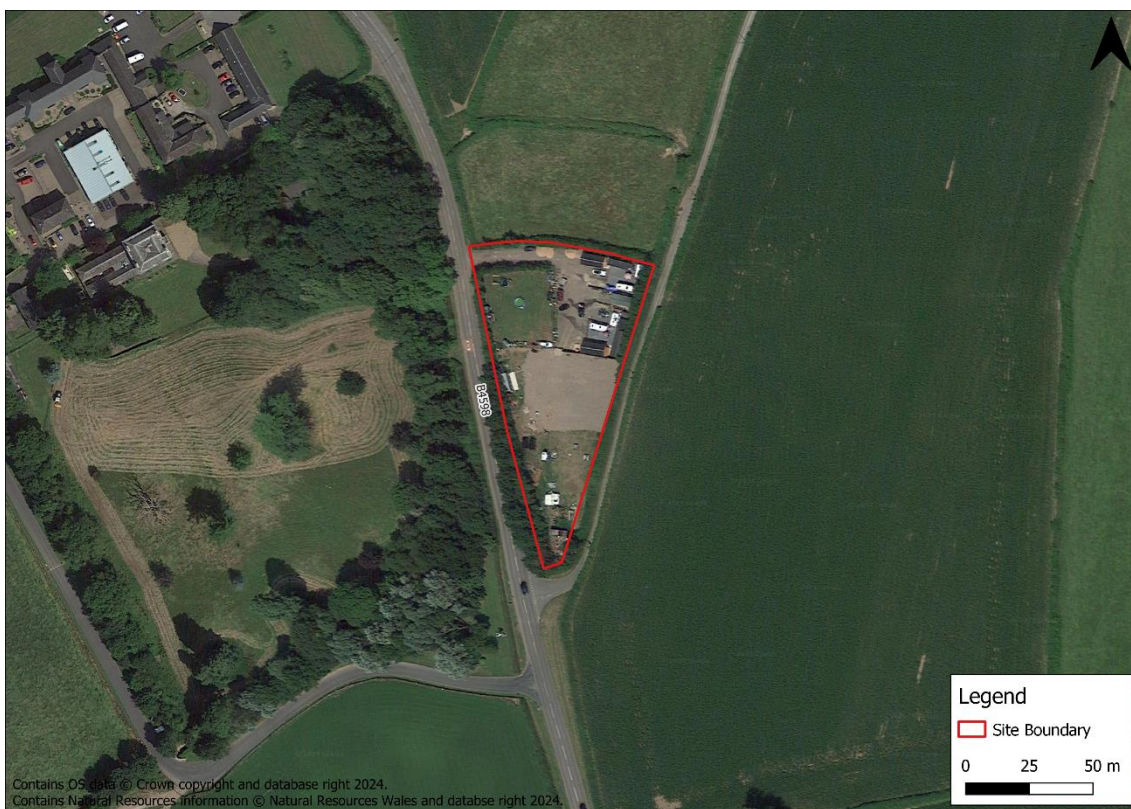


Figure 2-1 Site Location

2.2 Site Topography

A topographic survey of the site is not available at the time of writing. Therefore, Natural Resources Wales (NRW) 1m Light Detection and Ranging (LiDAR) data has been used to illustrate the site topography and is displayed in Figure 2-2.

The site slopes in a general westerly direction with the highest ground level along the eastern boundary at approximately 28.04m AOD. The lowest ground levels are located in the north-western area of the site, along the existing access road at approximately 25.72m AOD.

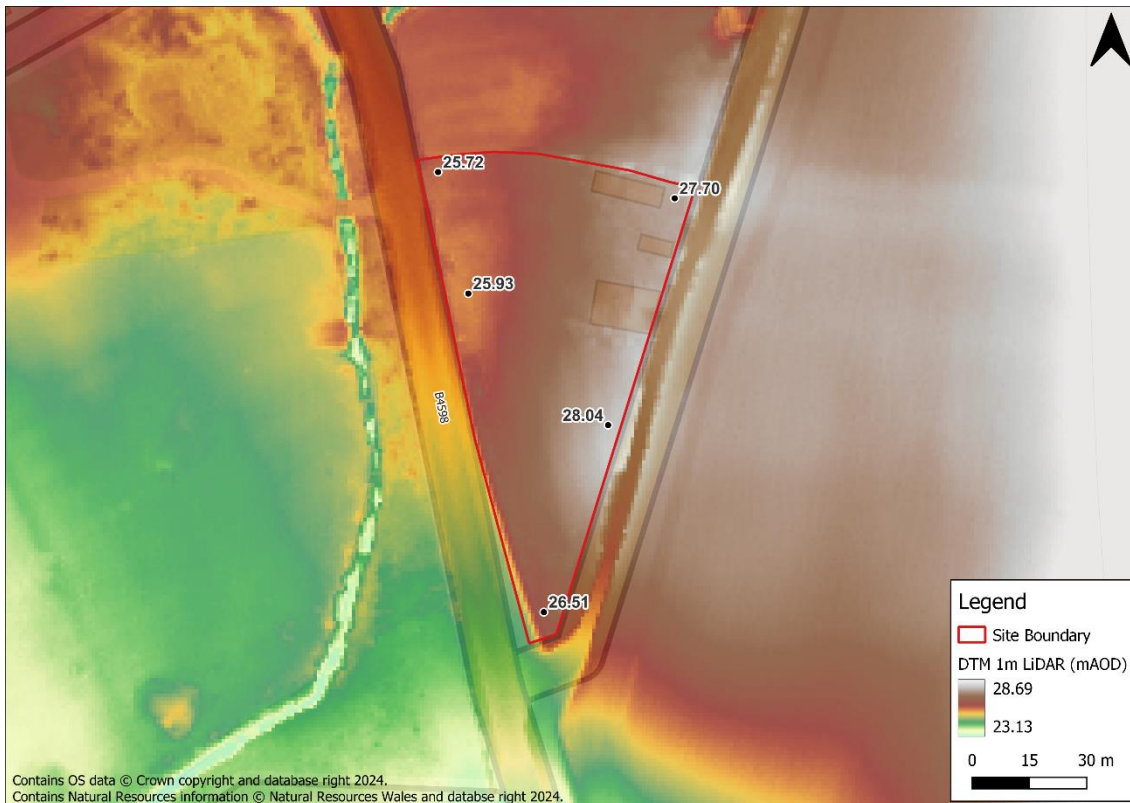


Figure 2-2 Site Topography

2.3 Soils and Geology

The geology of the site has been assessed using the British Geological Survey GeoIndex¹. The bedrock is shown to be Lower Forest Beds and Upper Forest Beds, which is comprised of mudstone.

The soils have been assessed on the Cranfield University Soilscape viewer² and shown to be freely draining slightly acid loamy soils.

1 https://mapapps2.bgs.ac.uk/geoindex/home.html?_ga=2.258799171.815361820.1684335491-2098730191.1684335491

2 <https://www.landis.org.uk/soilscales/>

2.4 Nearby watercourses

There are no watercourses that cross the site. An ordinary watercourse flows in a general westerly direction approximately 50m to the north of the site, as shown in Figure 2-3. The watercourse is culverted under the B4598 and turns to flow south, parallel to the road and to the west of the site. It then flows south-westerly for approximately 800m before it joins the River Usk, an NRW designated Main River.



Figure 2-3 Nearby watercourses

2.5 Proposed development

The proposed development is a six-plot traveller site with associated amenities including parking and stable blocks. The proposed development plan is contained in Appendix A. The proposed layout shows that the caravans are to be housed to the east of the site with the main access via the north-west. Along the eastern boundary is a proposed emergency access point which shall be accessible at all times.

3 Planning Policy and Flood Risk

3.1 Planning Context

Planning Policy Wales (PPW) sets out the land use planning policies of the Welsh Government. It is supplemented by a series of Technical Advice Notes (TANs), Welsh Government Circulars, and policy clarification letters, which together with PPW provide the national planning policy and improve the social, economic, environmental, and cultural wellbeing of Wales as set out in the Wellbeing of Future Generations Act 2015.

Technical Advice Note 15: Development and Flood Risk (TAN-15) introduced by the Welsh Government in 2004, provides technical guidance relating to development planning and flood risk in Wales. The initial requirements of TAN-15 are to identify the vulnerability classification(s) and flood zones relevant to the proposed development, and to apply this information to the application of the justification tests.

An update for TAN-15 was released in October 2021. However, Welsh Government subsequently suspended this, and it is not currently known when the new TAN-15 will be published in its final form and implemented. Although the new TAN-15 is not a material consideration, Welsh Government and NRW advise that some consideration is given to the Flood Map for Planning (FMfP) as best available information. Therefore, where a site is located in a FMfP flood risk zone it is recommended that an FCA is carried out.

As a result of the above, both the DAM and FMfP are considered as part of this FCA, although only the policies of the current TAN-15 has been applied to the assessment.

3.2 Vulnerability Classification

TAN-15 assigns one of three flood risk vulnerability classifications to a development, as shown in Table 3-1. The proposed development is for residential purposes. Consequently, the development is classified as **'highly vulnerable'**.

Table 3-1 Vulnerability Classifications

| Development category | Types |
|-------------------------------|--|
| Emergency Services | Hospitals, ambulance stations, fire stations, police stations, coastguard stations, command centres, emergency depots and buildings used to provide emergency shelter in time of flood. |
| Highly Vulnerable development | All residential premises (including hotels and caravan parks), public buildings (e.g. schools, libraries, leisure centres), especially vulnerable industrial development and waste disposal sites. |
| Less Vulnerable development | General industrial, employment, commercial and retail development, transport and utilities infrastructure, car parks, mineral extraction sites and associated processing facilities, excluding waste disposal sites. |

3.3 Lifetime of development

The Welsh Government latest technical guidance for climate change states:

"When considering new development proposals, Technical Advice Note 15: Development, Flooding and Coastal Erosion (TAN-15) states that it is necessary to take account of the potential impacts of climate change over the lifetime of development. A rule of thumb is that residential development has a lifetime of 100 years while a lifetime of 75 years is assumed for all other developments.

As the proposals are for a residential use, a 100-year lifetime of development has been considered in this assessment.

3.4 Development Advice Map

The Development Advice Map (DAM) is used to trigger different planning actions based on a precautionary assessment of fluvial and tidal risk.

Figure 3-1 indicates that the majority of the site is located within Zone A. This describes areas which are considered to be at little or no flood risk.

