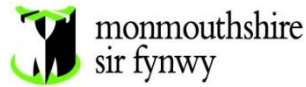


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 28 July 2025

Notice of meeting:

## Planning Committee

Tuesday, 5th August, 2025 at 2.00 pm,  
Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

### AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 4
4.	To consider the following Planning Application reports from the Chief Officer Place and Community Wellbeing (copies attached):	
4.1.	Application DM/2022/01511 - Change of use from empty residential land to tourism for camping/glamping. Construction of wash facilities supplemental to the glampsite. Construction of a field shelter for animals. Swallows Nest, Ty'r Pwll, Parc Llettis Road, Hardwick, Abergavenny, NP7 9AB.	5 - 20
4.2.	Application DM/2022/01525 - Construction of proposed bungalow with parking on land at rear of 11 Park Close. Land rear of 11 Park Close, Abergavenny, NP7 5SU.	21 - 36
4.3.	Application DM/2024/00355 - 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). New Stables, land opposite Llancayo House, Abergavenny Road, Llancayo, Usk.	37 - 96
4.4.	Application DM/2025/00717 - Application to retain the two existing internally illuminated fascia signs. 43 Frogmore Street, Abergavenny, NP7 5AN.	97 - 104
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	

<b>5.1.</b>	<b>North Barn, Whitehouse Farm, Llanvair Grange Road, Llanfair Kilgeddin, Monmouthshire NP7 9BB.</b>	<b>105 - 110</b>
<b>5.2.</b>	<b>1 Pen Y Wern Cottage, Pen Y Wern Road, Penperlleni, Goytre, NP4 0AB.</b>	<b>111 - 114</b>

**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 Rachel Buckler	Devauden;	Welsh Conservative Party
County Councillor Emma Bryn	Wyesham;	Independent Group
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

:

## 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: Retail and commercial development (November 2016)
  - 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)
  - TAN14: coastal planning (2021)
  - TAN 15: Development, flooding and coastal erosion (March 2025)
  - TAN 16: Sport, Recreation and Open Space (2009)
  - TAN 18: Transport (2007)
  - TAN 20: The Welsh Language (2017)
  - 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 at 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](mailto: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  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st July,  
2025 at 2.00 pm**

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

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

### **OFFICERS IN ATTENDANCE:**

Philip Thomas	Development Services Manager
Andrew Jones	Development Services Manager
Joanne Chase	Solicitor and Head of Commercial Law
Richard Ray	Paralegal
Richard Williams	Democratic Services Officer

County Councillor Sue Riley left the meeting during consideration of application DM/2022/01511 and did not return or vote on this application.

County Councillors Fay Bromfield and Tony Easson left the meeting following determination of application DM/2022/01511 and did not return.

### **APOLOGIES:**

County Councillor Jill Bond.

#### **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 6<sup>th</sup> May 2025 were confirmed as an accurate record.

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st July,  
2025 at 2.00 pm

5. **Application DM/2025/00106 - Proposal: Modification of conditions 6 (change of use to allow meetings and training sessions) and 7 (change start time from 9am to 8 am) on consent DC/2012/00317. Conditions(s) Modified: Section 6 - DCWW would like to be able to use the meeting room to hold internal and external meetings and training sessions without the need to be water sports related. Section 7 - DCWW would like to be able to use from 8am. Section 6 - Meeting room to be used for meetings, interviewing and training sessions. No music or alcohol. Section 7 - Meeting room to be used between the hours of 08:00 and 21:00. Llandegfedd Reservoir Parc Road Coed Y Paen Monmouthshire NP4 0SY**

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/fXA46ue2odk?si=lq9zB4-SE6M6Vp8o&t=291>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Maureen Powell that application DM/2025/00106 be approved subject to the conditions outlined in the report with the wording in the final sentence of condition 6 being amended, as follows:

For the avoidance of doubt, the building shall not be available as a licensed premises or for use by the general public.

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

For approval	-	10
Against approval	-	5
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2025/00106 be approved subject to the conditions outlined in the report with the wording in the final sentence of condition 6 being amended, as follows:

For the avoidance of doubt, the building shall not be available as a licensed premises or for use by the general public.

6. **Application DM/2024/01294 - The retention of retaining wall and terrace/patio (as built) and change of use of agricultural land to residential curtilage. Ty'r Berllan, Llangwm To Nantygelli Farm, Llangwm, Monmouthshire, NP15 1HB**

The Chair informed the Committee that application DM/2024/01294 had been withdrawn to allow further consultation to be undertaken. The application would be presented to the August 2025 Planning Committee, for consideration.

[https://www.youtube.com/live/fXA46ue2odk?si=GzMfkV0gMi\\_-MZLn&t=2659](https://www.youtube.com/live/fXA46ue2odk?si=GzMfkV0gMi_-MZLn&t=2659)

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st July,  
2025 at 2.00 pm

**7. Application DM/2022/01511 - Change of use from empty residential land to tourism for camping/glamping. Construction of wash facilities supplemental to the glampsite. Construction of a field shelter for animals. Swallows Nest, Ty'r Pwll, Parc Llettis Road, Hardwick, Abergavenny, NP7 9AB**

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/fXA46ue2odk?si=w7lsuuG85z0UPle2&t=2673>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Jayne McKenna and seconded by County Councillor Ann Webb that consideration of application DM/2022/01511 be deferred to the next available Planning Committee meeting with reasons for refusal.

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

For deferral	-	14
Against deferral	-	0
Abstentions	-	0

The proposition was carried.

We resolved that consideration of application DM/2022/01511 be deferred to the next available Planning Committee meeting with reasons for refusal.

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

<https://www.youtube.com/live/fXA46ue2odk?si=l7HIJk0ZhLCgsnS-&t=5960>

**8.1. Rear of 65 Main Road, Portskewett, Monmouthshire, NP26 5UG**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at the rear of 65 Main Road, Portskewett, Monmouthshire on 16<sup>th</sup> April 2025.

We noted that the appeal had been dismissed.

**8.2. Larkfield Petrol Filling Station, Newport Road, Chepstow NP16 5YS**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Larkfield Petrol Filling Station, Newport Road, Chepstow on 5<sup>th</sup> June 2025.

We noted that the appeal had been allowed, and express consent was granted for Erection of a D6 Small Format Advertisement Display at Larkfield Petrol Filling Station, Newport Road, Chepstow NP16 5YS as applied for. The consent is for five years from

**MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 1st July,  
2025 at 2.00 pm**

the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the Schedule.

**The meeting ended at 3.43 pm.**

**Application Number:** DM/2022/01511

**Proposal:** Change of use from empty residential land to tourism for camping/glamping. Construction of wash facilities supplemental to the glampsite. Construction of a field shelter for animals

**Address:** Swallows Nest, Ty'r Pwll, Parc Llettis Road, Hardwick, Abergavenny, NP7 9AB

**Applicant:** Elizabeth Pengelly

**Plans:** Location Plan - , Block Plan DOC 2.0 - J, Floor Plans - Proposed DOC 3.0 - J, Elevations - Proposed DOC 3.1 - J, Elevations - Proposed DOC 4.0 - J, Floor Plans - Proposed DOC 4.1 - J, Elevations - Proposed DOC 5.0 - J, Elevations - Proposed DOC 6.0 - J, Elevations - Proposed DOC 6.0 CONTINUED - J, Elevations - Proposed DOC 6.1 - J, Site Sections DOC 7.0 - J, Drainage DOC 8.0 - J, All Proposed Plans LP - Planning 27-12-23 - Revision G - , Green Infrastructure Appraisal/Statement REV B 09-04-25 GI STATEMENT - , Planting Plan SCREENING DOC 2 08-04-25 PLANTING DETAILS - , Landscaping Plan LP - PLANNING 08-04-25 - REVISION K - ,

## **RECOMMENDATION: Refuse**

This application was considered at the meeting of committee held on 1st July 2025 where Members did not agree with the officer recommendation to approve the application subject to conditions, resolving instead to refuse the proposal. In accordance with adopted protocol, the application is therefore re-presented with reasons for refusal based on the discussion at the last meeting:

1. The scale and layout of the proposed glamping units, particularly the bell tents, the introduction of a new car parking area and the associated activity by users of the site would give rise to unacceptable noise disturbance to nearby residents who currently live in and benefit from a relatively tranquil location. The proposal would therefore be contrary to policies DES1 d) and EP1 of the adopted Monmouthshire Local Development Plan (LDP).
2. The additional vehicular traffic associated with the proposal using the narrow rural lane to access and egress the proposed car park, would significantly inconvenience existing road users and cause harm to local amenity, contrary to policies DES1 a) and d) and EP1 of the adopted Monmouthshire LDP.

## PREVIOUS REPORT (1<sup>st</sup> July 2025)

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to an area of paddock adjacent to a dwelling in Hardwick, near Abergavenny. The site slopes down from north-east to south-west by an elevation of 8 metres over approximately 140 metres towards the main road between Abergavenny and Raglan. The paddock houses a group of alpacas which are to remain.

The site is within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

## 1.2 Value Added

As well as lengthy negotiations in relation to the method of proposed foul drainage, the following amendments have been made to the proposal since submission:

- Removal of proposed observation deck above animal shelter.
- Removed adjoining hot tubs for Bell tents.
- Updated car park area size and position.
- Additional landscape planting.
- Enhancements for biodiversity added.
- Reduction in occupation of shepherd huts.

## 1.3 Proposal Description

It is proposed to site 4no. shepherd huts and 4no. bell tents to provide glamping accommodation together with a washroom. All the huts have a floor area of approximately 7.4m x 2.58m and have a curved metal roof with a maximum height of 3.5m. The bell tents have a diameter of 5m and a maximum height of 3m.

Two of the shepherd huts have already been brought to the site under the 28 day Permitted Development rules. A timber animal shelter has also been constructed with a floor area of 27m<sup>2</sup> with a flat roof that ranges from 2.5m high to a maximum of 2.8m owing to the slope of the land. This is currently used for alpacas, but has been built with the intention of upgrading it to a multi-purpose area for combined animal shelter. A moveable timber shower block is also on site. This comprises a compost toilet, shower, store room and sink as well as a communal fridge/freezer. This building measures 6m x 2.4m in area and has a slightly sloping, largely flat roof measuring between 2.5m and 2.8m in height.

Two of the shepherd huts will be 'luxury' with their own toilets while two others will have no bathroom and use a separate compost toilet. The occupants of the proposed bell tents will also rely on the compost toilet within the washroom. All of the shepherd huts benefit from a hot tub sited on the south-western end of the hut and consist of a decking (less than 30cm tall), wood clad walls, and corrugated roof to match the materials used in the Shepherd huts.

A new gated access and parking area for guests is proposed at the north-eastern end of the site. Visibility splays of 2.4m x 22m will be provided by translocating the existing boundary hedge. The site parking will be of a permeable hardstanding with a minimum of 1 parking space per bedroom. An additional area of new screen hedge planting is proposed on each side of the car park.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2023/01477	Retrospective planning permission for an outbuilding on the land adjoining Swallows Nest.	Approved	20.12.2023

## **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

### **Strategic Policies**

S11 LDP Visitor Economy

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**

T2 LDP – Visitor Accommodation outside Settlements  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
DES1 LDP General Design Considerations  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
EP5 LDP Foul Sewage Disposal

## **Supplementary Planning Guidance**

Sustainable Tourism SPG (November 2019).

## **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.

### **Welsh Government Circulars**

Welsh Government Circular 008/2018 - Planning requirement in respect of the use of private sewerage in new development, incorporating septic tanks and small sewage treatment plants.  
<https://gov.wales/sites/default/files/publications/2019-05/planning-requirements-for-private-sewerage-in-new-development-wgc-0082018.pdf>

## **5.0 REPRESENTATIONS**

### **5.1 Consultation Replies**

**Gobion Fawr Community Council** - This Council objects to the above application and supports the Objectors. In particular the Council supports the arguments put forward by AJ Planning and Development Ltd., most recently set out in their letter of 11 November 2024.

**Natural Resources Wales (NRW)** - We have no objection to the application as submitted and provide the following advice.

We understand a public foul sewer is not available to serve the development. Therefore, non-mains foul sewage disposal solutions (private sewerage) can be considered. Foul drainage for two of the shepherd huts is proposed to the existing septic tank which discharges to ground. This system already serves the existing residential properties at the site. Foul drainage for the remaining two shepherd huts and four tents is proposed to a composting toilet.

The Supporting Compost Toilet Details Document, Rev B, dated 02-07-2024 (unauthored), confirms the type of compost toilet proposed would separate solids from liquids. Solids would be composted, and liquid would be stored in a holding tank which will be periodically removed by a waste effluent removal company.

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

The above advice is based on the following: Doc 3.0 Proposed Floor Plans for shepherd hut (date published 10 Jul 2023) confirms the maximum occupancy of each shepherd hut is 2 people. Doc 5.0 Proposed elevation and footprint for glamping tents (date published 10 Jul 2023) confirms the maximum occupancy of each tent is 4 people. The Drainage calculations, Revision G, dated 28/01/24, are based on the configuration of the worst-case scenario: 4 shepherds huts and 4 tents.

European Protected Species: The Preliminary Ecological Appraisal by Ecological Services Limited, dated February 2022, has identified protected species are unlikely to be affected by the proposal. We therefore have no adverse comments to make in relation to protected species on the application as submitted.

**MCC Highways** - The applicant has provided further plans to overcome our concerns, namely an appropriate access for the site. While we no longer raise any objections, we would request a condition to ensure that the access is appropriately constructed to suitable standards. The applicant is advised of the requirement to obtain a Section 184 Highways agreement prior to the creation of a new vehicular access.

**MCC Biodiversity** - No objections subject to conditions.

**MCC Landscape/GI** - No objection in principle subject to landscape planting to be secured by condition.

**Network Rail** - Have no comments to make on the application.

**SEWBRc Search Results** - No significant ecological record identified.

## 5.2 Neighbour Notification

Fifteen representations received objecting to the application on the following grounds:

### Principle of development

- The development is a move away from pasture land, is there the risk that more of these sites could be done on other neighbouring sites setting a precedent that would change the character of the area.
- The development work has already started without any approval. How can this happen?