An area in the north-west of the site is located within Zone C2, which is described as areas of the floodplain without significant flood defence infrastructure.

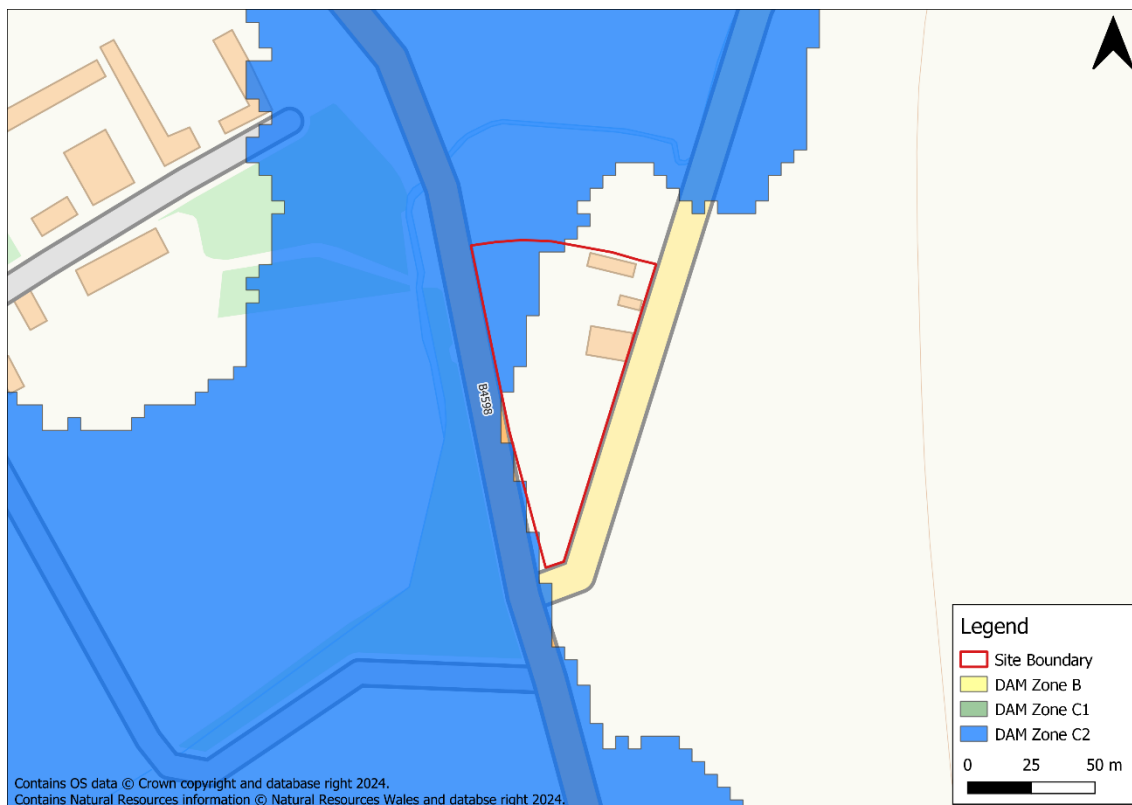


Figure 3-1 Development Advice Map

3.5 Flood Map for Planning Classification

The Flood Map for Planning (FMfP) is used to trigger different planning actions in support of the forthcoming TAN-15. Although the new TAN-15 is not a material consideration, the new Flood Map for Planning is useful in that it shows the flood risk allowing for climate change over a 100-year lifetime of development.

3.5.1 Flood Map for Planning - Rivers

The proposed development site is mostly located in Flood Zone 1 of the Flood Map for Planning. Flood Zone 1 indicates that there is a less than 0.1% AEP (1 in 1000) chance of flooding from fluvial sources in any given year, including climate change.

The north-west of the site is shown to be located within Flood Zone 3, as shown in Figure 3-2. This means that there is a greater than 1% (1 in 100) chance of flooding in any given year, including climate change.

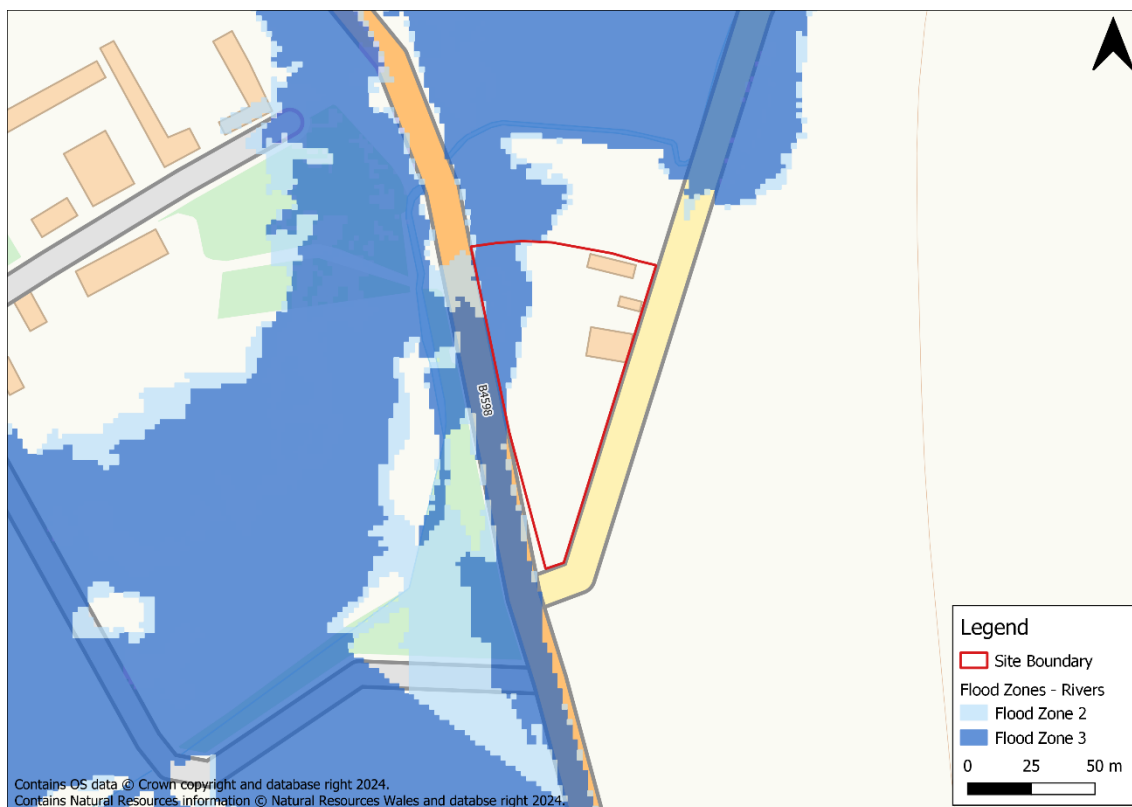


Figure 3-2 Flood Map for Planning - Rivers

3.5.2 Flood Map for Planning - Sea

The proposed development is located in Flood Zone 1 of the Flood Map for Planning for the Sea (shown as transparent on the map) and has therefore not been presented graphically. Flood Zone 1 indicates that there is a less than 0.1% AEP (1 in 1000) chance of flooding from tidal sources in any given year, including climate change.

3.5.3 Flood Map for Planning - Surface Water and Small Watercourses

The proposed development site is mostly located within Flood Zone 1 of the Flood Map for Planning for Surface Water and Small Watercourses, meaning that there is a less than 0.1% AEP (1 in 1000) chance of flooding in a given year, including climate change.

A small area along the western boundary is shown to be located within Flood Zone 3 of the FMfP, as shown in Figure 3-3, indicating that there is a greater than 1% AEP (1 in 100) chance of flooding in a given year, including climate change.

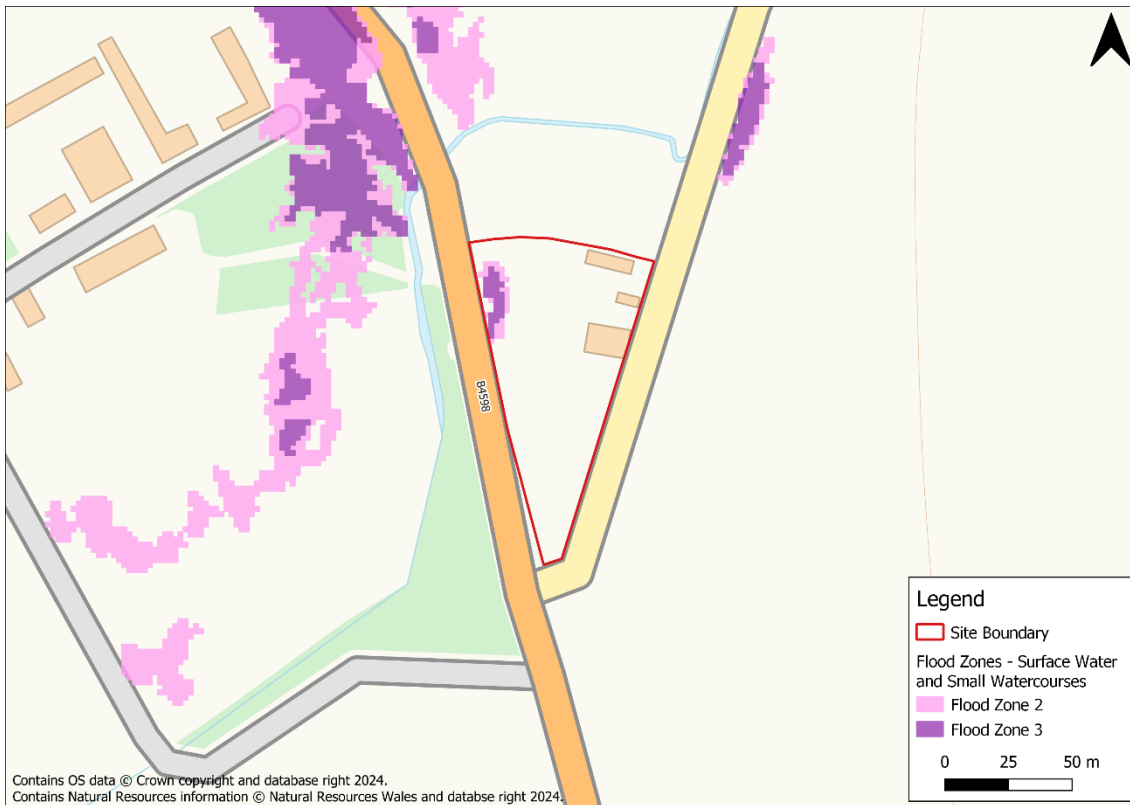


Figure 3-3 Flood Map for Planning - Surface Water and Small Watercourses

3.6 Justification Test

In accordance with TAN-15 highly vulnerable development is acceptable in Zone A without the need to consider flood risk any further. All proposed residential development is to be located within areas of the site designated Zone A on the DAM. Therefore, the Justification Test is not required to demonstrate the location of the traveller plots are justified.