- The applicant describes the washroom as a temporary building but there is a degree of permanence to this unit with the photos showing a drainage connection.
- In review of the planning history for 2 Ty'r Pwll an approved application (DM/2020/01678) granted change of use of 2 no. holiday lets to a single dwelling house. The officer report detailed that there was a significant rise in alternative holiday accommodation in the locality and as such there was no established need for facilities in this location. The maximum reported occupancy rate at Swallows Nest was 16% in 2019, 20% during 2020 which shows a lack of demand for tourism.
- The intensive level of development and poor layout combine to adversely affect the local setting representing an unneighbourly form of development.
- The site location does not represent an accessible location, and visitors would be reliant on private transport for visiting tourist destinations / services within the area.
- In assessment to both national and local development plan policy the application proposal fails policy aims and objectives with the local planning authority urged to refuse this application accordingly.

### Visual Impact

- The visual appearance of the land would deteriorate especially with the addition of a car park being introduced to the area.
- A big shed and a very large tent already erected are unsightly and spoil the visual aspect of the area as approached from Llettis Way.
- The proposed leisure development to be to the detriment of the existing view and landscape, and not in keeping with the rural character and openness of the area.
- There is a fridge and kitchenette visible within the washroom when viewed from the east creating an urbanising effect.
- The applicant has identified that the site does not benefit from screening emphasising our point that this is open and unspoilt countryside and should not be urbanised.
- LDP Policy S13 'Landscape, Green Infrastructure and the Natural Environment' seeks to protect, maintain and enhance the character and quality of Monmouthshire's natural heritage, including its high-quality open spaces, distinctive landscapes, protected sites, habitats and species and other biodiversity interests and the ecological connectivity between them.
- The proposal offers no landscape benefit through design.
- LDP Policy S17 'Place Making and Design' seeks to ensure that development proposals include high quality, sustainable and inclusive design which respects local distinctiveness. It is the objectors' strongly held view that the development proposal fails each of these tests and does nothing to respect the open countryside or neighbouring homes.

### Residential Amenity

- There will be an increase in pollution, be it noise or litter.
- As a high council tax payment area, I believe that this sort of development would be harmful to the environment and as a result would reduce the value of properties within this location.
- We strongly oppose any 'glamping' within this area of quiet and expensive properties.
- The existing access would be far more suitable and the car park should be next to the applicant's own house rather than immediately next to a neighbour's house. It would be easier to pull in off the lane, a shorter distance from the main road with less inconvenience to the neighbours and less litter on the lane.
- The noise and light pollution brought by eight leisure units will have an adverse impact on the tranquillity of the area. Eight units, est. eight or more vehicles, and between 16-32 holiday makers at a time, will bring additional noise to the area, including at unsociable times, with the potential for anti-social behaviour.
- The seven properties that are to the site have not been considered at all, and the proposal does not fit in with the rest of the community on this scale.
- The noise, odours, and light pollution from the car park will be detrimental to the occupants of the dwelling as well as bats and other wildlife that live in the area.

- All residents affected by this application have lost a significant amount of their privacy.
- I am concerned and feel I will have to start putting cameras in to protect my horses.

### Biodiversity

- Further along the lane is a stream that runs along the side of the properties. With eight shepherd huts, the sewage water plus any overflow of surface water for such a development must be considered.
- Then the access off the top lane is totally illogical as the road is narrow and it will need an entrance of 6-8 metres for visibility meaning an ancient and viable hedgerow would be decimated and the wildlife habitat and corridors destroyed.
- Site already overstocked with alpacas.
- How can the applicant be sure that there are no protected and priority species on either the development site or adjacent land. The surrounding hedgerows and fields are teeming with wildlife, with hedgerows being an important habitat.
- For hot tubs, water must be changed at least once a week, resulting in significant water usage and drainage, and it may lead to runoff onto the already over-grazed pasture if drained improperly.
- The use of bromine, chlorine, and other harmful standard purification materials poses a risk of polluting the land and the water table.

### Access

- The lane leading to the proposed new access is currently utilised by three properties only so potentially this lane is going to get further congested with at least eight extra vehicles passing through. This excludes any other service vehicles and employee vehicles that would be needed to support such a development. The road is very narrow and as such there is no pedestrian access, so this causes even further health and safety issues with an increase in traffic.
- The applicant has provided no details regarding anticipated levels of traffic movement, site management and lighting provisions (with associated impact on wildlife e.g. bats and their established flight paths) potential within their application submission.

### Health & Safety

- The two adjacent paddocks have ponies in them, which will be affected by people/dogs spooking them, or feeding them, could lead to them biting/kicking the campers.
- As we farm most of the surrounding land we are hugely concerned for the welfare of our livestock from dogs off leads, unwormed dogs, people leaving gates open etc.
- Muck spreading, hay carting, silage trailers, straw trailers and livestock movements by road and trailers, also regular feed lorry deliveries, so any extra traffic would be intolerable.
- Due to the lack of activities and room on the proposed camp site, people will get bored and begin to trespass onto land with animals in.

### Other

- Whilst recognising that the drainage regime is separate to planning, we observe that SAB approval is required for development proposals of over 100m<sup>2</sup>. Given the local topography, which slopes from north to south, and presence of a watercourse a short distance away to the east (approx. 35-40m) the consideration of drainage provisions, potential surface water run-off and local phosphate levels are an important material consideration.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

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 Policy S11 Visitor Economy highlights that development proposals that provide and/or enhance sustainable forms of tourism will be permitted subject to detailed planning considerations. Development proposals that would have an unacceptable adverse impact on features and areas of tourism interest and their settings, or that would result in the unjustified loss of tourism facilities will not be permitted.

6.1.2 Policy T2 of Local Development Plan relates to permanent new build tourism accommodation. Where glamping proposals constitute permanent new build development, as could be the case if the shepherd huts are to remain on site all year round then this policy would be applicable. The policy does not support new build permanent self-catering visitor accommodation outside settlement boundaries unless ancillary to established medium or large hotels and proposals for new build permanent glamping accommodation would therefore generally be contrary to this policy.

6.1.3 However, it is recognised that there may be instances where such accommodation could constitute sustainable visitor accommodation in accordance with LDP Policy S11 and sustainable tourism principles set out in 3.3 of the Sustainable Tourism SPG which provides that sustainable tourism accommodation (glamping) proposals should reflect the following key principles of sustainable tourism which are considered below:

#### *1. Generate benefits for the local economy (residents and visitors)*

People staying within the glamping units will inevitably use local services, attractions and hospitality venues as the units have limited cooking equipment. This will bring money into the local economy and help support local services that are shared by permanent residents.

#### *2. Protect and enhance landscape character and natural/historic environment*

Proposed additional planting will significantly improve local biodiversity as the site and the surrounding area is generally made up of grazed fields with limited ecological value. It will also enhance the character of the landscape.

#### *3 Scale and design appropriate to site context*

The site area can comfortably accommodate the eight units of holiday accommodation proposed with associated structures and parking while still leaving much of the south-western portion of the site clear of buildings.

#### *4. Locally adapted (recognising that sustainable accommodation solutions can be diverse/unique)*

The shepherd huts are rustic / agricultural in appearance being built from timber with corrugated metal roofs; the proposed tents are clearly viewed as being temporary but with level access are suitable for less able-bodied guests.

#### *5. Generate minimal car trips*

Sustainable tourism developments by their nature are generally located in the open countryside where use of a private motor vehicle is necessary at the very least for guests to travel from their main residence to and from the site. In this case the site itself is located approximately 3km away from the centre of Abergavenny via the B4598 on which there is a bus stop. Public Rights of Way

368/181/1 and 368/198/3 run from Llettis Way close to the proposed access to the site so that walks directly from the site are also possible.

*6. Make use of renewable energy resources (energy efficient)*

All of the existing and proposed structures are constructed using recyclable materials.

*7. Capable of being removed without leaving a permanent trace (including any associated supporting infrastructure)*

The shepherd huts are on wheels and therefore can be towed off the site once no longer required. Similarly, the bell tents can be completely removed after use. The washroom is also fully removable from the site being a timber construction on a steel frame. There are no concrete or other bases proposed as part of the application. Drainage can be disconnected.

## **6.2 Good Design / Landscape Impact**

6.2.1 Strategic Policy S13 highlights that development proposals must maintain the character and quality of the landscape by preserving local distinctiveness, sense of place and setting as well as maintain, protect and enhance the integrity and connectivity of Monmouthshire's green infrastructure network. 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.

6.2.2 The site is located within the open countryside and within the rural settlement associated and in the vicinity of Coldbrook. The site is situated on gently elevating land at circa 80m to 90m AOD with access from the B4598 via Parc Llettis Road. The site is a small field amongst several small paddocks bounded by a lane and a few residential properties. There is a public right of way to the north of the site. The paddock is part of a larger field bounded to the far north-east and west by a hedgerow. To the far south-east is a tree-lined watercourse providing further screening of the site from wider views from this direction. Views from the south-west are limited by intervening buildings.

6.2.3 The animal shelter has a floor area of 6m x 4.5m. The proposed shower room has a floor area of 6m x 2.4m. It is a movable structure consisting of a corrugated sheet roof, timber clad walls and floor, on a steel frame with a lean-to roof with a maximum height of 2.8m.

6.2.4 The shepherd huts are typical in appearance being timber clad with a shallow curved corrugated metal roof. They have a maximum floor area of 7.4m x 2.58m and a height from the base of the wheels to the roof of 3.24m. Four bell tents are also proposed on the eastern side of the site.

6.2.5 Following initial concerns raised by the Council's Landscape and GI Officer, the applicant has provided further planting and landscape details including proposed new tree and hedge planting together with wildflower meadow and shrubs. The supporting information relating to the screening of the car park indicates 17m of new hedge planting to the boundary of Amberleigh House as a mix of hawthorn, blackthorn and hazel and new tree planting to the east of the four proposed units.

6.2.6 The landscaping and planting now proposed is considered to be broadly acceptable, but more detail is sought in terms of species and spacing. Therefore, it is suggested that any consent that Members are minded to grant should be subject to a condition requiring a detailed landscaping plan together with details of longer-term maintenance of this landscaping, including the heights of hedges. Subject to the implementation and maintenance of the proposed new planting, it is considered that the development will not adversely affect the character and appearance of the site or the wider area.

6.2.7 With regards to lighting, the description in the cover letter section 4 outlines the lighting proposals for the site. This states that it is intended to have minimal external lighting, limited to motion sensor lights at the entry of the paddock to allow visibility for entering the shepherd huts, and lighting over the hot tub to allow for safe access and maintenance. Lighting will also be provided within the washroom and above the sink. Lighting management will include motion lights to turn off approx. 1min after sensing motion, directing light downwards wherever possible, using shields and baffles to reduce light spill. The maximum bulb lighting will be restricted to 1000 lumen or less and warmer colours lower than 2700k will be used. A plan indicating the location, lighting specification and extent of lighting will be required to ensure light spill is kept to a minimum. The applicants have advised that they are content that this can be provided as a condition of approval should the application progress.

### **6.3 Impact on Amenity**

6.3.1 The nearest glamping unit to any neighbouring property is a 'luxury' shepherd hut which is sited approximately 35m to the southeast of Amberleigh House, a large detached two storey dwelling. Views between this property and the closest glamping unit are already screened to some degree by existing planting and given the distance (well above the 21m normally considered acceptable between habitable windows of dwellings) loss of privacy is considered to be minimal. It should also be noted that the front of the huts face south and there are no windows in any other elevations. Similarly, the hot tubs are enclosed on the northern and eastern sides.

6.3.2 A new native hedgerow is also proposed to be added along the eastern boundary of the car park. Provided that the height of this hedge is kept to a maximum of 2m, this will screen views from the dwelling over the parking area while retaining the outlook from the upper floor windows. However, it should be noted that loss of a view is not a material planning consideration.

6.3.2 Due to foul drainage restrictions, each of the shepherd huts can accommodate no more than two people (or two people and two children in the eco version) and the bell tents can take up to four each. As such, the maximum number of people staying on site at any one time would be no more than 28. The shepherd huts only have one bedroom and a floor area of approximately 18.4m<sup>2</sup> meaning that they are not physically capable of accommodating any more guests. A condition requiring a register of occupiers is a standard condition used on all visitor accommodation and therefore occupancy levels can be monitored and controlled by the Local Planning Authority should Members be minded to approve the application.

6.3.3 Given the relatively small scale of the development and the seasonal nature of the accommodation, it is unlikely that the glamping use will significantly adversely affect neighbouring occupiers in terms of noise and disturbance. Although, concerns from local residents are noted, many of these relate to the behaviour of individual guests which is a management issue rather than a material planning consideration. Significant noise nuisance would be controlled by Environmental Health should it be a regular issue in the future.

6.3.4 The impact of traffic is considered below.

### **6.4 Transport**

6.4.1 The proposed glamping area and car park is located off the C24.15, a narrow country lane that predominately serves the nearby agricultural buildings and scattered residential dwellings. The C24.15 directly connects to the classified B4598. The site is located approximately 3km away from the centre of Abergavenny via the B4598 which runs within easy walking distance to the south of the site on which there is a bus stop. Public Rights of Way 368/181/1 and 368/198/3 run from Llettis Way close to the proposed access to the site so that walking routes directly from the site are also possible.

6.4.2 Notwithstanding that visitors can access local services and walks/cycling routes once at the site, as glamping sites are by their nature usually located in the open countryside, it is expected that the vast majority of visitors will arrive by private car. As such a car park with provision of 12 parking spaces together with a new access for guests is proposed at the north-eastern corner of

the site. The proposed new access would be 3m wide and hard surfaced from the edge of the carriageway to the gate with 45-degree ease of access splays. The gates would be set back a minimum of 5 metres from the carriageway and open inwards. It is proposed to translocate the existing hedgerow to provide visibility splays of 2.4m x 22m. Details of how this will be done have been included in the Green Infrastructure Statement submitted as part of the application. The site parking will be surfaced with an Ecogrid grass fill installation (or similar) meaning that the area will on the whole, will retain its existing green appearance.

6.4.3 As the requirements of Section 184 of the Highways Act 1980 in relation to forming a new access must be satisfied, it is not deemed necessary to request any further technical details of the proposed access over and above what has already been submitted as a condition on any planning consent.

6.4.4 In terms of an increase in traffic using the lane as a result of the development, the Highway Authority have confirmed that they offer no objection in principle to the development. Whilst there will be a slight increase in vehicle movements to and from the application site it is accepted that holiday lets tend to be seasonal and are not overly used on an all year-round basis, therefore vehicle trips to and from the site will be infrequent. In addition, due to the nature of the development the traffic generated is very likely to fall outside peak time AM and PM traffic flows and thus is considered not to have any detrimental impact on highway safety.