However, the proposed access into the site is located within Zone C2 of the DAM. Development within Zone C2 should be considered subject to the application of the Justification Test, including acceptability of the consequences.

Consequently, the application of the Justification Test applies to those parts of the development site within Zone C2 only (i.e. the access road). The site has been assessed against the criteria of the Justification Test, and is found to have met all requirements, as shown in Table 3-2.

4 Flood Risk Assessment

This section assesses the risk to the site from all sources of flooding, the risk of increased flood risk to others, and how flood risk can be managed. Information is taken from publicly available data sources.

4.1 Review of existing flood risk data

The latest available information on flood risk at the site, published by NRW, is summarised in Table 4-1 below.

Table 4-1 Flood Risk summary

| Source of Flooding | Onsite Presence | Description |
|--|-----------------|--|
| Flood Risk from Rivers | ✓ | The site is predominantly at very low risk of flooding from rivers. However, the north-west of the site is at medium - high risk of flooding. |
| Flood Risk from the Sea | ✗ | The site is at very low risk of tidal flooding. |
| Flood Risk from Surface Water and Small watercourses | ✓ | The site is mostly at very low risk of surface water and small watercourse flooding. A small area along the western boundary is shown to be at low risk. |
| Flood Risk from Groundwater | ✗ | The site is at low risk of flooding from groundwater. |
| Flood Risk from Reservoirs | ✗ | The site is at very low risk of flooding from reservoirs |
| Flood Risk from Sewers | ✗ | The site is at low risk of flooding from sewers. |

4.2 Historical Flooding

NRW's map of recorded flood extents does not show any evidence of historical flooding on the site and no other evidence of historical flooding has been identified.

4.3 Flood Risk from Rivers

The site is mostly at very low risk of flooding from rivers, according to NRW's Flood Risk Assessment Wales (FRAW) Flood Risk from Rivers map, as shown in Figure 4-1. All proposed residential development, and the emergency access on the eastern boundary, is located in areas at very low risk of fluvial flooding. This means that there is a less than 0.1% AEP (1 in 1000) chance of fluvial flooding in any given year.

The proposed access road and stable blocks, in the north-west of the site is shown to be at low - medium risk of flooding. Medium risk indicates between a 1% and 3.3% AEP (1 in 100 to 1 in 30) chance of flooding from fluvial sources.

To better understand the risk of flooding posed by rivers and the implications of climate change on the flood risk to the proposed development, further assessment has been undertaken and is discussed in Section 5.

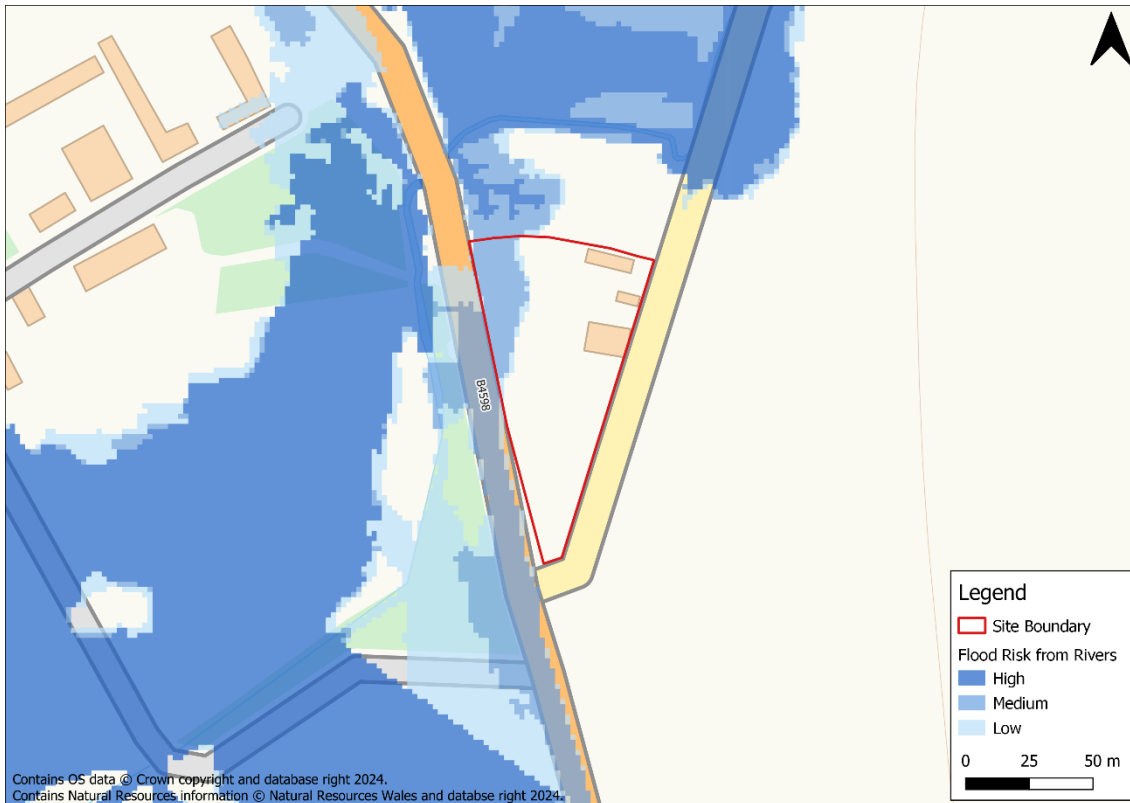


Figure 4-1 FRAW - Flood Risk from Rivers

4.4 Flood Risk from the Sea

The site is at very low risk of flooding from the Sea according to NRW's FRAW Flood Risk from the sea map. This means there is a less than 0.1% AEP (1 in 1000) chance of flooding from this source in any given year. This layer is shown as transparent and therefore has not been presented graphically.

4.5 Flood Risk from Surface Water and Small Watercourses

The NRW FRAW flood risk from Surface Water and Small watercourses mapping shows that the proposed development site is predominantly at very low risk of flooding from these sources, as shown in Figure 4-2. This means that there is a less than 0.1% AEP (1 in 1000) chance of flooding in any given year. A small, localised area of ponding in the west of the site is shown to be at low risk of flooding from surface water and small watercourses, meaning that there is between a 0.1% - 1% AEP (1 in 1000 to 1 in 100) chance of flooding.

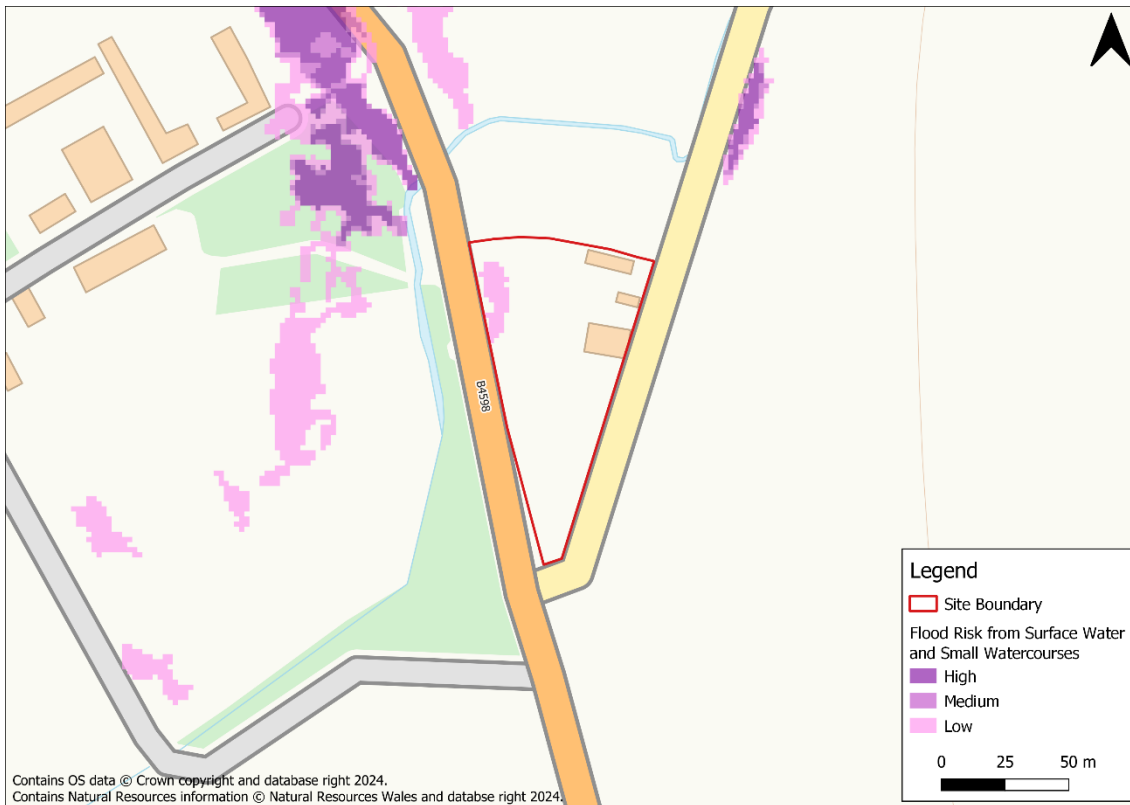


Figure 4-2 FRAW - Flood Risk from Surface Water and Small Watercourses

4.6 Flood Risk from Groundwater

Groundwater flooding is caused by unusually high groundwater levels. It occurs as excess water emerges at the ground surface or within manmade structures such as basements. Groundwater flooding tends to be more persistent than surface water flooding, in some cases lasting for weeks or months, and can result in damage to property. This risk of groundwater flooding depends on the nature of the geological strata underlying the site and the local topography.

The British Geological 1:50,000 scale GeoIndex viewer indicates the bedrock to be comprised of mudstone. Mudstone is generally considered to be reasonably impermeable and unlikely to support groundwater and results in groundwater flooding. It can therefore be concluded that the risk of flooding from groundwater to the site is low.

4.7 Flood Risk from Reservoirs

The NRW Flood Risk from Reservoirs map illustrates that the proposed development site is at very low risk of reservoir flooding, shown as a transparent later on the FRAW mapping and therefore not presented graphically below.

4.8 Flood Risk from Sewers

There is no evidence to show historic sewer flooding on or close to the site. It can therefore be concluded that the risk of sewer flooding at the site is low.

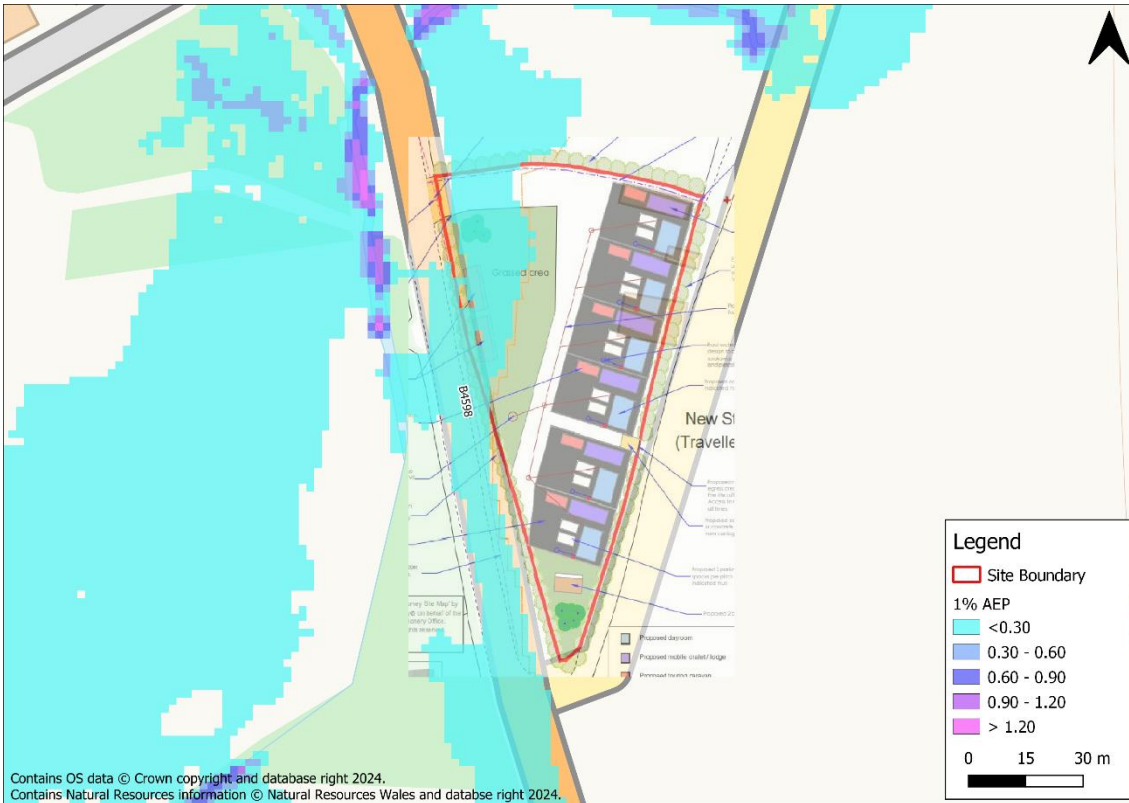


Figure 5-1 National Flood Hazard Mapping - Depth for the 1% AEP event

5.3 0.1% AEP (1 in 1000 year)

Figure 5-2 shows the NRW modelled flood depths for the 0.1% AEP fluvial event. The mapping indicates all proposed residential areas are predicted to remain flood free during the extreme event.

An area in the north-west of the site is shown to flood during this event. This area is predominantly amenity space, with two proposed stable blocks within the flood extent. Generally, across this area, flood depths are not predicted to exceed 600mm, with depths typically less than 400mm. Flood depths across the proposed stable blocks are predicted to a maximum of 308mm. This is well within the tolerable limits (600mm) suggested within A1.15 of TAN-15 for the 0.1% AEP event.

Flooding of the main access road in the north-west is predicted up to a maximum depth of 294mm. This is well within the tolerable limits (600mm) suggested within A1.15 of TAN-15 for access routes on residential sites.

The emergency access to the eastern boundary of the site is predicted to be flood free during the extreme event. Access and egress to the site is available from the eastern boundary, in a northerly direction where flood depths are less than 300mm on the unnamed highway, as shown in Figure 5-33.

6 Assessment of Acceptability Criteria

6.1 Acceptability Criteria

Table 6-1 assesses the proposed development against the acceptability requirements required by TAN-15 to be met for the Development Zone.

Table 6-1 Acceptability Criteria for TAN-15

| TAN-15 Justification Criteria | Comments | Achieved |
|--|--|----------|
| Developer is required to demonstrate that the site is designed to be flood free for the lifetime of development for a 1 in 100 (0.1% AEP) fluvial flood event including an allowance for climate change in accordance with TAN-15 table A1.14. | The proposed residential area is predicted to be flood free during the 1% AEP plus climate change event. The north-western corner of the site is predicted to flood to shallow depths during the 1% AEP event. The proposed stable blocks are to be raised by 300mm, resulting in the stable block being flood free during the 1% AEP plus climate change event. | ✓ |
| The development should be designed so that in an extreme (1 in 1000) chance event there would be less than 600mm of water on access roads and within the property. | A part of the primary access road in the north-west of the site is predicted to flood to shallow depths of less than 300mm at the main access point in the 0.1% AEP event. The proposed stable blocks are predicted to flood up to 8mm. This is within the tolerable conditions of TAN-15. The proposed built development and emergency access point along the eastern boundary is predicted to be flood free during all flood conditions. | ✓ |
| No flooding elsewhere. | The proposed development shall not increase flood risk elsewhere. An area of land in the north-west of the site which is predicted to be at risk of fluvial flooding shall remain the same post development, therefore the development shall not impact upon the flood risk to third party land. | ✓ |
| Flood defences must be shown by the developer to be structurally adequate particularly under extreme overtopping conditions (i.e. that flood with a 1 in 1000 chance of occurring in any given year). | Not applicable. The proposed development site is not served by flood defences. | ✓ |

7 Conclusions

JBA Consulting (JBA) were commissioned by Travelling Ahead to undertake a Flood Consequences Assessment (FCA) to support a six-plot traveller site with associated amenities. This FCA demonstrates the suitability of the proposed development.

The proposed development located near to the village of Llancayo, Monmouthshire and is currently brownfield land used as an unauthorised traveller site. The development proposals include associated car parking, day rooms, stable blocks and vehicle access.

The proposed development is classified as Highly Vulnerable Development by TAN-15 due to its residential nature.

The site is predominantly located in Zone A of the Development Advice Map which represents areas at little or no risk of flooding. A part of the north-west of the site is shown to be located in Zone C2 which classifies areas of the floodplain without significant flood defence infrastructure.

The Flood Map for Planning indicates that an area in the north-west of the site is located within Flood Zone 3 for Rivers. This indicates that there is a greater than 1% AEP chance of flooding in any given year, including climate change. Most of the site is located within Flood Zone 1 of the FMfP for Rivers.

The site is at little or no risk of tidal, groundwater, sewer or reservoir flooding.

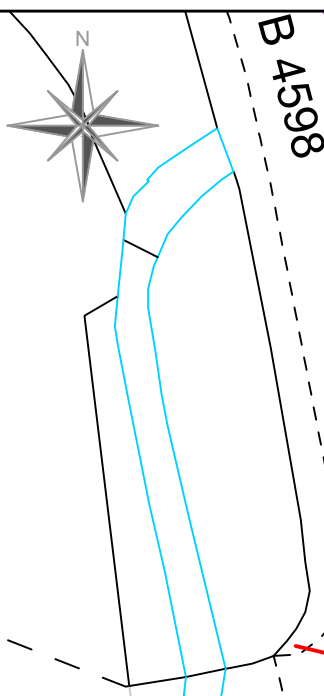
The NRW FRAW mapping shows that the site is mostly at very low risk of flooding from Rivers, meaning that there is a less than 0.1% AEP (1 in 1000) chance of fluvial flooding in any given year. An area in the north-west of the site is shown to be at medium risk of flooding. Medium risk indicates between a 1% and 3.3% AEP (1 in 100 to 1 in 30) chance of flooding from fluvial sources.

The NRW FRAW flood risk from Surface Water and Small watercourses mapping shows that the proposed development site is mostly at very low risk of flooding from these sources. This means that there is a less than 0.1% AEP (1 in 1000) chance of flooding in any given year. A small area in the west of the site is shown to be at low risk of flooding from surface water and small watercourses, meaning that there is between a 0.1% - 1% AEP (1 in 1000 to 1 in 100) chance of flooding.

The FRAW dataset uses generalised national scale modelling, which has been used to inform the assessment of fluvial flood risk to the site. National Flood Hazard Mapping fluvial depth extents have been used to assess the maximum flood depths across the site during the medium-risk flooding scenario (1% AEP).

During the 1% AEP event, flooding is predicted to occur in the north-west of the site, extending across part of the access road and the proposed 3 bay stable blocks, to a maximum depth of 300mm. As such, it is recommended that the Finished Floor Level of the stable blocks are raised to be raised by approximately 300mm in order for them to remain

A Development Proposal



Location of 2.0m maximal visibility splays

Proposed amenity area for refuse collection

Proposed 3 bay stable blocks

Proposed touring caravan per pitch indicated thus

Proposed foul drainage to bespoke treatment plant - see EnvirEn report for full phosphite report and mitigation

Proposed planting of native tree species to replace lost headgebank

Existing tree / hedge to western boundary un-affected and supplemented with planting of native trees to fill any gaps

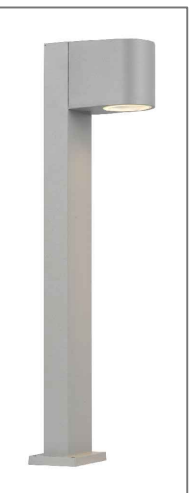
Proposed hardstanding areas to pitches in permeable material, crushed rolled stone with no fine material present

Magenta dashed line denotes 120m visibility to RHS of new entrance.