## **6.5 Biodiversity**

6.5.1 An Extended Phase 1 Habitat survey undertaken in January 2023 by Ecological Services Ltd identified habitats within the site to include species poor semi-improved grassland, hedgerow, fence and small buildings including existing shepherd huts and a washroom. It is understood that some works have already started at the site. Habitats within the site are considered to provide suitable commuting, foraging and nesting opportunities for bats, breeding birds, hedgehog, polecat, and reptiles. The habitats are also considered suitable to support common and widespread invertebrates.

6.5.2 Where surveys are over 18 months old careful consideration needs to be given to whether update surveys are required. However, due to the type of habitats present and the current management of the land, the Council's Biodiversity Officer is satisfied that an update survey is not required.

6.5.3 The walkover surveys followed standard survey guidelines as set out in Joint Nature Conservation Committee (JNCC) (2010) Handbook for Phase I Habitat Survey. A technique for environmental audit. A precautionary approach must be taken during the works with regard to reptiles, hedgehog and polecat as detailed in the ecology report. Any vegetation clearance must be undertaken outside of nesting bird season (March to August).

6.5.4 The proposal would involve the loss of a section of hedgerow to facilitate access. However, replacement hedgerow planting is proposed along other boundaries.

6.5.5 A lighting plan for the site will also be required to prevent any impacts on nocturnal species. It is therefore recommended that a condition for a lighting plan, is included on any consent should Members be minded to approve the application (see Section 6.2.7 also).

6.5.6 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.

6.5.7 Enhancement measures have been suggested within the ecology report to include the provision of additional hedgerow planting or scattered tree planting which would help create diversity within the site boundary. Suitable long-term management of soft landscaping also helps ensure spaces are useful to wildlife. These measures are considered to be broadly acceptable. A

site plan will need to be annotated to provide the location, positioning, and specification of the net benefit measures. This can be secured via condition should Members be minded to approve the application.

## **6.6 Green infrastructure**

6.6.1 Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) mitigation / restoration.

6.6.2 The site as existing comprises a grazed field and 40m of hedgerow but lacks any other existing green infrastructure features. A small amount of new hedge planting was originally proposed at the site entrance but there is the opportunity to provide screening as well as substantial net gain for biodiversity through new tree planting and the creation of wildflower meadows where grazing animals are not on the land. As such, these features have been added to the proposals (see 6.5 above) and can be secured by a condition and maintained in the longer term by a Landscape Management Plan.

## **6.7 Foul Drainage**

6.7.1 A public foul sewer is not available to serve the development. Therefore, non-mains foul sewage disposal solutions (private sewerage) can be considered. Foul drainage for two of the shepherd huts is proposed to the existing septic tank which discharges to ground. This system already serves the existing residential properties at the site. Foul drainage for the remaining two shepherd huts and four tents is proposed to a composting toilet.

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

6.7.3 This application has been screened in accordance with Natural Resources Wales' interim advice for planning applications within the river Special Areas of Conservation (SACs) catchments (Version 4). There is an existing septic tank which already serves the existing residential properties at the site and is permitted by NRW. Foul drainage for the remaining two shepherd huts and all the tents is proposed to a composting toilet. The type of compost toilet proposed would separate solids from liquids with solids being composted, and liquid being stored in a holding tank which will be periodically removed by a waste effluent removal company. Consequently, NRW and the Council's Biodiversity Officer are satisfied that the development is unlikely to increase the amount of phosphorus entering the catchment.

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

6.8.1 Proposals for glamping are considered on their individual planning merits. As such, consenting this application will not set a precedent for other similar development in the local area.

6.8.2 Reference has been made to a previous application (DM/2020/01678) that granted change of use of 2 no. holiday lets to a single dwelling house. The applicant in that case provided that the maximum reported occupancy rate at Swallows Nest was 16% in 2019 and 20% during 2020 which showed a lack of demand for tourism. In this regard it is worth noting that Swallows Nest offered traditional holiday cottage accommodation while this application provides a different experience. The UK glamping market has seen substantial growth over the past few years and is projected to continue to grow, reflecting a strong demand for this type of alternative accommodation. Should the business fail, then the structures would be removed and the land returned to its former state. This has been included as a condition should Members be minded to approve the application.

6.8.3 The hot tub water is to be recycled onto appropriate foliage after allowing at least 3 days for chlorine to dissipate.

6.8.4 The potential reduction in the value of private property is not material to the determination of planning applications and therefore cannot be considered.

6.8.5 Other matters raised by third parties have been addressed elsewhere above in this report.

## **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 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.

## **6.10 Conclusion**

6.10.1 The proposed glamping development is considered to be an acceptable form of sustainable tourism as supported by LDP Policy S11 and the Council's adopted SPG.

6.10.2 The amount of traffic generated by the development is considered not to have any detrimental impact on highway safety.

6.10.3 New hedge planting will screen the car park from the neighbouring dwelling Amberleigh House with other views restricted due to the distance between neighbouring properties and the glamping units.

6.10.4 Numbers of visitors at any one time are limited by the scale of the accommodation and the foul drainage arrangements. Anti-social behaviour is a matter of management of the site and is outside the remit of this planning application.

6.10.5 The proposed development will not harm any protected species or the River Usk SAC.

## **7.0 RECOMMENDATION: APPROVE**

### **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 Within 3 months of the date of this decision a detailed plan of proposed biodiversity enhancement illustrating "net benefit features" to include habitat enhancements as detailed in "Preliminary Ecological Assessment - Swallows Nest by Ecological Services Ltd, dated February 2023" identifying location, positioning and specification shall be provided. The scheme shall provide for the future management and an implementation timetable and shall be submitted to and approved in writing by the Local Planning Authority. Further development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

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

3 The development shall be carried out in strict accordance with the methods detailed in Section 4 (Recommendations and Mitigation) of the approved 'Preliminary Ecological Assessment - Swallows Nest by Ecological Services Ltd, dated February 2023'. Evidence of compliance with the plans in the form of georeferenced photographs must be provided to the LPA no more than three months later than the first beneficial use of the extension.

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

4 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting plan which includes low level PIR lighting, provides detail of lighting type, positioning and specification, and ensures that roosting and foraging/commuting habitat for bats is protected from light spill, has been agreed in writing with the Local Planning Authority.

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

5 Within 3 months of the date of this decision full and comprehensive details of soft and hard landscape works shall be submitted to and approved in writing by the Local Planning Authority.

Details shall include:

- Detailed scaled plans, showing proposed car park existing, proposed levels and cross sections
- Proposed and existing utilities/services above and below ground.
- Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation, translocation and other operations associated with planting and seeding establishment.
- Hard landscape materials to include surfacing, SUDs, fencing, gates, minor artefacts and structures (e.g. signs, bins, stores).
- A timetable for its implementation.

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

6 All hard and soft landscape works shall be carried out in accordance with the approved details (including the approved timetable) 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 in the first planting season following the date of this consent.

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 Within 3 months of this consent, a schedule of landscape maintenance for a minimum period of five years shall be submitted to and approved by the Local Planning Authority and shall

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

REASON: To ensure the provision, 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.

8 There shall be no more than 4 shepherd huts and 4 bell tents and no other means of accommodation on the site at any one time. The development hereby permitted shall not be replaced by any other structure(s) or accommodation differing from the approved details, unless and until details of the size, design and colour of such replacements have first been approved in writing by the Local Planning Authority.

REASON: To safeguard the landscape amenities of the area and to ensure compliance with the approved plans and to comply with Policy S11 of the LDP and to ensure no adverse impact on the River Usk SAC in accordance with LDP Policy NE1.

9 The access and car parking area shall be completed in accordance with the details shown in drawing no. Doc 10.0 *Access to site plan*, within 6 months of the date of this decision and retained for as long as the development remains in existence.

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

10 In the event that the development hereby approved ceases to trade, the glamping units and all associated structures shall be removed from the site and the land restored to its former condition within 3 months of closure of the business.

REASON: To safeguard the visual amenity of the area in accordance with LDP policies LC1, LC5 and DES1.

11 The development shall be occupied as holiday accommodation only and shall not be occupied as a person's sole or main place of residence or by any persons exceeding a period of 28 days in any calendar year

REASON: The provision of permanent residential accommodation would not be acceptable in the open countryside.

12 An up to date register containing details of the names, main home address, dates of arrival and departure of occupants using the holiday accommodation shall be made available for inspection by the Local Planning Authority upon request.

REASON: To ensure the accommodation is used as holiday let accommodation only.

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

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

4 Please note that all reptiles are protected by the Wildlife and Countryside Act 1981 (as amended). It is illegal to intentionally kill or injure Adder, Common lizard, Grass snake or Slow worm. If reptiles are found at any time during clearance or construction, all works should cease and an appropriately experienced ecologist must be contacted immediately

5 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.

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**Application**

**Number:** DM/2022/01525

**Proposal:** Construction of proposed bungalow with parking on land at rear of 11 Park Close

**Address:** Land rear of 11 Park Close, Abergavenny, NP7 5SU

**Applicant:** Stephen Parry

**Plans:** Location Plan A100 – REV B, Site Layout A101 - REV F, All Proposed Plans A200, 11 PARK CLOSE\_PC\_D01\_REV A, 11 PARK CLOSE\_PC\_D02\_REV A, 11 PARK CLOSE\_PC\_D04\_REV A, 11 PARK CLOSE\_PC\_D05\_REV A

**RECOMMENDATION: Approve****1.0 APPLICATION DETAILS**

1.1 This application was presented to Planning Committee in February 2025. Members considered the report of the application and late correspondence which was presented for refusal for the reason outlined in the report.

1.2 An electronic vote was undertaken. However, due to the closeness of the vote whereby the outcome was within two or fewer votes, paragraph 27.27.6 of Monmouthshire County Council's Constitution was invoked:

*When the outcome is 2 or fewer votes or will require the Chair to consider casting a deciding vote, a roll-call will be carried out in the same style of a recorded vote so the result is beyond question. The number of votes for each option will be noted in the minutes.*

1.3 In noting the detail of the application and the views expressed, it was proposed by County Councillor Su McConnel and seconded by County Councillor Emma Bryn that application DM/2022/01525 be refused for the reason outlined in the report.

For refusal - 6

Against refusal - 7

Abstentions - 1

The proposition was not carried.

1.4 Following discussion, it was agreed that consideration of application DM/2022/01525 be deferred to be re-presented to the next Planning Committee meeting with the original officer recommendation for approval, subject to the amended plan layout showing a turning area illustrating how a vehicle may enter and leave in a forward gear. The applicant subsequently provided an updated site plan showing the parking and turning area.

1.4 Following the deferral of the application, it was also noted that there were outstanding issues in relation to biodiversity and surface water drainage. As such, the applicant has also provided a Green Infrastructure Statement including net benefit for biodiversity and provided surface water drainage calculations and plans (Causeway Technologies). The submission of the amended details necessitated a full re-consultation.

**2.0 REPRESENTATIONS**

## 2.1 Consultation Responses

### **Abergavenny Town Council** – Recommend Refusal.

Abergavenny Town Council have given this application full consideration at their Environment Committee. They are recommending refusal due to insufficient drainage and infiltration provision, and unsuitable biodiversity net benefit, supporting consultee concerns expressed by Monmouthshire County Council's Biodiversity and Flood Risk Engineers/Officers. We note the change in comment from the Highways Officer, and would like to express our concerns over the access rights between the three properties, and potential civil boundary disputes that could arise in the future.

**Heneb** – The development will require archaeological mitigation.

### **MCC Highways** – No objection.

The applicant has provided amended plans between the date of the committee and the publishing of the committee report which refused the application. Our new comments regard this amended detail. Of highway note is that the proposal has been amended with a new parking layout, to which we offer the following comments. The change in layout results in only the new dwelling having parking provision to the rear of the existing dwelling, and therefore the only section of drive that can be considered shared use is now the area adjacent to the public highway, which would be crossed by both no.11 & no.10, and the new dwelling. This overcomes our concern regarding the width of the driveway, as now the drive serves solely as access for the new dwelling.

The new dedicated parking arrangement for the proposed dwelling also provides space for manoeuvring on site, removing the need for objectionable manoeuvres relating to the previous double tandem arrangement, and enabling vehicles to enter/exit onto the public highway in first gear. While no.11 will not meet their parking provision requirement under the MCC Local Parking Standards, it is accepted that the properties in this area were not designed with parking provision and therefore cannot be expected to provide it.

No.11's modern provision of a single space to the front of the dwelling is to be kept, (though moved to the boundary,) and is considered to be acceptable. While these matters represent a marked improvement over the previous layout, we still raise concern over the provision of access rights between three properties/owners and their keeping in perpetuity. However, we are unable to sustain an objection over private legal matters, and therefore we raise these as a concern.

**MCC Biodiversity** - Nothing fundamental has changed since my last comments relating to biodiversity and so my holding objection is maintained. I note that a Green Infrastructure Statement has been submitted since my previous comments but this does not provide the information requested and appears to contain erroneous information by stating that the proposed works are contained on an area of hard landscaping, which is false. If recommending a condition for biodiversity net benefit, that is fine but it should really be evidenced prior to determination that it can be achieved and this hasn't been provided to date (and the GI Statement really should have done so). *NB – see comments in section 3.3 below.*

**MCC SAB 15/7/25** - No objection. The application has now demonstrated a means of surface water drainage (infiltration). We are content to examine the detail of surface water drainage design as part of the SuDS approval process.

Surface Water Drainage:

The proposed development will require a Sustainable Drainage System (SuDS) designed, constructed and maintained in accordance with the Statutory Standards for SuDS in Wales and

approved by MCC as SuDS Approving Body (SAB).

#### Flooding:

Flood risk maps provided by Natural Resources Wales do not indicate the site to be at particular risk of flooding.

Our database of previous flood events and land drainage investigations records the presence of a small watercourse between Park Close and Llywnu Road. It also records the presence of what appeared to be groundwater in excavations at 1 Park Close. These observations will be taken into account when a future application for SuDS approval is received.

Our database of drainage and flood assets records a drainage network, considered to be an Ordinary Watercourse, between Park Close and Llywnu Road.

Based on the above we have no objection to the proposed development on flooding grounds.

#### **MCC SAB 24/5/25 - Holding Objection.**

The application has not demonstrated a means of surface water discharge (rainwater harvesting, infiltration, watercourse, surface water sewer or combined sewer). The drainage destination needs to be confirmed as there are no surface water or combined sewers in close proximity of the site that could be utilised. The site is therefore reliant on infiltration being possible and the site layout allowing for a soakaway to be 5m from a building and 2m from the boundary. Infiltration testing should be done to BRE365 standards with the test pit being a minimum 1mx0.3m to a depth representative of the soakaway proposed. The test will need to be run 3 times consecutively. If you require further information then contact us at SAB@monmouthshire.gov.uk The proposed layout may be impacted in incorporating the SuDS Features including the addition of raingarden planters, filter drains or similar as well as the material construction of the driveway and parking area.