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www.planningpembrokeshire.co.uk



Key

Approximate locations of bollard downlights
500mm high direct down light for pathways and will keep light pollution and glare to an absolute minimum.

Magenta dashed line denotes 120m visibility to LHS of new entrance.

Proposed access apron in bitumac or concrete for a distance of 5.00m from carriageway edge

Existing tree / hedge to northern boundary un-affected and supplemented with planting of native trees to fill any gaps

Existing public right of way un-affected

Existing gate to public right of way to remain un-affected

27.3m

Chalet / static caravan indicated thus

Existing tree / hedge to eastern boundary un-affected and supplemented with planting of native trees to fill any gaps

Proposed indicative layout of foul drainage system

Roof water to soakaway indicated thus and design to building control standards - per soakaway design data for soakaway size and percolation test results

Proposed dayroom indicated thus

New Stables (Travellers Site)

Proposed new gated means of emergency egress created to allow safe passage should the site suffer from flooding. Access to remain clear of any obstruction at all times

Proposed access apron in bitumac or concrete for a distance of 5.00m from carriageway edge

Proposed 2 parking spaces per pitch indicated thus

Proposed 2 bay stable block

- Proposed dayroom
- Proposed mobile chalet / lodge
- Proposed touring caravan
- Proposed stable blocks
- Existing Public Right of Way (360/60/1) Un-affected
- Line of Flood Zone

Proposed Planting and Green Infrastructure Strategy

Replacement hedgebank

Specimen trees, 12 - 14cm girth, rootballed:
 Acer platanoides (Ap)
 Crataegus laevigata 'Rosea Flore Pleneo' 8 - 10cm
 Sorbus Aucuparia (Sa)
 Sorbus 'Joseph Jack' (SJR)
 Sorbus aria 'Lutescens' (SaL)
 Tamarix ramossima 'Pink Cascade' 1.25 - 1.5m

Re-design of Traveller Site with Provision of 6 Bespoke Family Related Pitches with Static, Dayroom & Tourers, 3 Stables/Dog Kennels, Emergency Flood Access/Egress & Ecological Enhancements
New Stables, Land Opposite Llancayo House, Llancayo, Usk, Monmouthshire NP15 1SB

| | | | |
|-------------------------------------|--------------------|----------------|--|
| File name AVH_1116 | Date 11.03.2024 | Scale 1:500 | Client Sharmane Jones & Mike Purcell & Family |
| Drawing Title Proposed Site Plan | | | Dwg No. 07b |

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Habitat Regulations Assessment Record

| | | | |
|--------------------------------------|--|--------------|------------|
| Name of relevant MCC Officer: | Daniel Hulmes Biodiversity & Ecology Officer | Date: | 19/06/2024 |
|--------------------------------------|--|--------------|------------|

1. INTRODUCTION

This is a record of the Habitats Regulations Assessment of the proposal outlined below, undertaken by Monmouthshire County Council as the Competent Authority. This assessment is required by Regulations 63 and 64 of Conservation of Habitats and Species Regulations 2017 (as amended) before the Council as the 'Competent Authority' under the Regulations can give consent for the proposal.

2. INFORMATION ABOUT THE PROJECT

| | |
|---|---|
| 2.1 Type of activity: | Planning Permission |
| 2.2 National Grid reference: | SO 36936 02932 |
| 2.3 Site reference: | DM/2024/00355 – Land opposite Llancayo House |
| 2.4 Brief description of the project | The creation of a travellers site incorporating six bespoke family related pitches with one static and touring caravan and day/utility room per pitch, three stables/dog kennels, emergency flood access, installation of private treatment plant and ecological enhancements (partially retrospective) |

3. INFORMATION ABOUT THE EUROPEAN AND RAMSAR SITES

| | |
|--|--|
| 3.1 European site name(s) and status: | Site(s) to be taken forward: <ul style="list-style-type: none"> • River Usk SAC is 0.45km south of the development site. Site(s) to be ruled out: None |
|--|--|

3.2 Site description (reasons for designation, key ecological characteristics, information available on general ecological trends and current issues or sensitivities)

| | |
|----------------------------|---|
| 3.2.1 River Usk SAC | Reasons for designation and trends The river is designated for a number of Annex II migratory and non-migratory fish species including Sea lamprey <i>Petromyzon marinus</i> (Status: Unfavourable: Unclassified), Brook lamprey <i>Lampetra planeri</i> (Status: Favourable), River Lamprey <i>Lampetra fluviatilis</i> (Status: Favourable), Twaite shad <i>Alosa fallax</i> (Status: Unfavourable: Unclassified.), Atlantic salmon <i>Salmo salar</i> (Status: Unfavourable: Unclassified.), Bullhead <i>Cottus gobio</i> (Status: Unfavourable: Unclassified), well as European otter <i>Lutra lutra</i> (Status: Favourable). Annex I habitat water course of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation (Status: Unfavourable: Unclassified) and Allis shad <i>Alosa</i> |
|----------------------------|---|

alosa (Status: Unfavourable: Unclassified.) are also a qualifying features of the designation (but not primary reasons for the designation). The application site lies adjacent to Unit 2 of the SAC; Key Species for this unit are Sea Lamprey, Twaite Shad and Otter. The Key habitat is *Ranunculion fluitantis* and *Callitricho-Batrachion* vegetation.

Vulnerability (from JNCC - Natura 2000 Standard Data Form)

The River Usk is an excellent habitat for six Annex II freshwater fish. There are some concerns over long-term aquatic and riparian habitat degradation to be addressed in the Usk Catchment Management Plan, the Conservation Strategy, the River SSSI Management Plan, and by NRW encouraging owners and occupiers to carry out positive habitat management through agreements and agri-environment schemes.

Current issues for the River Usk SAC relevant to this HRA:

The development construction and the future operation of the site as a residential housing development in proximity to a tributary of the River Usk, has the potential to cause a detrimental impact on the River Usk SAC. Fish features within the River Usk SAC include twaite and allis shad. These species are particularly sensitive to noise and vibration during their migration period (April-June inclusive). An assessment should be may of potential impacts from noise and vibration.

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| 3.3 Reference documents that provide further details on the site, and have been used to inform the assessment: | <i>Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS), EnvirEn – V1.3 June 2024</i> |
| | <i>Proposed Site Plan - Dwg no. 07g dated 12/06/2024 drawn by Haystons Developments & Planning Ltd</i> |
| | <i>Planning Statement and Justification Report by by Haystons Developments & Planning Ltd dated 14th March 2024</i> |
| | <i>Natural Resources Wales advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation (SACs)- Version 3 July 2022</i> |
| | <i>Monmouthshire County Council Review of Consents Element 1 Report by JBA Consulting dated 7th August 2013</i> |
| | <i>The Habitats Regulations Handbook, DTA Publications, updated 2021.</i> |
| | <i>Tyldesley, D. (2011) Assessing Projects under the Habitats Directive: guidance for competent authorities. Report to Countryside Council for Wales, Bangor.</i> |
| <i>Mason, C. (2002) Biology of Freshwater Pollution 4th Edition Pearson Education Ltd.</i> | |

4. TEST OF LIKELY SIGNIFICANT EFFECT

4.1 Is the proposal directly connected with or necessary to the management of the site for nature conservation?

No

4.2 Pathways to effect (hazards):

4.2.1 River Usk SAC

The Interest Features which could be affected are:

1. Migratory and non-migratory fish (sea lamprey, brook lamprey, river lamprey, twaite shad, allis shad, Atlantic salmon, bullhead);
2. Watercourses with *Ranunculion fluitantis* and *Callitriche-Batrachion* vegetation
3. Otters;

The possible effects during the operational phase are:

- Change in water chemistry (including pollution, nutrient enrichment and pH changes)

The possible effects may occur:

- During Operation

The following potential hazards are screened out due to the scale of the proposed development and distance from the protected site:

Acidification, Change in flow or velocity regime (including abstraction/ low flows and reduced dilution capacity), Change in salinity regime, , Change in water levels or table, Changes in physical regime, Changes in thermal regime, Disturbance (access, visual, vibration, dust, litter, recreation), Entrapment/ obstruction, Habitat loss (Direct if within site or indirect to mobile feature habitat if off site), Habitat/ community simplification, Habitat fragmentation, reduced connectivity, Physical damage, Predation (pets), Siltation/ Sedimentation/ Turbidity, Air pollution. Change in surface flooding; Entrapment, Disturbance (noise, lights, increased activity);

| 4.3 River Usk SAC – Test of Likely Significant Effect | | | | | |
|---|---|---|--|--|---|
| Hazard | Interest Features | Possible Effect | Magnitude in the absence of mitigation | Design of the scheme which reduces impacts on Interest Features (in light of the CJEU ruling (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)) | Conclusion |
| Changes to water chemistry Operational phase | <p>Migratory and non-migratory fish (sea lamprey, brook lamprey, river lamprey, twaite shad, allis shad, Atlantic salmon, bullhead);</p> <p>Otters;</p> <p>Water courses of plain to montane levels with the <i>Ranunculion fluitantis</i> and <i>Callitricho-Batrachion</i> vegetation</p> | <p>The site is approximately 0.45km north of the River Usk Special Area of Conservation (SAC).</p> <p>The site is located within the village of Llancayo, Usk. The site formerly consisted of grazed semi-improved pasture bounded by hedgerows. However, the application is partly retrospective in nature as the site has been used as a Romany Gypsy Traveller site for over eight years. It is understood that at present, foul drainage is discharged to an unpermitted septic tank situated on site.</p> <p>The plans comprise the construction of four pitches, with associated infrastructure and soft landscaping. As such the proposal would increase the volume of foul wastewater being discharged at the site. The applicant proposes to remove the existing septic tank and discharge foul drainage to a GRAF One2Clean biological package treatment plant (PTP), which will in turn discharge to a phosphate filter and finally a drainage field located at the south of the site. This is in line with Circular 008/2018.</p> | Long term | None to be considered at this stage | <p>The applicant is proposing to discharge wastewater to ground via a PTP. The proposed drainage field is located within 20m of a surface water feature (stream).</p> <p>We are unable therefore to screen out this hazard at the test of likely significant effect.</p> <p>Counteracting Measures and Additional Measures are considered via the Appropriate Assessment process.</p> |

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| | | <p>There is a watercourse to the west of the proposed development site (20m) that feeds into the River Usk SAC. As such, there is a pathway for potential adverse impacts on water quality on the SAC.</p> <p>The development has the potential to increase nutrients (in this case we are considering phosphates) entering the watercourse leading to eutrophication and resultant habitat degradation.</p> <p>Once nutrient levels reach a certain “tipping” point the ecology of the river will shift into a different ecological status and reversal of the such effects are complex and may involve long timescales. Cumulative “additive” effects of nutrients therefore also increase the vulnerability of the site as the phosphate target is approached.</p> | | | |
| <p>4.3.4. Based on the Test of Likely Significant Effect, is the project likely to have a Significant Effect on the River Usk SAC <u>alone</u>?</p> | | <p>A likely significant effect on the River Usk SAC as a result of increased phosphates entering the watercourse cannot be screened out in the absence of additional mitigation measures and, therefore, a full Appropriate Assessment is required to assess for adverse impacts.</p> | | | |

4.3.5 Conclusion of the Test of Likely Significant Effect: Will a full Appropriate Assessment be required?

The following hazards have potential to cause significant impacts on interest features of the SAC during Operation phases are carried forward to the Appropriate Assessment Stage.