**MCC SAB 18/3/25** - There is no infiltration testing that has been undertaken on the site to support the proposed drainage destination. The infiltration testing will be critical to demonstrating that a soakaway can work. As there is no other potential drainage destination the infiltration would need to be undertaken before we could remove our holding objection. The testing will need to be undertaken to BRE365 requirement with a test hole above the proposed soakaway location with a trial hole 1mx0.3m to 2m deep with testing being undertaken from 1m to 2m.

## 2.2 Neighbour Consultation

11 additional comments received:

The revised plans have in no way addressed biodiversity and surface water concerns, and the amendment to parking does not overcome the access issue.

## **3.0 EVALUATION**

3.1 The Council's Highway Officers have advised that the revised parking arrangements overcome their objections and there are now no grounds to refuse the application on highway safety grounds.

3.2 The applicant has provided detailed surface water information suggesting that the ground is suitable for infiltration drainage.

3.3 An updated Green Infrastructure Plan has been provided and Revision F of the site plan identifies areas of soft landscaping and enhancements for biodiversity in the form of two nestboxes to be located on the existing dwelling. These changes/additions have addressed the holding objection from the Council's Biodiversity Officer and the features for net gain are considered to be proportionate to the scale of development. The development is therefore now considered to meet the requirements of Chapter 6 of PPW12 and LDP Policies NE1 and GI1.

### 3.4 Impact on Residential Amenity

3.4.1 The proposed new access and parking area will abut an existing neighbouring garage, minimising any impact on the enjoyment of the garden of that property (no.10 Park Close).

3.4.2 Overlooking from the proposed new dwelling into adjoining properties will not be possible as the proposal is a bungalow and therefore views will be screened by existing and proposed enclosures. Direct views between the host dwelling and the proposal can be mitigated by a new boundary fence along the boundary with the garden of the existing dwelling. The houses to the north (Avenue Road) have long rear gardens meaning that there is a distance of approx. 27m from these dwellings to the northern boundary of the application site. The property to the south (no.12 Park Close), is screened by the existing boundary treatment and this proposal should not harm that neighbour's privacy or amenity, as the site area is already amenity space that could be actively used and the proposal is single storey, thus reducing any overlooking or loss of privacy.

6.3.3 On the basis of the above it is considered that there will be no loss of residential amenity as a result of the proposal and there would be no conflict with LDP policies EP1 or DES1.

## 4.0 CONCLUSION

4.1 It is considered that the additional detail provided overcomes the previous objections from Highways, SAB and Biodiversity and the application can therefore be supported. Having regard to the relevant policies and all other material considerations, the proposed development is considered to be acceptable subject to the conditions set out below. There is a need to add a condition to remove permitted development rights for extensions and outbuildings to the proposed dwelling given the proximity of nearby properties and the potential for overlooking of neighbouring properties if a dormer extension was constructed under permitted development rights.

7. Notwithstanding the provisions of Article 3, Schedule 2, Part 1 Classes A B C D E F & H of the Town and Country Planning (General Permitted Development) (Amendment)(Wales) Order 2013 (or any Order revoking and re-enacting that Order with or without modification) no enlargements, improvements or other alterations to the dwellinghouse or any outbuildings shall be erected or constructed.

REASON: In the interests of local residential amenity in accordance with LDP Policies EP1 and DES1.

The previous reports are also below.

### PREVIOUS REPORT(s)

February 2025

**Application Number:** DM/2022/01525

**Proposal:** Construction of proposed bungalow with parking on land at rear of 11 Park Close

**Address:** Land rear of 11 Park Close, Abergavenny, NP7 5SU

**Applicant:** Stephen Parry

**Plans:** Location Plan A100, Site Layout A101 - REV B, All Proposed Plans A200

**RECOMMENDATION:** Approve

### 1.0 APPLICATION DETAILS



- 1.1 This application was presented to Planning Committee on 14<sup>th</sup> January 2025 with a recommendation for approval. Members did not agree with this recommendation and deferred the application for refusal for the following reason:

*The proposed 3m wide access serving three properties, represents a significant departure from the Welsh Common Standards and would lead to a deterioration in highway standards and would adversely affect users of the adjacent public highway contrary to Adopted Local Development Plan Policy MV1.*

- 1.2 Following January's Committee meeting the applicant has provided an updated Site Plan (A101 Rev C) for review, showing a turning area illustrating how a vehicle may enter and leave in a forward gear.

## 2.0 REPRESENTATIONS

### 1.1 Additional Neighbour Comments

- Object to the Previous Committee Report - 1.2 Proposal Description: "The proposed new dwelling is relatively small in scale and not dissimilar to a domestic outbuilding that could be erected under permitted development rights." The plans show a building with a footprint 150% the size of the 3 bed semi in who's garden it is to be built.
- The only logical reason for having a bungalow with a roof space higher than the ground floor height would be to allow easy conversion to a second storey building at a later date.
- The height and size of this build 6.7+m high and floor area of 64m2 does not respect the privacy of neighbours in adjoining roads.
- Object to the erection of a fence in place of an established hedge which provides habitat and food for a range of birds, bats, insects, and other wildlife.
- Loss of green space.
- A couple of bird boxes on the wall of a building does little to mitigate the losses which will be felt by the local wildlife, should this planning application be approved.
- By ignoring the Highways Department advice, a dangerous precedent is set, whereby other buildings may be allowed in the back gardens of houses with difficult access.
- The proposed building will dominate the surrounding area particularly from the community garden where the view towards the Blorengie will be blocked.
- Amended plan moves the building adding to obstruction of view from public amenity space (Park Crescent).
- The development proposes to be less than 1m from the boundary with 12 Park Crescent. This is contrary to UK building standards for a building of this size and floor space.
- The height of the build (6.718m) will cause overshadowing into neighbours gardens
- This proposal has no discernible sustainability.
- The flood risk assessment is not adequately addressed. Amended plans for proposed driveway & turning area, show area to be tarmacked, which is impermeable & inappropriate where there is no stated provision for water runoff.
- No evidence to state how green infrastructure has been incorporated into the plan. Mandatory, net biodiversity benefits (NBB) are absent.
- Loss of value to my property - with extra household created so close.
- Very close proximity of build - we will no longer be able to enjoy the use of our peaceful outdoor seating and eating area, where bbq/ fire pit, may cause future problems with new occupants.
- Smells/ exhaust fumes - car park planned against our fence, where our edible
- The amended plans only show parking space for 4 vehicles for the 2 properties therefore does not meet its parking requirements under local parking regulations so this must void the application.
- The amendments do nothing to address the Highway Departments insistence of having a 4.5m wide shared access driveway due to safety concerns.
- Access arrangements fail to meet the requirements of the Manual for Streets (Wales) 2019 (MfS).

The shared driveway is 3m whereas MfS recommend a minimum width of 4.1m for access to multiple dwellings.

- Visibility splays at the junction with the public highway are restricted to 15m, due to the proximity of existing dwellings 10 and 11 on a curve, this splay is impeded.
- The turning area is insufficient for vehicles to maneuver safely, risking conflicts between vehicles, cyclists and pedestrians.
- Amended site layout plan (doc A101C) provides 3 rear parking places for 11 and new build, less than MCCs standard for a dwelling of this size exacerbating on street parking in Park Close which is already congested.
- This development will increase nutrient loading (phosphates) into the River Usk (SAC) because Llanfoist Waste Water Plant lacks a phosphate permit and is currently operating close to capacity.

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

## **RECOMMENDATION: Approved Subject to S106 agreement**

Case Officer: Kate Bingham  
Date Valid: 26.10.2022

**This application is presented to Planning Committee as there is an outstanding objection from a Statutory Consultee (Highways)**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to a site close to the town centre of Abergavenny, north-east of Bailey Park.

#### 1.2 Proposal Description

It is proposed to provide one new single-storey dwelling in the rear garden of the existing two storey semi-detached house. Access will be shared with the existing dwelling.

The property is not listed and the site is not within the Conservation Area. The site is within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC).

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2022/01525	Construction of proposed bungalow with parking on land at rear of 11 Park Close.	Pending Determination	
DC/1993/00420	Carport Extension To Front.	Refused	07.07.1993

### **3.0 LOCAL DEVELOPMENT PLAN POLICIES**

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision

S4 LDP Affordable Housing Provision

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

### **Development Management Policies**

H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
EP5 LDP Foul Sewage Disposal  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations

### **Supplementary Planning Guidance**

Infill Development SPG November 2019  
Affordable Housing SPG July 2019

## **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

**Abergavenny Town Council** - No comments received.

**Dwr Cymru Welsh Water (DCWW)** - No objections.

We have reviewed the information submitted as part of this application and note that the intention is to drain foul water to the public sewer to which we offer no objection in principle. We also note that surface water will be disposed of via sustainable means and welcome this approach.

We can confirm that our Llanfoist Wastewater Treatment Works in which the proposed development would eventually drain, is able to meet the interim backstop permit of 5 mg/l with sufficient headroom capacity.

**Natural Resources Wales (NRW)** - Refer to Interim Guidance on development within Nutrient Sensitive Areas (Version 4).

**MCC Highways** - Under the Welsh Common Standards, a shared private drive must be at least 4.5m wide which the site cannot provide. Therefore, as the access arrangements do not meet minimum standards, we must object.

**MCC Biodiversity** - No objections subject to conditions.

SEWBRc Search Results - No significant ecological record identified.

### 5.2 Neighbour Notification

One objection received:

The proposed bungalow is an overdevelopment of a residential area. These houses and our neighbouring ones were designed with space between buildings and this should not be compromised.

### 5.3 Other Representations

None.

### 5.4 Local Member Representations

No comments received.

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

## **6.1 EVALUATION**

### **6.2 Principle of Development**

6.2.1 The site is located within the settlement boundary of Abergavenny, which is defined as a Main Town in the Local Development Plan (LDP). Policy H1 supports residential development in these areas in principle, subject to detailed material planning considerations.

6.2.2 Being located on a corner, the site benefits from an existing large rear garden which can accommodate the proposed dwelling together with parking provision and still retain an adequate amount of private amenity space for both the existing and proposed dwellings.

### **6.2 Good Design / Place Making**

6.2.2 Monmouthshire's adopted Infill Supplementary Planning Guidance highlights that Infill development should make a positive contribution to the creation of distinctive communities, places and spaces as well as responding to the context and character of the area. The proposed dwelling will be single-storey and simple in design having a basic rectangular floor plan with a pitched roof. External materials are proposed as grey concrete roof tiles, red facing brick with buff stone cills, Marley Eternit cladding (porch), white fascia and soffits with black rainwater goods and white upvc windows. These materials reflect those used on the surrounding buildings, the

host dwelling being red brick on the lower half with a concrete tiled roof and white upvc windows.

6.2.3 The proposed bungalow would cover an area of approx. 75m<sup>2</sup> on a site of 530m<sup>2</sup> equating to just over 14%. There will be further loss of garden area as a result of the parking and turning area but nonetheless, there would still be a garden area of 76m<sup>2</sup> remaining for the existing dwelling and over 100m<sup>2</sup> for the proposed new dwelling. Due to the siting of the proposed new dwelling at the rear of the site, the impact of the development on the street scene and wider landscape will be minimal.

6.2.4 On the basis of the above, it is considered that the proposed development is in keeping with the character and appearance of the surrounding area and will have no adverse impact on local visual amenity. As such there is no conflict with LDP Policy DES1.

### **6.3 Impact on Residential Amenity**

6.3.1 The proposed new access and parking area will abut an existing neighbouring garage, minimising any impact on the enjoyment of the garden of that property.

6.3.2 Overlooking from the proposed new dwelling into overlooking properties will not be possible as the proposal is a bungalow and therefore views will be blocked by existing and proposed enclosures. Window to window distances between the existing and proposed dwellings would be between 15m and 20m, the shorter view being a bathroom window and 20m being a kitchen area. Direct views would be further disrupted by a new boundary fence along the boundary with the garden of the existing dwelling. The houses to the north (Avenue Road) have long rear gardens meaning that there is a distance of approx. 27m from these dwellings to the northern boundary of the application site.

6.3.3 On the basis of the above it is considered that there will be no loss of residential amenity as a result of the proposal and there would be no conflict with LDP policies EP1 or DES1.

### **6.4 Highways and parking**

6.4.1 The application proposes the construction of a new property within the grounds of No. 11 and related works and access arrangements. The site is located on the corner of the unclassified highway, Park Close, a dense residential area.

6.4.2 The site meets its parking requirements under the local parking regulations by providing No.11 with three spaces and the proposed dwelling with 2 spaces (one per bedroom).

6.4.3 The proposed access arrangement creates a private shared drive shared by no. 11 and the proposed dwelling, (with an access agreement with the neighbouring No.10). The Council's Highway Engineers have advised that under the Welsh Common Standards, a shared private drive must be at least 4.5m wide. In this case the site can only provide a 3m wide driveway and therefore as the access arrangements do not meet minimum standards, Highways have objected to the development.

6.4.4 While the width of the drive is below the Welsh Common Standards, a 3m wide drive is nonetheless adequate for a private car and not an unusual arrangement in this area with other dwellings to the rear of existing properties being served by comparable driveways. For example DC/2016/00714 allowed two dwellings to the rear of Park Crescent off a 3m driveway. Larger vehicles serving the proposed new dwelling such as delivery vans, are likely to stop on Park Close itself, not the driveway; the site is within a cul-de-sac where on-street parking is unrestricted and traffic movements are generally reduced and at slower speeds. As such, the proposed driveway arrangement is unlikely to harm local highway safety and it is considered that it would be unreasonable to refuse the application on this basis.

## **6.5 Biodiversity**

6.5.1 It is understood that an area of scrub habitat is located where the proposed bungalow and landscaped garden are proposed. Precautionary measures should be adopted during any vegetation clearance.

6.5.2 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.

6.5.3 It is noted that two nest boxes are proposed to be installed on the north-western elevation of the existing building. It is considered that these will provide adequate mitigation for the loss of nesting habitat as a result of the development.

6.5.4 As a result of the proposals, the site will become more difficult to access for hedgehogs due to the number of fences and built structures. In order to mitigate for this, hedgehog gaps within the new close-boarded fencing should be provided to allow hedgehogs to have continued access throughout the site – 13cm x 13cm gaps at ground level are sufficient to allow access for hedgehogs. This should be a condition of any consent should Members approve the application.