- Changes in water chemistry (including pollution, nutrient enrichment and pH changes)

It is considered that mitigating measures are needed to safeguard interest features of the SAC, in light of the recent CJEU ruling (People Over Wind and Sweetman v Coillte Teoranta (C-323/17)) we will need to carry these hazards through to Appropriate Assessment.

5. APPROPRIATE ASSESSMENT

5.1 APPROPRIATE ASSESSMENT – River Usk SAC

| Interest Features | Element of the Project | Mitigation Measure Required (Is mitigation required?, type & method of securing) |
|--|--|---|
| <p>Otter 1355 <u>Conservation Objectives - 4.3.1, 4.3.2, 4.3.3</u></p> <p>Sea lamprey 1095 Twaite shad 1103 Atlantic salmon 1106 Brook lamprey 1096 Bullhead 1163 River lamprey 1099 Bullhead 1163 Allis shad 1102 <u>Conservation Objectives -4.2.3</u></p> <p>Annex I Habitat 3260 Water courses of plain to montane levels with the Ranunculion fluitantis and Callitriche-Batrachion vegetation</p> <p><u>Conservation objective-4.1</u></p> | <p><u>Operational Phase of the scheme:</u></p> <p>Changes in water chemistry</p> | <p>In compliance with Version 3.1 of the NRW phosphate guidance, the applicant has confirmed how foul wastewater will be managed:</p> <p>A biological PTP has been proposed, the applicant has provided that this will be a GRAF One2Clean model. The PIA test performance certification for this system, submitted in Appendix F of the <i>Nutrient Neutrality Assessment and Mitigation Strategy</i>, provides that the treatment efficiency is 80.2% and the level of P in the effluent is 1.6mg/l. Phosphorous will be further removed via the use of a filter comprising a limestone bed which, Section 3.3 of the <i>Nutrient Neutrality Assessment and Mitigation Strategy</i> states, has an 87% phosphorous removal rate.</p> <p>It is then proposed that the wastewater will discharge into a drainage field. The drainage field has been calculated to be at least 250m², based on the volume of wastewater proposed to be discharged. Percolation testing has been undertaken with the locations provided on a submitted drawing titled '<i>Existing Site Plan showing Percolation Test Hole Locations.</i>'</p> <p>Clear scale plans showing the locations of the PTP, limestone filter and drainage field have been submitted to inform the application, titled '<i>Proposed Site Plan.</i>'</p> <p>The applicant has submitted calculations using the Carmarthenshire County Council Nutrient Calculator to demonstrate that there will be no increase in phosphorus loading as a result of the proposals. The NRW consultation response, dated 08 May 2024, determined it to be a reasonable substitute for the absence of a River Usk specific calculator.</p> <p>Calculations undertaken by Monmouthshire County Council's Biodiversity Officer, based on the British Water Flows and Loads 4 document which assumes a higher occupancy rate and water usage, finds that based on the removal rates provided for both the PTP and limestone bed filter, the proposals would result in an increased phosphate loading of 373.4mg. Due to the retrospective nature of the application, for the purposes of this calculation, the existing phosphate loading is considered to be zero due to its previous use as a field of grazed pasture. However, it should be acknowledged that the site has been in use for residential purposes for a number of years and foul drainage is currently managed via an unregistered septic tank.</p> |

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| <p>5.2 In combination test: Are there any in combination effects with other plans and projects considering Additional Mitigation Measures.</p> | <p>In consideration of other developments;</p> <p>DM/2019/00636 - Henrhiw Farm, Agricultural building,</p> <p>DM/2020/00400 - Land adjacent to Racecourse Farm</p> <p>DM/2018/00834 - Land to the west of Glebe Cottage</p> <p>DM/2018/01995 - The Willows 20 Baron Street Usk</p> <p>Conclusion of in combination test: It is possible that the proposals could have an adverse impact ‘in combination’ in consideration of other proposed development in this catchment.</p> |
| <p>5.3 Case Law, Planning advice & relevant studies considerations</p> | <p>The site is located on the edge of the rural settlement of Llancayo and the majority of the 1km² area is agricultural land, though we note the projects and plans referenced in 5.2 above.</p> <p>There are some uncertainties related to what significance exceedances of phosphorous from the development would have on features of the SAC (as per the Compton case).</p> <p><i>“That could not be answered, one way or the other, by simply considering whether there were exceedances of critical loads or levels, albeit rather lower than currently. What was required was an assessment of the significance of the exceedances for the SPA birds and their habitats.”</i></p> <p>The study undertaken by Natural England - Phosphorous in Package Treatment Plant effluents dated 2nd September 2016 also provides that:</p> <p><i>“A better understanding of the impact of in-stream dilution on resultant P concentrations in the environment is required. This applies, especially, to how far downstream of an effluent discharge point effects on water quality can still be observed and how the pattern of impact is affected by the mode of delivery, eg via a soakaway or through a direct discharge.”</i></p> <p>Taking into consideration the specific details of this case and the matters set out above, we are satisfied that our conclusion of no adverse effect on the integrity of the SAC is aligned with the principles of the Compton case.</p> <p><i>“The judgment is one for the decision-maker, as to whether it is satisfied that the plan would not adversely affect the integrity of the site concerned; the assessment must be appropriate to the task. Its conclusions had to be based on “complete precise and definitive findings and conclusions capable of removing all reasonable scientific doubt as to the effect of the proposed works on the protected site concerned”; People Over Wind. But absolute certainty that there would be no adverse effects was not required; a competent authority could be certain that there would be no adverse effects even though, objectively, absolute certainty was not proved; R (Champion) v North Norfolk District Council [2015] UKSC 52 at [41], and Smyth v Secretary of State for Communities and Local Government [2015]</i></p> |

| | |
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| | <p><i>EWCA Civ 174 at [78]. The same approach applies, following the Dutch Nitrogen case, to taking account of the expected benefits of measures not directly related to the plan being appropriately assessed."</i></p> |
| <p>5.4 Conclusion of the Appropriate Assessment:</p> <p>Integrity Test - River Usk SAC</p> | <p>The capabilities of the biological PTSP and the limestone bed filter mean that Phosphorous levels are such that 373.4mg mg per day would discharge to directly to ground via a drainage field. We conclude that, subject to the imposition and incorporation of the additional mitigation measures detailed, that the project will not adversely affect the integrity of the River Usk SAC.</p> |
| <p>6. Consultation</p> | |

NRW have been consulted on the planning application DM/2024/00355. The response is presented below:

08/04/2024

Annwyl Syr/Madam / Dear Sir/Madam,

BWRIAD/PROPOSAL: The creation of a travellers' site incorporating six bespoke family related pitches with one static and touring caravan and day/utility room per pitch, three stables/dog kennels, emergency flood access, installation of private treatment plant and ecological enhancements (partially retrospective).

LLEOLIAD/LOCATION: New Stables, Land Opposite Llancayo House, Abergavenny Road, Llancayo, Monmouthshire

Thank you for consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 22 March 2024. 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 flood risk, and foul drainage. If this information is not provided, we would object to this planning application. Further details are provided below.

Protected Sites and Foul Drainage

We note the application site is within the catchment of the River Usk Special Area of Conservation (SAC). As you are aware, on the 21st January 2021, we published an evidence package outlining phosphorus levels for all river SACs across Wales. In line with our Planning Advice (August 2023), under the Habitats Regulations, Planning Authorities must consider the phosphorus impact of proposed developments on water quality within SAC river catchments. We therefore advise you to consider whether the proposals, as submitted, would increase the volume of foul discharge from the site in planning terms. We note from the information submitted that a new package treatment plant is proposed. As the new PTP is to discharge to a watercourse the proposal does not meet the criteria for developments which can be screened out as not likely to have a significant effect on a river SAC.

As such, we refer you to our Planning Advice and advise you to seek further information from the applicant. We note that information has already been submitted in respect of a Nutrient Neutrality Assessment and Mitigation Strategy, by Enviren dated 13 March 2024.

We have reviewed this document and offer the following comments.

Nutrient calculator: We note the consultant has used the West Wales (WW) calculator. In the absence of the new Welsh Government calculators covering the Usk catchment then use of the WW calculator is a reasonable substitute.

Consideration of existing foul drainage in the P balance calculations: the Planning Statement and Justification Report (14 March 2024) states that there is an existing foul drainage system with septic tank serving the site and that the site has been occupied for 8 years. We understand that this discharge is not permitted and it is unclear as to whether this has a discharge to ground or discharge to surface water. The proposed new foul drainage system would discharge to surface water according to the Enviren report of 13 March 2024 via a new PTP and subsequent reed/filter beds. Phosphorus calculations in the Enviren report of 13 March 2024 make no reference to discharges from the existing drainage system and therefore potentially underestimate current P discharges from the site.

Level of occupation: The phosphorus balance calculations are based on an occupancy of 2.2 people per each of the six units. It is a matter for the LPA to decide if this level of occupancy appropriately reflects how the site will be populated based on their understanding of the proposal for the site. It is not known how many bedrooms are proposed in each unit. You may wish the applicant to clarify this.

Phosphorus discharge of existing land use: a land use category of open land/built environment is appropriate with associated phosphorus loss included as reference metric.

Drainage solution: the proposal is for new PTP and associated filter beds to reduce phosphorus concentration at the point of final discharge. The Planning Statement advises that 'this strategy has been extensively discussed with Natural Resources Wales who has approved the design.' The applicant should provide any correspondence from NRW to support this statement.