6.5.5 Under regulation 63 of the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SACs. NRW has set new phosphate standards for the riverine SACs of the Wye and Usk and their catchment areas. Development that may increase the concentration of phosphates levels will be subject to appropriate assessment and HRA.

6.5.6 Based on the Test of Likely Significant Effect, the project is unlikely to have a Significant Effect on the phosphate sensitive River SAC and a full Appropriate Assessment is not required.

## **6.6 Green Infrastructure (GI)**

6.6.1 Chapter 6 of Planning Policy Wales (PPW) 12 highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development. The statement which will need to be informed by a GI assessment of the site will describe how green infrastructure will be incorporated into the proposal and how the step wise approach to protecting biodiversity, habitats and GI onsite will be managed. A step wise approach considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach then seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigating / Restoring.

6.6.2 The existing site is landscaped domestic garden with areas of shrub to the far rear.

6.6.3 The GI Statement is proportionate to the scale of this proposal and sets out the measures to be employed to secure GI. Soft landscaping will be carried out around the building that will adopt native species and will improve the GI in this immediate area.

## **6.7 Affordable Housing**

6.7.1 It is a basic principle of LDP Policy S4 that all residential developments should contribute to the provision of affordable housing in the local planning authority area, irrespective of whether

the size of the development falls below the threshold for on-site provision.

6.7.2 As this proposed development falls below the threshold (1 - 4 units) at which affordable housing is required on site, a financial contribution towards off site affordable housing in the Abergavenny Housing Market Area will be required instead. This is calculated as: Internal Floor Area (m<sup>2</sup>) x £120 x 58%. This will be secured via a S106 agreement. This has been agreed by the applicant.

## **6.8 Flooding**

The site is not within a flood plain.

## **6.9 Surface Water Drainage**

As the built area will be 100m<sup>2</sup> or more, the development will require a Sustainable Drainage Systems (SuDS) to manage on-site surface water. These SuDS must be designed and constructed in accordance with the Welsh Government Standards for Sustainable Drainage and will be subject to separate SAB consent but the site area and ground conditions indicate that there is a suitable destination for surface water via a SuDS.

## **6.8 Archaeology**

6.8.1 The application area is within the Archaeologically Sensitive Area of Abergavenny, situated close to the line of the Roman road, leading from the fort at Abergavenny to the town at Kenchester. It is known that large cemeteries containing both inhumations and cremations were situated alongside the west of this road, and the application area is equidistant between two areas where cremations including cremation burials in urns were found, as well as flagons, glazed beakers and metal brooches. It is therefore possible that such features may be located inside the application area, and the development therefore will require mitigation.

6.8.2 As such, it is recommended that a condition, requiring the applicant to submit a detailed programme of investigation for the archaeological resource, should be attached to any consent granted by Members.

## **6.11 Response to the Representations of Third Parties and/or Town Council**

6.11.1 In terms of over-development of the site, the proposed new dwelling is relatively small in scale and not dissimilar to a domestic outbuilding that could be erected under Permitted Development Rights. Both the existing and proposed dwellings will also have adequate areas of private amenity space.

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

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

## **6.13 Conclusion**

6.13.1 The site is located within the settlement boundary of Abergavenny within which, Policy H1 supports development in these areas in principle.



6.13.2 The proposed development is in keeping with the character and appearance of the surrounding area and will have no adverse impact on local visual amenity.

6.13.3 There will be no loss of residential amenity as a result of the development.

6.13.4 Although the proposed access is 1.5m narrower than the Welsh Common Standards, taking into consideration the specific context of this application site, it would be unreasonable to refuse the application on the grounds of highway safety. A 3m wide driveway for two properties should be adequate.

6.13.5 The proposal is unlikely to have a Significant Effect on the phosphate sensitive River Usk SAC.

## **7.0 RECOMMENDATION: APPROVE**

Subject to a 106 Legal Agreement requiring the following:

### **S106 Heads of Terms**

Financial contribution towards the provision of affordable housing within the local area to be paid upon occupation.

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 No development shall take place until the applicant, or their agents or successors in title, has secured agreement for a written scheme of historic environment mitigation which has been submitted by the applicant and approved by the local planning authority. Thereafter, the programme of work will be fully carried out in accordance with the requirements and standards of the written scheme.

REASON: To identify and record any features of archaeological interest discovered during the works, in order to mitigate the impact of the works on the archaeological resource.

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

- o Detailed scaled plans, showing existing and proposed levels
- o Proposed and existing utilities/services above and below ground.
- o Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting, rain gardens and seeding establishment.
- o Details of hedgehog gaps within the new close board fencing.

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

5 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 GI1.

6 The mitigation and enhancements for biodiversity shown on approved drwg no. A101 Rev B shall be provided prior to the first beneficial use of the development hereby approved and shall be maintained as such thereafter.

Evidence of compliance with the plan in the form of georeferenced photographs must be provided to the Local Planning Authority no more than three months later than the first beneficial use of the development.

REASON: In the interests of the ecological and biodiversity value of the site and to ensure compliance with PPW 12, the Environment (Wales) Act 2016 and LDP policies S13 and NE1.

### **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 100m<sup>2</sup> 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 100m<sup>2</sup> 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 All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September.

4 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](http://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.

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**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 - D, 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. 2400166-NNAMS REV 1.4 - NUTRIENT ASSESSMENT, Percolation test results 22 TESTS 28/7/25, 21 – Percolation test locations A3 – AVH1116.

## **RECOMMENDATION: Approve**

Case Officer: Ms Kate Bingham

Date Valid: 14.03.2024

## **1.0 APPLICATION DETAILS**

1.1 This application was approved by Planning Committee on 9<sup>th</sup> July 2024 subject to an acceptable Habitats Regulations Assessment in relation to potential impacts on the River Usk Special Area of Conservation (SAC). 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. Potential impacts in this case would be a change in water chemistry (including pollution, nutrient enrichment and pH changes) as a result of foul drainage.

## **2.0 HABITATS REGULATIONS ASSESSMENT**

2.1 A Habitats Regulations Assessment (Version 3) was prepared by Monmouthshire County Council on 12<sup>th</sup> June 2025. This 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)), Monmouthshire County Council are required to carry these hazards through to Appropriate Assessment the conclusions of which are reported below.

2.2 In compliance with Version 3.1 of the NRW phosphate guidance, the applicant has confirmed how foul wastewater will be managed:

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 Nutrient Neutrality Assessment and Mitigation Strategy, 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 Nutrient Neutrality Assessment and Mitigation Strategy states, has an 87% phosphorous removal rate.

2.3 It is then proposed that the wastewater will discharge into a drainage field. The drainage field has been calculated to be at least 250m<sup>2</sup>, based on the volume of wastewater proposed to be discharged. Percolation testing has been undertaken with the locations provided on a submitted

drawing titled 'Existing Site Plan showing Percolation Test Hole Locations.' It was stated within the NRW consultation response dated 08 April 2025 that the percolation tests were undertaken outside of the area of drainage field as shown on other plans. Consequently updated percolation testing has been undertaken with the locations detailed on the drawing 'Existing Site Plan Showing New Percolation Test Hole Locations - Tests Carried Out 28.04.2025.' Clear scale plans showing the locations of the PTP, limestone filter and drainage field have been submitted to inform the application, titled 'Proposed Site Plan.'

2.4 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.

2.5 The NRW consultation response, provided on 16th August 2024, noted that "the drainage field has been sized to accommodate wastewater from a maximum of 18 residents while the Nutrient Neutrality assessment is based on an average occupancy of 2.2 residents for each pitch." The calculations, produced in full in Appendix C of the Nutrient Neutrality Assessment and Mitigation Strategy V1.4, have been amended to reflect an occupancy rate of four persons per dwelling which is deemed a more realistic occupancy rate for the dwellings than the 2.2 previously used in version 1.3 of the Nutrient Neutrality Assessment. The calculations show a total annual phosphate load of -0.04kg.

2.6 The proposed drainage capacity is considered to be appropriate for the proposed four pitches and is designed for 16-18 people. There is no guidance available on data on average occupancy of people per pitch on Gypsy and Traveller sites in Wales, however from some research South Cambridgeshire suggests average occupancy per caravan is 2.39 people per caravan in their area. Furthermore, correspondence with the applicant has confirmed that occupancy for the personal family site will be set at a maximum of twelve people and the Local Planning Authority consider the private drainage system being designed for 16-18 persons is reasonable and well within the tolerances of the drainage system proposed.

2.7 Given that these are long term family homes where the number of occupants and the demographic mix will go up and down, it is a reasonable assumption that a system designed for 16-18 people across the site will be fully adequate.

2.8 In light of the above, the Appropriate Assessment concludes that the capabilities of the biological PTSP and the limestone bed filter mean that Phosphorous levels are such 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.

NRW have advised that they agree with the conclusions of the Appropriate Assessment (see comments below).

### **3.0 CONSULTATION RESPONSES**

**NRW 9/7/25** - subject to the mitigation measures, we are satisfied your authority can conclude no adverse effect on the site integrity.

Our comments should be taken as NRW's formal representations to your Appropriate Assessment (AA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.

We note that the description of the proposed development on the first page of the HRA Record refers to six bespoke family pitches, kennels and stables. We understand the proposal to be for four bespoke family pitches with the kennels and stables no longer being part of the proposed development.

The proposal includes the removal of 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 to a drainage field located at the south of the site.

The proposed location of the drainage field is within 20m of a watercourse, in which case it is reasonable to assume that there may be a pathway for phosphorus to enter the water environment. In addition the River Usk SAC is 450m from the site. This means that a nutrient balance calculation is necessary to assess phosphorus impacts.

With regards to the "Existing Site Plan Showing New Percolation Test Hole Locations - Tests Carried Out 28.04.2025" we are satisfied that the porosity test results have been taken within the proposed area of the soakaway and are within the required VP range i.e. the ground is suitable for a soakaway.

The Nutrient Neutrality Assessment and Mitigation Strategy, Document Ref: 2400166-NNAMS V1.4, dated 12 November 2024 submitted in support of the application, is based on an average occupancy of 4 residents for each pitch. The HRA Record notes the lack of guidance on average occupancy of people per pitch on Gypsy and Traveller sites. The rationale applied on this aspect of your assessment seems reasonable. As you are aware, it is for you as the Competent Authority to determine whether this is an appropriate figure. Based on the fact that you are satisfied with this occupancy rate, we advise the conclusions of the Nutrient Neutrality Assessment are acceptable.

Based on a maximum occupancy of 12, the predicted daily flows will be < 2m<sup>3</sup> per day. Therefore, the applicant/occupier will need to register the PTP with NRW for an exemption. As our Advice states, the system will also need to be well maintained to operate in accordance with the proposed design and effluent standards.

We note section 5.4 of the AA concludes 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." Therefore, subject to the mitigation measures, we are satisfied your authority can conclude no adverse effect on the site integrity.

**NRW 15/7/25** - Clarification on occupancy:

Further to our letter of 9 July 2025, reference CAS-282607-Y4B8, we write to provide clarification to the comments relating to the maximum occupancy on the site (see page 2, paragraph starting with 'Based on a maximum occupancy of 12'). These comments relate to the Environmental Permitting Regulations (EPR) and are for the attention of the applicant.

At this location, a daily flow of less than 2m<sup>3</sup> (which relates to approximately 12 people) does not require a permit to discharge, but the applicant/occupier will need to register the discharge as exempt with NRW. Flows greater than 2m<sup>3</sup> require an environmental permit under the EPR. It is the responsibility of the occupant to ensure compliance if flows exceed this threshold. As you are aware, this is independent of the planning regime.

For avoidance of doubt, we are not advising you that 12 is the maximum number of residents that can be permitted on the site. As set out in our letter of 9 July 2025, we are satisfied with the proposed drainage system, mitigation measures and the conclusions of the Nutrient Neutrality Assessment. Therefore, we reaffirm we are satisfied with your conclusion of no adverse effect on site integrity.

**MCC Building Regulations** - The percolation data is satisfactory, no further comment.

**MCC Environmental Health** - Having reviewed this application, I am not in a position to substantiate a level of impact on which I would base an objection to this application.

Should planning permission be granted, the applicant will be required to obtain a site licence under the Mobile Home (Wales) Act 2013. Licence applications are submitted to Monmouthshire County

Please note that, if a site licence is issued, the site will be subject to specific conditions designed to safeguard public health and safety. These may include, but are not limited to, restrictions on the number caravans permitted, site layout requirements, fire safety provisions, and the maintenance of sanitary and other essential facilities.

#### 4.0 CONCLUSION

The Appropriate Assessment concludes that the capabilities of the biological PTSP and the limestone bed filter mean that Phosphorous levels are such 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. NRW have advised that they are satisfied with this conclusion of no adverse effect on site integrity. As such it is considered that the application can now be approved.

In addition, there are no objections from any other technical consultees.

The previous report to Committee held on 9<sup>th</sup> July 2024 is reproduced below.

**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 35m<sup>2</sup>, 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)**

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
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
  - b) 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 (Vp) 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 NNA 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 2.7m<sup>3</sup> per day. This is in excess of the 2m<sup>3</sup> 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 Llancayo House Abergavenny Road Llancayo 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 waste-water.
- 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 GI1.

## **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 been 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 TAN15 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 2.7m<sup>3</sup> per day. This is in excess of the 2m<sup>3</sup> 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 mg 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 Llanccayo House-earlier C19 screen of low railings dividing front lawn of Llanccayo House from field beyond, built before 1818 or part of a remodelling 1830.
- Lower Llanccayo Farm and attached outbuilding
- Mill building at Lower Llanccayo Farm- early C19 granary and mill Barn @ Lower Llanccayo
- Farm- very large earlier C19 barn built for the Llanccayo House Estate- marked on 1842 Tithe Map.
- Outbuildings to the east of Lower Llanccayo Farm- Former stable range, earlier C19 built for Llanccayo House Estate- marked on 1842 Tithe Map.
- Windmill Tower to the West of Llanccayo House; also listed in Windmills in Wales as Llanccayo 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 Llanccayo 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 100m<sup>2</sup> 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 100m<sup>2</sup> 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.

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## Habitat Regulations Assessment Record

<b>Name of relevant MCC Officer:</b>	<i>Daniel Hulmes Biodiversity &amp; Ecology Officer</i>	<b>Date:</b>	12/06/2025
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### 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

<b>2.1 Type of activity:</b>	Planning Permission
<b>2.2 National Grid reference:</b>	SO 36936 02932
<b>2.3 Site reference:</b>	DM/2024/00355 – Land opposite Llancayo House
<b>2.4 Brief description of the project</b>	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

<b>3.1 European site name(s) and status:</b>	Site(s) to be taken forward: <ul style="list-style-type: none"> <li><b>River Usk SAC</b> is 0.45km south of the development site.</li> </ul> Site(s) to be ruled out: None
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### 3.2 Site description (reasons for designation, key ecological characteristics, information available on general ecological trends and current issues or sensitivities)

<b>3.2.1 River Usk SAC</b>	<b>Reasons for designation and trends</b> 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>Ranunculus fluitantis</i> and <i>Callitriche-Batrachion</i> vegetation (Status: Unfavourable: Unclassified) and Allis shad <i>Alosa</i>
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*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 *Callitriche-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 made of potential impacts from noise and vibration.



<b>3.3 Reference documents that provide further details on the site, and have been used to inform the assessment:</b> <b>3.3 Reference documents that provide further details on the site, and have been used to inform the assessment:</b>	Existing Site Plan Showing New Percolation Test Hole Locations - Tests Carried Out 28.04.2025
	Nutrient Neutrality Assessment and Mitigation Strategy (NNAMS), EnvirEn – V1.4 dated 12 November 2024
	Proposed Site Plan - Dwg no. 07g dated 12/06/2024 drawn by Haystons Developments & Planning Ltd
	Planning Statement and Justification Report by Haystons Developments & Planning Ltd dated 14 <sup>th</sup> March 2024
	Natural Resources Wales Advice to planning authorities for planning applications affecting phosphorus sensitive river Special Areas of Conservation (SACs)- Version 4 28 June 2024
	Monmouthshire County Council Review of Consents Element 1 Report by JBA Consulting dated 7th August 2013
	The Habitats Regulations Handbook, DTA Publications, updated 2021.
	Tyldesley, D. (2011) Assessing Projects under the Habitats Directive: guidance for competent authorities. Report to Countryside Council for Wales, Bangor.
	Mason, C. (2002) Biology of Freshwater Pollution 4 <sup>th</sup> Edition Pearson Education Ltd.

#### 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>Ranunculus fluitantis</i> and <i>Callitriche-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>

		<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>			
<b>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>?</b>		<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 Ranunculus fluitans and Callitriche-Batrachium 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 250m<sup>2</sup>, 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>' It was stated within the NRW consultation response dated 08 April 2025 that the percolation tests were undertaken outside of the area of drainage field as shown on other plans. Consequently updated percolation testing has been undertaken with the locations detailed on the drawing '<i>Existing Site Plan Showing New Percolation Test Hole Locations - Tests Carried Out 28.04.2025.</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>The NRW consultation response, provided on 16<sup>th</sup> August 2024, noted that "the drainage field has been sized to accommodate wastewater from a maximum of 18 residents while the Nutrient Neutrality assessment is based on an average occupancy of 2.2 residents for each pitch."</p> <p>The calculations, produced in full in Appendix C of the <i>Nutrient Neutrality Assessment and Mitigation Strategy V1.4</i>, have been amended to reflect an occupancy rate of four persons per dwelling which is deemed a more realistic occupancy rate for the dwellings than the 2.2 previously used in version 1.3 of the Nutrient Neutrality Assessment. The calculations show a total annual phosphate load of -0.04kg.</p> <p>The proposed drainage capacity is considered to be appropriate for the proposed four pitches and is designed for 16-18 people. There is no guidance available on data on average occupancy of people per pitch on Gypsy and Traveller</p>

		<p>sites in Wales, however from some research South Cambridgeshire suggests average occupancy per caravan is 2.39 people per caravan in their area: <a href="#">Microsoft Word - Frequently Asked Questions.doc</a> .</p> <p>Furthermore, correspondence with the applicant has confirmed that occupancy for the personal family site will be set at a <u>maximum</u> of twelve people and the Local Planning Authority consider the private drainage system being designed for 16-18 persons is reasonable and well within the tolerances of the drainage system proposed.</p> <p>Given that these are long term family homes where the number of occupants and the demographic mix will go up and down, it is a reasonable assumption that a system designed for 16-18 people across the site will be fully adequate.</p>
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<p><b>5.2 In combination test: Are there any in combination effects with other plans and projects considering Additional Mitigation Measures.</b></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><b>Conclusion of in combination test:</b> It is possible that the proposals could have an adverse impact 'in combination' in consideration of other proposed development in this catchment.</p>
<p><b>5.4 Conclusion of the Appropriate Assessment:</b></p> <p><b>Integrity Test - River Usk SAC</b></p>	<p>The capabilities of the biological PTSP and the limestone bed filter mean that Phosphorous levels are such that, subject to the imposition and incorporation of the additional mitigation measures detailed, <b>that the project will not adversely affect the integrity of the River Usk SAC.</b></p>
<p><b>6. Consultation</b></p>	



NRW have been consulted on the planning application DM/2024/00355. The response is presented below:

**08 April 2025**

Annwyl Syr/Madam/Dear Sir/Madam,

BWRIAD/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).

LLEOLIAD/LOCATION: New Stables, Land Opposite Llancayo House, Abergavenny Road, Llancayo, Monmouthshire

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 17 March 2025.

We continue to have concerns with the application as submitted. To overcome these concerns the applicant is requested to submit further information in relation to foul drainage. We also provide you with advice over the risks and consequences of flooding. Further details are set out below.

Phosphorus SAC river catchment and foul drainage

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.

The drainage proposals comprise 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.

We have reviewed the updated Nutrient Neutrality Assessment and Mitigation Strategy (NNA), prepared by Enviren, dated 12 November 2024 Issue 1.4.

We note the revision to occupancy numbers for the purposes of the nutrient balance calculations. We accept the conclusion of the Nutrient Neutrality Assessment and Mitigation Strategy (12 Nov 24) whereby the development as set out in the proposed design can be shown to achieve phosphorus neutrality.

It remains a matter for your Authority to determine whether the average level of occupancy proposed is appropriate for this type of development. On the basis that your Authority is satisfied with the average occupancy rates included in the Nutrient Neutrality Assessment, then the conclusions of the assessment are acceptable

We have, however, now noted that the percolation tests appear to have been undertaken outside the proposed area of the drainage field. The test locations as shown on the "Existing Site Plan showing percolation test hole locations, Dwg No 15d" are not within the area of the drainage field as shown on the Drainage Strategy Plan at appendix A of the NNA.

In accordance with the current British Standard (BS 6297:2007) and Approved Document H of the Building Regulations, we advise a minimum of 2 porosity test pits are needed, both of which must be within the area of the proposed drainage field. The test results must be submitted as per the British Standard and be within a VP range of 15 to 100.

British Standard (BS 6297:2007) is a different method to BRE365.

We therefore request that updated percolation tests are undertaken within the area of the proposed drainage field, and these are submitted in support of the application as they may affect the location and size of the drainage field.

We would be happy to provide further advice on receipt of the above information.

An 18 people occupancy and a daily flow of 150 litre equates to an effluent discharge of 2.7m<sup>3</sup> per day. This is in excess of the 2m<sup>3</sup> 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.

Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine. We advise your Authority to undertake a revised 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 you to the information set out in the Planning Advice section titled 'What does this mean for development proposals involving private sewerage treatment systems' to assist you further in this consideration.

#### Environmental Permitting Regulations – Advice for the applicant

A daily sewage discharge of >2m<sup>3</sup> to ground is likely to require an environmental permit from us. Any discharge made without a permit or registration is an offence under the Environmental Permitting (England & Wales) Regulations 2016.

We advise the Applicant make use of our pre-application advice service prior to applying for an Environmental Permit, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

Our advice on flood risk, ecology and pollution prevention remains as set out in our letter of 2 July 2024 reference CAS-2581910Q4B1 and is included below for ease of reference.

#### Flood Risk

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 07G - A3 - AVH1116, 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.

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.

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

Yn gywir / Yours faithfully

Claire McCorkindale

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning Cyfoeth Naturiol Cymru/Natural Resources Wales

**16 August 2024**

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/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).

**LLEOLIAD/LOCATION:** New Stables, Land Opposite Llancayo House, Abergavenny Road, Llancayo, Monmouthshire

Thank you for consulting Cyfoeth Naturiol Cymru/Natural Resources Wales on your Habitats Regulations Assessment Record which we received on 19 July 2024.

Our comments should be taken as NRW's formal representations to your Appropriate Assessment (AA) under Regulation 63 of the Conservation of Habitats and Species Regulations 2017, as amended.

We have considered the Habitat Regulations Assessment Record, dated 19 July 2024, including the AA together with the following documents:

- Planning Statement and Justification report Rev A 12 June 24
- Nutrient Neutrality Assessment and Mitigation Strategy 12 June 2024

We note that the advice set out in our most recent letter of 2 July 2024, reference CAS258191-Q4B1 has not been appended to the AA, instead the response dated 8 April 2024 has been included. In that letter we referred 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." It is not clear if these have been considered in the HRA.

It should also be noted that the advice referenced in the HRA record is from a superseded version of our Planning Advice. The HRA Record should reference the latest 'Advice to planning authorities for planning applications affecting nutrient sensitive river Special Areas of Conservation' (version 4 dated 28 June 2024).

The proposal includes the removal of 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 to a drainage field located at the south of the site.

The proposed location of the drainage field is within 20m of a watercourse in which case it is reasonable to assume that there may be a pathway for phosphorus to enter the water environment. In addition the River Usk SAC is 450m from the site. This means that a nutrient balance calculation is necessary to assess phosphorus impacts.

We note the drainage field has been sized to accommodate wastewater from a maximum of 18 residents while the Nutrient Neutrality assessment is based on an average occupancy of 2.2 residents for each pitch. It remains a matter for your Authority to determine whether the average level of occupancy proposed is appropriate for this type of

development. On the basis that your Authority is satisfied with the average occupancy rates included in the Nutrient Neutrality Assessment then the conclusions of the assessment are acceptable.

As our Advice states, the system will also need to be well maintained to operate in accordance with the proposed design and effluent standards. Therefore, the applicant or operator will be required to operate and maintain for the lifetime of the development which will be a condition of the Environmental Permit.

We note section 5.4 of the AA concludes 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.” We advise that in addition to the mitigation measures required under section 5.1 of the AA, you should also include reference for the activity requiring an Environmental Permit from us prior to construction and operation. Therefore, subject to the mitigation measures and environmental permit, we are satisfied your authority can conclude no adverse effect on the site integrity.

We advise the Applicant make use of our pre-application advice service prior to applying for an Environmental Permit, to try to ensure that there is no conflict between any planning permission granted and the permit requirements.

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

Yn gywir / Yours faithfully

Claire McCorkindale

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning

Cyfoeth Naturiol Cymru/Natural Resources Wales

**02 July 2024**

Annwyl Syr/Madam/Dear Sir/Madam,

**BWRIAD/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).

**LLEOLIAD/LOCATION:** New Stables, Land Opposite Llancayo House, Abergavenny Road, Llancayo, Monmouthshire

Thank you for re-consulting Cyfoeth Naturiol Cymru (CNC)/Natural Resources Wales (NRW) about the above, which we received on 12 June 2024. 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.

**Phosphorus SAC river catchment and foul drainage**

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 (Vp) 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 2.7m<sup>3</sup> per day. This is in excess of the 2m<sup>3</sup> 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. We refer you to the information set out in the Planning Advice section titled 'What does this mean for development proposals involving private sewerage treatment systems' to assist you further in this consideration.

### **Environmental Permitting Regulations**

A daily sewage discharge of >2m<sup>3</sup> to ground is likely to require an environmental permit from us. We advise the Applicant make use of our pre-application advice service prior to applying for an Environmental Permit, to try to ensure that there is no conflict between any planning permission granted and the permit requirements. It is important to note that a grant of planning permission does not guarantee that a permit will be granted, should a proposal be deemed to be unacceptable (either because of environmental risk or because upon further investigation, a connection to mains sewer was feasible). The Applicant should ensure that they have all the required permissions, consents, permits and any other approvals in place prior to commencement of works on the site.

More information, including a step by step guide to registering and the relevant application forms are available on our website. Where private sewage treatment/disposal facilities are utilised, they must be installed and maintained in accordance with British Standard 6297 and Approved Document H of the Building Regulations. We also refer the Applicant to Guidance for Pollution Prevention 4 on the NetRegs website, which provides further information.

### **Flood Risk**

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 07G - A3 - AVH1116, 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.

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.

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

Yn gywir / Yours faithfully

Claire McCorkindale

Cynghorydd - Cynllunio Datblygu/Advisor - Development Planning

Cyfoeth Naturiol Cymru/Natural Resources Wales

**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](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 Cynghorydd - 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), phosphate, 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.

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**Application Number:** DM/2025/00717

**Proposal:** Application to retain the two existing internally illuminated fascia signs

**Address:** 43 Frogmore Street, Abergavenny, NP7 5AN

**Applicant:** Mr Peter Woolley

**Plans:** Location Plan - , Photography AMOS FASCIA SIGN - , Photography IL GUSTO FASCIA SIGN - , Other Statement - Dated 2nd June 2025,

## **RECOMMENDATION: Refuse**

Case Officer: Mr Ryan Bentley  
Date Valid: 04.06.2025

**This application is presented to Planning Committee at the request of the Local Member.**

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

The application site is No.43 Frogmore Street in the town of Abergavenny. The site is located within the Abergavenny Development Boundary, Central Shopping Area and Conservation Area. The site also has a primary shopping frontage as defined within Policy RET1 of the Adopted Local Development Plan (LDP).

#### 1.2 Proposal Description

This application seeks retrospective express consent to retain the two existing internally illuminated fascia signs.

The first fascia sign has a width of 2.68m and a depth of 0.21m. The height of the fascia is 0.58m, with the maximum height of any lettering being 30cm. The height from the ground is 2.65m. The sign materials are UPC with white text on a black background. The sign is static internally illuminated with an illuminance level of 300 cd/m<sup>2</sup>.

The second fascia sign has a width of 3.6m and a depth of 0.21m. The height of the fascia is 0.58m, with the maximum height of any lettering being 30cm. The height from the ground is 2.65m. The sign materials are UPC with white text on a black background. The sign is static internally illuminated with an illuminance level of 300 cd/m<sup>2</sup>.

For the avoidance of doubt, the hanging advertisement sign is not part of this application.