Stables and kennels: the proposal includes construction of stables and dog kennels. The proposal is for horse manure to be removed from site although no clear location for its disposal is provided. Waste and washdown from the dog kennels should be disposed of in an appropriate treatment system and could be placed in the proposed foul drainage treatment system for the site. This additional material has not been considered in the nutrient balance calculation or design flows.

Permit requirements: the discharge is shown to be in a Drinking Water Protection Area and an environmental permit for the discharge will be required. The applicants are advised to submit a pre-application enquiry or permit application for the discharge with revised phosphorus balance calculation. Our permitting team would issue any permit based on the effluent quality leaving the main treatment unit and not the resultant polished effluent so consideration would need to be given as to how the neutrality aspect (if it can be shown) would be considered against our current permitting guidance for discharges in failing SACs.

We advise that the applicant/consultant should revisit their nutrient calculation based on the need to include kennel/stable waste and existing septic tank discharge.

Further information regarding the wash-down water of the stables/kennels is required - where will this be discharged, and if chemicals are to be used (please see attached guidance note).

We also advise that the foul water system must be compliant with the current British standard (not BRE as mentioned in the planning statement). We would be happy to provide further advice on receipt of the information requested above.

Flood Risk

The planning application proposes highly vulnerable development: a travellers' site. Our Flood Risk Map confirms the site to be within Zone C2 of the Development Advice Map (DAM) contained in Technical Advice Note (TAN) 15: Development and Flood Risk (2004). The Flood Map for Planning (FMfP) identifies the application site to be at risk of flooding and falls into Flood Zones 2 and 3 Rivers.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2. Notwithstanding this policy position, we have reviewed the Flood Consequences Assessment (FCA) JBA, dated March 2024, referenced LVZ-JBAU-XX-XX-RP-001 to provide you with technical advice on the acceptability of flooding consequences in accordance with Appendix 1 of TAN15.

The FCA has not demonstrated that in accordance with A1.14 of TAN15 the proposed development is predicted to be flood free in the 1% plus an allowance (25%) for climate

change (+CCA) flood event. However, we note that the proposed layout results in the proposed residential accommodation being located outside the flood event outlines as indicated by the flood map for planning.

The caravans are to be housed to the east of the site with the main access via the northwest. Along the eastern boundary is a proposed emergency access point to be accessible at all times.

A1.14 of TAN15

The FCA states that the main access road into the site is shown to be at risk of flooding in the 1% (1 in 100 year) (present day) event with depths of up to 200mm. Additionally, the two x 3-bay stable blocks proposed to be located along the western boundary are predicted to flood to a maximum depth of 250mm during this event. This is contrary to A1.14 of TAN15 which advises all new development should be flood free in the 1% +CCA event. Therefore, predicted depths are likely to be higher when the allowance for climate change is added.

The FCA recommends that the Finished Floor Level is raised by approximately 300mm to reduce the risk of flooding to the stables during the 1%+CCA flood event. We advise that should your authority be minded to grant permission, that this be secured through a suitably worded condition.

The FCA suggests that given the scale and nature of the development, it is disproportionate to include climate change with a hydraulic model to ascertain the predicted flood depths in the 1%+CCA event. Whilst we would normally advise flood risks to/from the site are assessed using the 1% +CCA fluvial flood event depths and levels, in this case as the FMfP includes climate change in the outlines and the residential elements of the proposal are located outside these outlines we offer no adverse comment in this regard. Whilst the FMfP is of a broad scale, it does give a precautionary assessment of the flood risk.

A1.15 of TAN15

The FMfP also indicates all proposed residential areas are located outside the 0.1% (1 in 1000 year) flood outline. An area in the north-west of the site is predicted to flood during the 0.1% flood event. This area is predominantly amenity space, with two proposed stable blocks within the flood extent. The FCA states that flood depths are typically less than 400mm and are not predicted to exceed 600mm. Flood depths across the proposed stable blocks are predicted to be a maximum of 308mm, which is within the indicative tolerable limits (600mm) suggested within A1.15 of TAN15. With the proposed FFL to be set 300mm higher than existing levels to ensure it is flood free during the 1%+CCA event, the predicted depth in the 0.1% event would be reduced to 8mm.

A1.12 of TAN15

Flood risk elsewhere

The FCA concludes that the proposed development shall not increase flood risk elsewhere. An area of land in the north-west of the site which is predicted to be at risk of fluvial flooding shall remain the same post development, therefore the development will not increase flood risk to third party land. (Given the scale of the proposed stables and the flood depth on site, we consider this is unlikely to increase flood risk elsewhere post development).

Access/Egress

Flooding of the main access road in the north-west is predicted up to a maximum depth of 294mm, this is within the tolerable limits (600mm) suggested within A1.15 of TAN15 for access routes on residential sites.

The emergency access to the eastern boundary of the site is predicted to be flood free during all events. Access / egress to the site is available from the eastern boundary, in a northerly direction, where flood depths are less than 300mm on the unnamed highway. TAN15 advises that access routes should be shown to be operational under all conditions.

It is for your authority to determine whether you consider these risks to be acceptable

Additional comments and advice

The owner/occupier is advised to sign up to our free Flood Warning service. Further details are at <http://naturalresourceswales.gov.uk/flooding/sign-up-to-receive-floodwarnings/?lang=en>

The applicant can access advice and information on protection from flooding from the ODPM publication 'Preparing for Floods: Interim Guidance for Improving the Flood Resistance of Domestic and Small Business Properties', can be found by following the link:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/11485/2187544.pdf

From the proposed site location plan, Drg No 07c, dated 12.03.2024, it would appear that the proposed package treatment plant is located outside the fluvial flood outlines. Should this change then we would ask to be reconsulted.

Flood Risk Summary

Although the residential elements of the proposal are located outside the flood outlines on the FMfP, the proposed development site is not shown to be designed completely flood free during the 1%+CCA event as per national planning policy.

The stable block and access are predicted to flood in the 1% flood event. Should your Authority require a 1%+CCA flood depth for completeness, hydraulic modelling would not be necessary. Instead, the applicant could, for example, compare the FMfP outlines, which include climate change, with the site topography to ascertain an approximate flood level for the 1 in 100 year plus climate change flood event.

It is for your Authority to determine whether the risks and consequences of flooding can be managed in accordance with TAN15, we recommend you consider consulting other professional advisors on matters such as emergency plans, procedures and measures to address structural damage that may result from flooding. Please note, we do not normally comment on the adequacy of flood emergency response plans and procedures accompanying development proposals, as we do not carry out these roles during a flood.

Our involvement during a flood emergency would be limited to delivering flood warnings to occupants/users.

Ecology

We recommend you seek the advice of your in-house ecologist to determine the scope of any Ecology surveys required to support this application. Please consult us again if any survey undertaken finds that bats are present at the site and you require further advice from us.

Pollution Prevention

Appropriate pollution prevention measures should be employed to protect the water quality during construction. Guidance for Pollution Prevention (GPP) documents are available on the NetRegs website: <https://www.netregs.org.uk/environmental-topics/guidance-for-pollution-prevention-gpp-documents/>

We refer the applicant in particular to GPP5 Works and maintenance in or near water.

Other Matters

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

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

Yn gywir / Yours faithfully

Claire McCorkindale Cyngorydd - Cynllunio Datblygu / Advisor - Development Planning Cyfoeth Naturiol Cymru / Natural Resources Wales

APPENDIX 1 - European Site Conservation Objectives for River Usk SAC:

4.1 Conservation Objective for the watercourse

The ecological status of the watercourse is a major determinant of FCS for all features. The required conservation objective for the watercourse is defined below.

4.1.1 The capacity of the habitats in the SAC to support each feature at near-natural population levels, as determined by predominantly unmodified ecological and hydromorphological processes and characteristics, should be maintained as far as possible, or restored where necessary.

4.1.2 The ecological status of the water environment should be sufficient to maintain a stable or increasing population of each feature. This will include elements of water quantity and quality, physical habitat and community composition and structure. It is anticipated that these limits will concur with the relevant standards included in Appendixes 1 and 2.

4.1.3 Flow regime, water quality and physical habitat should be maintained in, or restored as far as possible to, a near-natural state, in order to support the coherence of ecosystem structure and function across the whole area of the SAC.

4.1.4 All known breeding, spawning and nursery sites of species features should be maintained as suitable habitat as far as possible, except where natural processes cause them to change.

4.1.5 Flows, water quality, substrate quality and quantity at fish spawning sites and nursery areas will not be depleted by abstraction, discharges, engineering or gravel extraction activities or other impacts to the extent that these sites are damaged or destroyed.

4.1.6 The river planform and profile should be predominantly unmodified. Physical modifications having an adverse effect on the integrity of the SAC, including, but not limited to, revetments on active alluvial river banks using stone, concrete or waste materials, unsustainable extraction of gravel, addition or release of excessive quantities of fine sediment, will be avoided.

4.1.7 River habitat SSSI features should be in favourable condition. Where the SAC habitat is not underpinned by a river habitat SSSI feature, the target is to maintain the characteristic physical features of the river channel, banks and riparian zone.

4.1.8 Artificial factors impacting on the capability of each species feature to occupy the full extent of its natural range should be modified where necessary to allow passage, eg. weirs, bridge sills, acoustic barriers.

4.1.9 Natural factors such as waterfalls, which may limit, wholly or partially, the natural range of a species feature or dispersal between naturally isolated populations, should not be modified.

4.1.10 Flows during the normal migration periods of each migratory fish species feature will not be depleted by abstraction to the extent that passage upstream to spawning sites is hindered.

4.1.11 Flow objectives for assessment points in the Usk Catchment Abstraction Management Strategy will be agreed between EA and CCW as necessary. It is anticipated that these limits will concur with the standards used by the Review of Consents process given in Appendix 2 of this document.

4.1.12 Water Quality targets follow those in the revised Common Standards Monitoring Guidance for Rivers (JNCC 2016). These are detailed in Appendix 1 with targets for organic pollution (DO, BOD and ammonia), phosphate¹, trophic diatom index and acidification.

4.1.13 Potential sources of pollution not addressed in the Review of Consents, such as contaminated land, will be considered in assessing plans and projects.

4.1.14 Levels of suspended solids will be agreed between EA and CCW for each Water Framework Directive water body in the Usk SAC. Measures including, but not limited to, the control of suspended sediment generated by agriculture, forestry and engineering works, will be taken to maintain suspended solids below these levels.