The scale, detail, design and position of the development is illustrated in full on the submitted drawings/supporting information.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2022/00336	Proposed use is to allow seating around tables on the outside area plus canopies. Furniture would be moveable.	Approved	18.03.2022
DM/2025/00717	Application to retain the two existing internally illuminated fascia signs.	Pending Determination	
DC/2015/00803	Design variation of planning permission ref: DC/2014/00224 for Change of Use the partial A1 Use at ground floor level to full A3 Use.	Approved	22.09.2015
DC/2015/00863	2 Sets of externally illuminated fascia text. 1 Externally illuminated projected sign.	Approved	15.10.2015
DC/2014/00224	Subdivision and Change of Use of Existing Retail Unit to provide one A1 Unit and one A3 Unit on the Ground Floor and Change of Use of First and Second Floor to Residential C3 Use Comprising 2 no. Flats.	Approved	14.09.2014
DC/2002/00551	Shop Fascia Sign	Refused	09.07.2002
DC/2003/00384	Fascia Signage.	Permitted Development	09.05.2003

## 3.0 LOCAL DEVELOPMENT PLAN POLICIES

### Strategic Policies

S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S17 LDP Place Making and Design  
S16 LDP Transport

### Development Management Policies

HE3 LDP Design of Shop Fronts in Conservation Areas  
HE1 LDP Development in Conservation Areas  
DES3 LDP Advertisements  
DES1 LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
MV1 LDP Proposed Developments and Highway Considerations

## 4.0 NATIONAL PLANNING POLICY

Future Wales: The National Plan 2040 (2021)

Planning Policy Wales (12th Ed, 2024)

Town and Country Planning Act (Control Of Advertisement) Regulations (1992)

Technical advice note (TAN) 7: Outdoor Advertisement Control

Technical advice note (TAN) 24: Historic Environment

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Abergavenny Town Council** - Abergavenny Town Council's Environment Committee have discussed this application at their meeting on Wednesday 25th June 2025. We note the comprehensive response in the statement received by Planning on 4th June 2025, and alongside the many other comments received, Abergavenny Town Council would like to recommend approval of the retrospective planning application.

**MCC Heritage** - As you will no doubt be aware, this building is within the Abergavenny Town Conservation area and the setting of numerous listed buildings in the area, and as such any development should preserve the special interest for which these are designated, including their setting. Seeing the signage is both internally illuminated and high gloss finish, both are starkly modern and not in keeping with shopfront and conservation area guidance, to a point where we have had to refuse similar applications and ultimately appeals and court proceedings to ensure consistency. As such, we could not support this from a Heritage standpoint and would need to ask the proposal is altered to externally and minimally downlit signage, of matt finish.

Alternative proposal

Noting this is retrospective consent and that signage has been ordered and fitted, it will likely be possible to simply disconnect the signage and fix new matt finished fascia over in same design fitting downlights potentially at strip lighting if necessary.

Further comments: As a summary of how this position was reached:

1. Internal illuminated signs trigger the need for consent and therefore allow consideration as to whether suitable, by definition.
2. This allows the LPA to consider materials and finishes which are traditional and in keeping with the building and area.
3. The building at present (and much of the conservation area) has limited internally lit signage, meaning that would not be in keeping, whilst it also uses the material with an explicit presumption against in policy (PVC type materials) in favour of traditional materials such as wood or signage of matt (painted) appearance.
4. The upshot is the proposed signage is considered not to be in keeping with the council's long held stance on internally illuminated signage nor finishing materials and cannot be supported from a Heritage perspective.

However, we have suggested a reasonable alternative which allows the signage to be retained with some minor changes. (unplugged and matt wrap laminate).

**MCC Highways** - No objection. The signage details show they do not project into the public highway and are located at a suitable height. The illumination is similar to existing development within the area and therefore is not considered to represent an unusual or distracting impact on traffic. The proposal has minimal impact on the public highway; therefore, we raise no objections.

**Welsh Government Transport** - The Welsh Government as highway authority for the A40 trunk road does not issue a direction in respect of this application.

**MCC Environmental Health** - No objection.

### 5.2 Public Consultation

The application was advertised by means of a site notice and direct neighbour consultation. 12 neighbour comments have been received to date, all in support of the application. Commented as follows:

- Small businesses are woefully under supported.
- The sign adds colour to the town, and makes it look more inviting and vibrant to those driving through.
- In my opinion the restaurant is tastefully and elegantly decorated, inside and outside.
- The signage is in keeping with the restaurant brand. It is not excessively lit, or poorly designed. The sign does not affect the character of the town. This is a beautiful building and the sign compliments it.
- We want this business to continue to attract visitors to our town. It also encourages people to venture to Frogmore St. It highlights the establishment especially in the evenings and winter
- We need to move with the times and allow sensible changes to buildings, especially those that are not listed, and this is one of them. Planning needs to be pragmatic, progressive and sensible.
- I have noticed that national brands seem to be allowed to have such signs.
- Supporting their signage also means supporting small business resilience and the vibrant character that makes Abergavenny unique with it as independent and characterful retailers and eateries.
- It is pretty much perfect.
- This is not the only illuminated sign in town and is far from excessive in style.
- This is a very tasteful sign fully in keeping with the local conservation area. For the Planning Officer to state that it won't get permission because it is "back lit" as opposed to "front lit" shows poor judgement and experience given that the planning department has already approved 4 separate back lit signs for national brands. Above all it demonstrates a dismissive attitude and lack of support for small independent traders in Abergavenny. This sign is perfectly fit for purpose.
- The signage at Il Gusto is modest, well-designed, and entirely consistent with both the Abergavenny Conservation Area and the policy framework set out in Policy DES3. It reflects the established illuminated character of Frogmore Street's vibrant independent quarter, where night-time activity and lighting are integral to the area's identity. The signage has been in place for over three years, poses no harm to amenity or heritage value, and mirrors previously approved schemes including internally illuminated signs granted elsewhere in the Conservation Area.
- On viewing the light generated by the Tesco unit compared to the IL Gusto sign, the IL Gusto sign is obviously more in keeping with the conservation area. The fact that the sign is internally lit is not contrary to any of the Conservation guidelines, there is no reference to internally lit signs in the guidelines.

### 5.3 Other Representations

Abergavenny and District Civic Society - We support retrospective approval of the application for the reasons set out in the Planning Statement. In the interests of vibrant modern trading areas and consistency, we increasingly see a need for supplementary guidance that clarifies in detail the application of Local Development Plan policy DES3 in town centre Conservation Areas.

### 5.4 Local Member Representations

County Councillor Laura Wright – has made comments in support of the application. The current signage at Il Gusto is not, in my opinion, problematic within the conservation area. The illumination is not noticeably different to the level of illumination used by the previous business at this location and it is only switched on during the business' operating hours (until 10pm, which is not unreasonable for a hospitality business in this area). There are several businesses nearby that use similar or greater illumination until the same sort of time, e.g. the Tesco opposite. This means that the signage isn't out of keeping with the existing character of the area and does not noticeably add to visual clutter or constitute overdevelopment of the area. I don't believe that it could reasonably be thought to be causing undue disturbance to nearby residents because, as previously stated, the lighting is of a similar level to that used at 43 Frogmore Street for several years previously. I believe that the Town Council also does not object to the signage and would like Il Gusto to be allowed to retain it in its current form. Supporting local businesses in our town centre is vital to our

local economy and I do not wish to see unnecessary additional financial pressures applied to this trader.

Further comment: Given the longstanding illuminated signage at this location, the wider character of the Frogmore Street area—where evening activity and lighting are intrinsic to its identity—and the lack of clear policy wording that distinguishes between internal and external illumination in Policy DES3, I believe this application raises issues worthy of Committee consideration.

I also understand that similar signs have previously been permitted under the same policy. A consistent approach should be applied to all businesses in the town centre. I would therefore like to request that the application is referred to Planning Committee for determination.

## **6.0 EVALUATION**

In accordance with the Town and Country Planning (Control of Advertisements) Regulations 1992 and TAN 7: Outdoor Advertisement Control 1996 advertisements consent applications fall to be determined having regard to consideration of visual amenity and public (highway) safety only. Additionally, LDP Policy DES3 provides a number of criteria for applications for advertisement consent to be considered against. Furthermore, LDP Policy HE3 provides a number of criteria for the design of shop fronts in Conservation areas. These have been taken into account as material considerations.

Policy DES3 details that proposals for advertisements will only be permitted where:

- a) having regard to the existing number and siting of advertisements in the locality the proposal would not result in an unacceptable clutter of advertisements;
- b) if located within the open countryside they would not unacceptably detract from the rural setting of the locality;
- c) if located in a Conservation Area, they would not unacceptably detract from the character or appearance of the area and if a hanging sign, would not result in undue visual clutter. They should be of an appropriate size and materials for the building from which they hang with a traditional bracket;
- d) if located within the open countryside or Conservation Areas, illumination is only appropriate to uses that reasonably expect to trade at night.

Policy HE3 details:

In Conservation Areas the removal of traditional shop fronts will not be permitted. However, improvements to shop fronts will be permitted where they retain historic features and the proposed improvements are in character with the area. Proposals to replace modern shop fronts will be permitted where they:

- a) replace or restore lost details which will enhance the Conservation Area;
- b) use traditional materials and paint colours in favour of aluminium or UPC;
- c) integrate fully with the surrounding area, and where it replaces two or more units, respects the character of individual units;
- d) have fascia boards and signing in keeping with the design and materials of the character of the building in which they are set; and
- e) use unobtrusive security measures such as internal shutters, toughened glass or traditional timber shutters.

Advertisement consent was granted via DC/2015/00863 for two externally illuminated fascia signs and an externally illuminated projecting sign. The sign had built up letters in polished stainless steel faces and fixed to a plywood fascia panel with an architrave border and finished in satin black. It was externally illuminated by trough lightings. Within the officer report it was concluded that the new shopfront and associated signage represented an improvement in visual terms to that which was existing. Since the approval of DC/2015/00863, a number of restaurants have operated from 43 Frogmore Street, with the most recent being Amos. However, express consent has not been sought for any of the fascia signs since the Prezzo sign was approved.

The current proposals are retrospective and so there is the benefit of viewing the fascia sign in its context in order to make a qualified assessment. It is noted that advertisement consent was

previously granted at the site for externally illuminated signs and this is an important consideration. Since the application was approved in 2015, the Abergavenny Conservation Area Appraisal (March 2016) has been adopted and TAN 24 (May 2017) has been issued.

TAN24 states:

6.8 One of the purposes of the advertisement control system is to encourage the display of outdoor advertisements which make a positive contribution to the appearance of the environment. It is reasonable to expect that the local planning authority's duty to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area will result, in practice, in more exacting standards when the authority considers whether to grant consent for a proposed advertisement in such an area.

PPW 12 also states:

6.1.15 There is a strong presumption against the granting of planning permission for developments, including advertisements, which damage the character or appearance of a conservation area or its setting to an unacceptable level. In exceptional cases, the presumption may be overridden in favour of development considered desirable on public interest grounds.

6.1.16 Preservation or enhancement of a conservation area can be achieved by a development which either makes a positive contribution to an area's character or appearance or leaves them unharmed. Mitigation measures can also be considered which could result in an overall neutral or positive impact of a proposed development in a conservation area.

43 Frogmore Street is located within character area two of the Abergavenny Conservation Area Appraisal which is known as the historic core. Section 7.3.13 of the Appraisal states that Frogmore Street is consistently well-defined, the appraisal goes on to note that (in section 7.5.2) Market Street, High Street, Frogmore Street and Nevill Street make up the winding commercial frontage of the historic core and there is a good survival of 19th Century and early 20th Century shopfronts, particularly to Frogmore Street. Whilst the building is not listed, it is classed within the Conservation Area Appraisal as making a particular or special contribution. To the front of the business is the Grade II Listed War Memorial, Cadw reference 15662, and to the north is the Grade II listed Abergavenny Baptist Church, Cadw reference 2851.

When travelling along Frogmore Street to Il Gusto, it is notable that the signage along the street incorporates largely simple, traditional finishes with a variety of colour palettes. This is shown on the nearby shops, Carpaninis and Cablenews. Illumination is limited but when used it is mostly external lighting and these factors serve to limit the visual impact of the signage. Thereby preserving the traditional, historic appearance of the street scene and the established character of the Conservation Area. Opposite the site is Auberge whose sign consists of individual lettering that is externally illuminated with downlights. It is also noted that the Tesco store opposite does not have a traditional fascia sign but as this is not illuminated, it reduces the visual impact of the advertisement. The supporting statement highlights the external lighting opposite at Tesco and Auberge. Whilst this is noted, the external lighting has been in situ for a number of years and most of the lighting is not used to illuminate a sign. This application is focused on the acceptability of two internally illuminated fascia signs.

Overall, the signs are designed to attract attention but the use of UPC material is inappropriate and detracts from the character of the Conservation Area. The UPC has a shiny finish and it is a modern synthetic material at odds with its setting. The use of internal illumination exacerbates this shiny finish. The immediate area around the site is characterised by a number of listed buildings and buildings that make a positive contribution to the Conservation Area. Whilst it is noted that a similar fascia sign was previously approved at the site, this sign was externally illuminated rather than the internally illuminated sign that is currently proposed. This application is judged on its own individual planning merits and takes into account national planning policies and the Abergavenny Conservation Area Appraisal which has been adopted since the previous approval. The MCC Heritage officer has also objected to the development and has commented that seeing the signage is both internally illuminated and with a high gloss finish, both are starkly modern and not in

keeping with shopfront and conservation area guidance. As such, they could not support this from a Heritage standpoint and would need to ask that the proposal be altered to externally and minimally downlit signage, of matt finish. The Heritage officer has also provided a potential solution by advising that the illumination is disconnected and to fix a new matt finished fascia over in the same design, fitting downlights potentially as strip lighting if necessary.

Therefore, the proposed signs are considered to be an unsympathetic contemporary addition that appear incongruous when viewed against the traditional appearance of nearby listed buildings and the wider street scene. These impacts would be exacerbated during nighttime opening hours, when use of the internal illumination would cause the sign to stand out within the street scene to a greater degree. With regards to policies DES3 criterion c) and HE3 criteria b) and d), for the reasons listed earlier in this report, the proposal is considered to unacceptably detract from the character and appearance of the Abergavenny Conservation Area.

For the avoidance of doubt, the Local Planning Authority are supportive of independent businesses and are consistent in their approach with regards to illuminated advertisement signs. It is unfortunate in this instance that the sign has been erected prior to permission being sought.