4.2 Conservation Objective for Features 1-5:

- Sea lamprey *Petromyzon marinus* (EU Species Code: 1095) ;
- Brook lamprey *Lampetra planeri* (EU Species Code : 1096) ;
- River lamprey *Lampetra fluviatilis* (EU Species Code : 1099) ;
- Twait shad *Alosa fallax* (EU Species Code : 1103) ;
- Allis shad *Alosa alosa* (EU Species Code : 1102) ;
- Atlantic salmon *Salmo salar* (EU Species Code : 1106) ;
- Bullhead *Cottus gobio* (EU Species Code : 1163)

4.2.1 The conservation objective for the water course as defined in 4.1 above must be met

4.2.2 The population of the feature in the SAC is stable or increasing over the long term.

4.2.3 The natural range of the feature in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches where predominantly suitable habitat for each life stage exists over the long term. Suitable habitat is defined in terms of near-natural hydrological and geomorphological processes and forms eg. suitable flows to allow upstream migration, depth of water and substrate type at spawning sites, and ecosystem structure and functions eg. food supply (as described in sections 2.2 and 5). Suitable habitat need not be present throughout the SAC but where present must be secured for the foreseeable future. Natural factors such as waterfalls may limit the natural range of individual species. Existing artificial influences on natural range that cause an adverse effect on site integrity, such as physical barriers to migration, will be assessed in view of 4.2.4

4.2.4 There is, and will probably continue to be, a sufficiently large habitat to maintain the feature's population in the SAC on a long-term basis.

4.3 Conservation Objective for Feature 6:

- European otter *Lutra lutra* (EU Species Code: 1355)

4.3.1 The population of otters in the SAC is stable or increasing over the long term and reflects the natural carrying capacity of the habitat within the SAC, as determined by natural levels of prey abundance and associated territorial behaviour.

4.3.2 The natural range of otters in the SAC is neither being reduced nor is likely to be reduced for the foreseeable future. The natural range is taken to mean those reaches that are potentially suitable to form part of a breeding territory and/or provide routes between breeding territories. The whole area of the Usk SAC is considered to form potentially suitable breeding habitat for otters. The size of breeding territories may vary depending on prey abundance. The population size should not be limited by the availability of suitable undisturbed breeding sites. Where these are insufficient they should be created through habitat enhancement and where necessary the provision of artificial holts. No other breeding site should be subject to a level of disturbance that could have an adverse effect on breeding success. Where necessary, potentially harmful levels of disturbance must be managed.

4.3.3 The safe movement and dispersal of individuals around the SAC is facilitated by the provision, where necessary, of suitable riparian habitat, and underpasses, ledges, fencing etc at road bridges and other artificial barriers.

4.4 Conservation Objective for Feature 7:

- Water courses of plain to montane levels with the *Ranunculus fluitans* and *Callitriche-Batrachion* vegetation (EU Habitat Code: 3260)

4.4.1 The conservation objective for the water course as defined in 4.1 above must be met

4.4.2 The natural range of the plant communities represented within this feature should be stable or increasing in the SAC. The natural range is taken to mean those reaches where predominantly suitable habitat exists over the long term. Suitable habitat and associated plant communities may vary from reach to reach. Suitable habitat is defined in terms of near-natural hydrological and geomorphological processes and forms eg. depth and stability of flow, stability of bed substrate, and ecosystem structure and functions eg. nutrient levels, shade (as described in section 2.2). Suitable habitat for the feature need not be present throughout the SAC but where present must be secured for the foreseeable future, except where natural processes cause it to decline in extent.

4.4.3 The area covered by the feature within its natural range in the SAC should be stable or increasing.

4.4.4 The conservation status of the feature's typical species should be favourable. The typical species are defined with reference to the species composition of the appropriate JNCC river vegetation type for the particular river reach, unless differing from this type due to natural variability when other typical species may be defined as appropriate.



Appeal Decision

by Richard E. Jenkins BA (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 03/06/2024

Appeal reference: CAS-02937-S9V9X3

Site address: The Old Telephone Exchange, Crick Road, Crick, NP26 5UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr R Tapsell against the decision of Monmouthshire County Council.
 - The application Ref: DM/2022/01410, dated 29 September 2022, was refused by notice dated 6 April 2023.
 - The development proposed is outline planning application for removal of existing residential caravan, demolition of converted outbuilding and construction of detached dwelling.
 - A site visit was made on 3 May 2024.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline, with only access to be considered at this stage. There is sufficient information to determine the appeal on this basis.
3. It is common ground that the applicants meet the definition of '*Gypsy and Travellers*' as set out in national policy and, despite the fact that they do not travel as frequently as they used to, they continue to identify as such. I have no reason to dispute this agreed position and shall consider the appeal accordingly.

Main Issues

4. These are: whether the development would be acceptable in principle, having particular regard to the planning policy framework; and whether any identified harm or policy conflict would be outweighed by the material considerations in favour of the proposal.

Reasons

5. The appeal relates to a parcel of land located along the western flank of Crick Road, near Crick in Monmouthshire. The land is lawfully occupied by a residential caravan and

incorporates an outbuilding which has been converted into a 'day room' for use by the occupants of the caravan. The evidence suggests that the residential use of the land dates back to around 2003, when a personal planning permission was granted on the basis of the applicant's 'Gypsy and Traveller' status and the exceptional need for residential accommodation. The names of the beneficiaries of the personal planning permission were subsequently amended, however, through a permission granted in 2018. The appeal proposal seeks outline planning permission to remove the existing residential caravan and to demolish the converted outbuilding, and to replace those structures with a detached residential dwelling. The appellant has confirmed that the proposal is for a permanent residential dwelling, with no restriction on its occupation.

6. The appeal site is located outside of the settlement boundaries defined within the adopted Monmouthshire County Council Local Development Plan (2014) (LDP) and is therefore classified as countryside for the purposes of planning policy. Both the adopted LDP and national policy seek to strictly control development within such areas, with the proposed development failing to comprise one of the residential exceptions identified in Policy S1 of the adopted LDP. The appeal site is accessed directly off Crick Road and is not served by a pedestrian footway. The proposed dwelling would, therefore, inevitably be reliant on the use of the private car. Accordingly, the proposed development would conflict with the development strategy advocated by the adopted LDP and would also run counter to the sustainability principles that underpin national planning policy. Candidate site proposals for land within close proximity to the appeal site do not alter this position, not least because they have not been progressed to an adopted development plan.
7. The fact that the land is lawfully occupied for residential purposes is clearly an important material consideration. However, as set out above, the current residential use was permitted under what was/ is a generally a permissive policy position for 'Gypsy and Traveller' sites outside settlement boundaries. That same level of policy support is not however offered in this instance given that the proposal is for 'bricks and mortar' accommodation. Indeed, paragraph 11 of Welsh Government (WG) Circular 005/2018: *Planning for Gypsy, Traveller and Showpeople Sites* (2018) confirms that: "*The definition of a Gypsy and Traveller site for the purposes of this Circular does not include a dwelling (i.e. housing that falls within Use Class C3 under the Town and Country Planning [Use Classes] Order 1987 [as amended]). Those Gypsies and Travellers who wish to live in bricks and mortar accommodation will have their needs met through provision of appropriate housing...*"
8. I was able to appreciate at the time of my site inspection that the site is characterised by its existing residential use, with residential structures and paraphernalia clearly visible from public vantage points. However, whilst I accept that this weighs in favour of the appeal proposal, I do not consider that such weight is substantial. Indeed, the proposed residential dwelling would clearly have an increased level of permanence relative to the existing situation and such concerns are further reinforced by the fact that the current residential use of the land is restricted to the current occupiers of the site. As set out above, the appeal proposal seeks planning permission for a permanent residential dwelling that would not have its occupancy restricted. On the basis of such factors, I do not consider the existing residential nature of the site to justify the proposed development.
9. I note the appellant's arguments that the development is necessary for reasons of security and general well-being. However, such arguments have not been substantiated by any cogent evidence. Accordingly, I do not consider that they justify the development. Similarly, whilst I have no reason to dispute the energy efficiencies that could be obtained through the construction of a dwellinghouse, I have not seen anything that discounts the

benefits of a new caravan. Notwithstanding this, there would be significant energy and carbon costs associated with the construction of a new build property. I therefore consider that such arguments merit limited weight in the planning balance. Moreover, whilst much of the appellant's evidence refers to the proposal as compliant with affordable housing policies, I have not seen anything to suggest that the proposal is for an affordable dwelling, as defined by national policy, and neither is the proposal supported by a legal agreement that would secure the dwelling as such in perpetuity.

10. I have considered the wider legislative framework given the occupants '*Gypsy and Traveller*' status. However, I am satisfied that the refusal of planning permission would not disproportionately interfere with the rights arising from the Human Rights Act 1998 and the Equality Act 2010. Indeed, the appellant and the other residential occupants of the site would not be made homeless should planning permission be refused and no health, educational or any other specialist needs have been advanced as significant material considerations. Alternative '*bricks and mortar*' accommodation has also not been fully explored by the appellant, meaning that I have not seen anything to lead me to conclude that alternative housing could not be found through either the existing housing stock or through an alternative proposal that would be compliant with the extant planning policy framework.
11. Therefore, on the basis of the foregoing analysis, I find that the development would run counter to Policy S1 of the adopted LDP which provides a presumption against new, unjustified dwellings in the open countryside. It would also run counter to the thrust of national policy which seeks to strictly control development within such areas. For the aforementioned reasons, the development would also not be justified by the policy framework that exists for '*Gypsy and Traveller*' sites. The development would, therefore, be unacceptable in principle and I have not seen anything to lead me to conclude that there are material considerations that either individually or cumulatively outweigh the identified harm and policy conflict. For this reason, and bearing in mind the fact that such matters could not be satisfactorily addressed through the use of planning conditions, I conclude that the appeal should be dismissed.
12. In coming to this conclusion, I have considered the duty to improve the economic, social, environmental and cultural well-being of Wales, in accordance with the sustainable development principle, under section 3 of the Well-Being of Future Generations (Wales) Act 2015 (WBFG Act). I have taken into account the ways of working set out at section 5 of the WBFG Act and consider that this decision is in accordance with the sustainable development principle through its contribution towards one or more of the Welsh Ministers well-being objectives, as required by section 8 of the WBFG Act.

Richard E. Jenkins

INSPECTOR

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