Within their supporting statement, the applicant has referenced a number of applications where internally illuminated signs have been granted planning consent. Whilst I note that internally illuminated signs have been approved, there are differences with the sign at Il Gusto:

DC/2016/00429 - This involved individual lettering on the fascia.

DM/2019/00400 - This involved individual lettering with a concealed halo.

DC/2015/01146 - This was individual lettering with a back lit halo effect onto a timber fascia.

DC/2014/01245 originally sought for the advertisement to be halo illuminated. However, this was not deemed to be acceptable so the advertisement was amended to make the sign non-illuminated. Following this amendment, it was 'deemed consent'. The concurrent LBC for the original sign was withdrawn via DC/2014/01248.

There are also recent examples of refusals for internally illuminated signs:

DM/2024/00559 - Marie Curie - Internally illuminated fascia and projecting sign

DC/2015/00039 - Bonmarche - Internally illuminated fascia sign

DC/2008/00805 - Greggs - back lit logo

It is also noted that the MCC Environmental Health officer has no objection to the signs. The previous applications referenced by the applicant do not overcome the harm that the internally illuminated signs at Il Gusto is considered to have in respect of the character and appearance of the Abergavenny Conservation Area.

## **6.2 Access / Highway Safety**

The Local Authority's Highways Department has been consulted on this application and raises no objection in relation to highway/public safety. Similarly, The Welsh Government as highway authority for the A40 trunk road have no comments to make.

## **6.3 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.

## **7.0 RECOMMENDATION: Refuse**

**Reason for Refusal:**

1        The proposed signage is considered to have a detrimental impact on the appearance and setting of the area by virtue of the material and illumination applied and is considered to be contrary to the Monmouthshire Local Development Plan policies DES3 and HE3. In addition, by virtue of the material and illumination used, the signage is considered to be contrary to the Abergavenny Conservation Area Appraisal and Section 160 of the Historic Environment (Wales) Act 2023 as it fails to preserve or enhance the character or appearance of that area.





## Appeal Decisions

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by J P Tudor BA (Hons), Solicitor (non-practising)

an Inspector appointed by the Welsh Ministers

Date of decisions: 24/07/2025

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### APPEAL A

Appeal reference: CAS-04103-G9V3H0

Site address: North Barn, Whitehouse Farm, Llanvair Grange Road, Llanfair Kilgeddin, Monmouthshire NP7 9BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Emma Dymond against the decision of Monmouthshire County Council ('the Council').
  - The application Ref: DM/2024/01510, dated 6 December 2024, was refused by notice dated 22 January 2025.
  - The development proposed is new single storey rear lean-to oak framed extension and new opening providing access from kitchen into extension. Internal alterations to provide open plan living space.
  - A site visit was made on 18 June 2025.
- 

### APPEAL B

Appeal reference: CAS-04104-P3D7Y2

Site address: North Barn, Whitehouse Farm, Llanvair Grange Road, Llanfair Kilgeddin, Monmouthshire NP7 9BB

- The appeal is made under section 100 of the Historic Environment (Wales) Act 2023 against a refusal to grant listed building consent.
  - The appeal is made by Emma Dymond against the decision of Monmouthshire County Council ('the Council').
  - The application Ref: DM/2024/01511, dated 6 December 2024, was refused by notice dated 22 January 2025.
  - The development proposed is new single storey rear lean-to oak framed extension and new opening providing access from kitchen into extension. Internal alterations to provide open plan living space.
  - A site visit was made on 18 June 2025.
- 

## Decisions

### Appeal A

1. The appeal is dismissed.

## Appeal B

2. The appeal is dismissed.

### **Preliminary Matters**

3. Aside from concerns about an element of the proposed single-storey rear lean-to extension, the Council did not object to other proposed internal alterations to create an open-plan living space. I also note that the appellant's Heritage Impact Statement ('HIS') indicates that, given previous alterations to the interior of the building when it was originally converted to residential use in the 1990s or early 2000s, those relatively minor changes would not adversely affect its historic character, and I see no clear reason to disagree with that assessment. In any event, I understand that those internal alterations already form part of an approved scheme, referred to below.
4. Planning permission and listed building consent were granted by the Council on 22 January 2025 (refs: DM/2024/01508 & DM/2024/01509) for a scheme that included essentially the same single-storey rear lean-to extension and internal alterations to provide an open-plan living space, along with some additional elements involving changes to doors/openings and fenestration. The main difference between the approved scheme and the appeal proposal, in respect of the rear lean-to extension, relates to the size of the opening that would be created in the existing external rear wall of the building to provide access from the kitchen into the new extension. While I have considered the proposal as a whole, as it is that particular element (i.e. the size of the opening) which is at issue between the main parties, and given the extant consents which would represent an effective fallback position, I will focus on that disputed aspect in this decision.
5. The applications for planning permission and listed building consent were refused for essentially the same reason, relating to the effect on the curtilage listed building. I shall therefore consider Appeals A and B together.

### **Main Issue**

6. The main issue is whether the proposed development and works would preserve the special architectural and historic interest of Whitehouse Farmhouse, a Grade II listed building.

### **Reasons**

7. The appeal site comprises a property known as 'North Barn', which is one of a group of former agricultural buildings, including the South Barn and the Coach House, associated with Whitehouse Farmhouse, which was designated in 1991 as a Grade II listed building. North Barn is not individually listed and the group of farm buildings, of which it is one, are not specifically referred to in the list description for Whitehouse Farmhouse. However, as North Barn: (i) forms part of the land and has done so since before 1 July 1948, and (ii) was within the curtilage of the building, and ancillary to it, on the date on which the building was first included in the list, or on 1 January 1969, whichever was later, as referred to under s76(5) of the Historic Environment (Wales) Act 2023 ('the 2023 Act'), it is treated as part of the listed building and enjoys the same level of protection. Such buildings are frequently described as 'curtilage listed' buildings. There is no dispute between the parties that North Barn falls within that definition.
8. Section 314A of the Town and Country Planning Act 1990 (as amended) requires that the decision maker, in considering whether to grant planning permission which affects a listed building or its setting, must have special regard to the desirability of preserving the listed building, its setting or any features of special architectural or historic interest that it possesses. Section 96 of the 2023 Act contains the same requirements in respect of considering whether to grant listed building consent. Planning Policy Wales, Edition 12

(‘PPW’) and Technical Advice Note 24, ‘The Historic Environment’ (‘TAN 24’), reiterate that position. I have taken account of the legislative framework, along with relevant policy and guidance.

### *Significance*

9. The significance of Whitehouse Farmhouse derives primarily from its architectural and historical importance as a substantial early 17<sup>th</sup> century house, which retains much of its original form and notable period detailing. The North Barn is a rubble stone building with an attached single storey byre range to the rear. It is indicated that it was converted to residential accommodation in around 2000 as part of a wider scheme to convert all three of the farm outbuildings to residential use. Although North Barn is now in separate ownership from Whitehouse Farmhouse, it retains significance as an example of a substantial former agricultural threshing barn, possibly dating from the 18<sup>th</sup> century, which are said to be typical of rural Monmouthshire and to reflect its agricultural prosperity during the 17<sup>th</sup> and 18<sup>th</sup> centuries. In addition, it has historical value through its association with the adjacent listed farmhouse and collection of farm buildings.

### *Effects on Significance*

10. The Council advises that small ancillary lean-to structures are sometimes found on agricultural buildings in this area. It considers that, taking account of its size, scale, slight setback from the main threshing opening, and materials, which would include a natural slate roof to match the existing main roof, an oak finish and glazing, the details of which could be conditioned, along with its overall relationship to the barn, the proposed single-storey rear lean-to extension would be acceptable. I also note that this addition would, as indicated by the appellant, be potentially largely reversible. Overall therefore, I see no clear reason to take a different view from the Council in that regard. In any event, as explained above, the rear lean-to extension benefits from extant consents.
11. However, the appeal proposal would involve the removal of a wide section of the existing rear external wall, at ground floor level, to create an opening to access the new lean-to extension from the kitchen of the main building. That would entail the loss of one of two arrow slit vents within that section of the wall, along with a modern window added during the original conversion works. While the Council accepts that the modern window is uncharacteristic and has an adverse effect, it finds that the removal of such a large section of the external wall, along with the arrow slit, would harm the special character and historic interest of the curtilage listed building.
12. Cadw also considers that the proposed opening, given its size and position, would have a detrimental effect on the character of the building, albeit it appears to object to the scheme in broader terms.
13. Conversely, the appellant submits that, given the concession that the existing window is an unsympathetic modern addition, its removal as part of the proposed works would potentially improve the overall character of that elevation. With regard to the arrow slit vent that would also be lost, the appellant states that the slit vents on this elevation have been rebuilt in a non-traditional square-sided manner, without splays, while those at ground floor level are blocked.
14. Although, overall, the appellant’s HIS favours the proposal, it acknowledges that the heritage impact would relate to the amount of existing fabric that would be removed to create the opening and that, traditionally, the barn would have been less likely to have had such a wide opening in this position. It also accepts that, compared with the subsequently approved scheme, which involves replacing the existing unsympathetic window with a doorway, removing only the masonry below the sill, and retaining the

arrow slit vent, the appeal proposal would clearly involve the removal of a greater amount of the existing fabric of the building. In addition, it advises that: *'The slit vents add further evidential value as to the original function of this building'* even though it goes on to suggest that their much-altered appearance diminishes some of their authenticity.

15. While the appellant submits, in mitigation, that the new opening would be fully concealed by the lean-to extension, given the predominantly glazed nature of the extension, including proposed sliding doors, I agree with the Council that the opening within would be likely to remain visible to a degree. Moreover, the heritage harm caused by the removal of the existing fabric, albeit partly comprising a modern window, along with the arrow slit vent, is not solely contingent on visibility.
16. The appellant maintains the magnitude of any harm caused would be low, taking account of the degree of change that the curtilage listed building has already undergone, which the HIS indicates has diminished its historic character as a farm building. However, while the original conversion of the building to residential use inevitably altered its character to an extent, its external form, structure and detailing continue to make it recognisable as a former threshing barn, while its position among a group of former agricultural buildings, historically associated with Whitehouse Farmhouse, contribute to its significance. Moreover, previous changes to North Barn including the modern window, even if unsympathetic, would not justify causing further heritage harm by removing a sizeable section of the external wall and a feature of evidential value.
17. Views from, and the immediate setting of, Whitehouse Farmhouse itself would not be directly affected given that it is about 40m south-east of North Barn and on lower ground. I also agree with the appellant that the creation of the large opening would not have a significant effect on the internal layout of the building, given that the original internal form would have been much altered by the earlier conversion to residential use. However, it would be out of character with the original form of the building, as a wide opening in the proposed position on the external wall would be untypical historically.
18. I understand that threshing barns would typically have been buildings with few or no windows and limited apertures, aside from large central openings with tall timber doors on either side, which would have allowed access to the threshing area for carts or wagons with crops, and arrow slits for ventilation. Therefore, in my view the creation of a wide opening in this part of the external wall, along with the removal of an arrow slit vent, notwithstanding its alleged modified form, would have a detrimental effect on the historic character and significance of the existing building.
19. Overall therefore, I conclude that the proposed scheme would fail to preserve the special architectural and historic interest of Whitehouse Farmhouse, a Grade II listed building, as a result of the adverse effects on the significance of North Barn, which is deemed part of it. Consequently, it would conflict with an objective within paragraph 6.1.6 of PPW and relevant parts of TAN 24, which seek to safeguard the character of historic buildings and manage change so that their special architectural and historic interest is preserved. In respect of Appeal A, it would also fail to comply with policies DES1 and H4 of the Monmouthshire County Council Adopted Local Development Plan (February 2014) ('LDP') with regard to respecting the historic environment and ensuring that proposals for subsequent extensions to buildings already converted to residential use in the countryside respect the rural character and design of the building.

#### **Other Matter**

20. In representations submitted regarding the appeals, Cadw appears to go further than the Council by objecting to not only the proposed opening in the external wall but also to the lean-to extension itself and the ancillary works. While that is noted and I have considered

the proposal as a whole, it is relevant that those other elements already benefit from planning permission and listed building consent, as indicated above, which would be capable of being implemented as a fallback. In any event, I am dismissing the appeals for the reasons given.

## Conclusions

21. As established by case law, the harm identified to the special architectural and historic interest of the listed building must be afforded considerable importance and weight, given the statutory presumption that preservation is desirable.
22. While section 5.13 of TAN 24 advises, among other things, that the extent to which proposed works would bring substantial community benefits should be considered, there is no evidence that such benefits would arise in this case. North Barn is already in residential use and the continuation of that use is not dependent on the proposed works. Although the lean-to extension would provide additional functional living space, that could also be provided via the extant consents which do not involve the creation of such a wide opening in the external wall or the loss of the arrow slit vent. In any case, such benefits, in terms of living space, would not outweigh the harm that would be caused by the appeal scheme to the special architectural and historic interest of the listed building. Consequently, the proposal conflicts with PPW and TAN 24 and, with regard to Appeal A, fails to accord with relevant policies within the LDP.
23. For the reasons given above and having regard to all other matters raised, I conclude that both Appeal A and Appeal B should be dismissed.
24. In reaching my decisions, I have taken into account the requirements of sections 3 and 5 of the Well-being of Future Generations (Wales) Act 2015 ('the Act'). I consider that these decisions are in accord with the Act's sustainable development principle through its contribution towards one or more of the Welsh Minister's well-being objectives set out as required by section 8 of the Act.

*JP Tudor*

INSPECTOR

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## Appeal Decision

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by Zoe Baxter BSc, MSc, MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 18/07/2025

Appeal reference: CAS-03994-W7R9B0

Site address: 1 Pen Y Wern Cottage, Pen Y Wern Road, Penperlleni, Goytre, NP4 0AB

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- 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 Lyndon Hawkins against the decision of Monmouthshire County Council.
  - The application Ref DM/2024/00398 dated 25 March 2024, was refused by notice dated 18 December 2024.
  - The development is proposed conversion of outbuilding to 2 no. holiday lettings.
  - A site visit was made on 1 May 2025.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are whether the proposed development:
  - would comply with relevant planning policies concerning residential conversions in the countryside; and
  - would adversely affect the integrity of the River Usk Special Area of Conservation (SAC).

### Reasons

3. The appeal site comprises the existing outbuilding within the garden of the semi-detached cottage. The outbuilding is situated adjacent to the southwestern boundary which adjoins Pen Y Wern Road. Although close to the village of Penperlleni, it is situated outside of the settlement boundary as defined in the Monmouthshire County Council Adopted Local Development Plan (LDP) and is therefore in the countryside. The outbuilding was in use for storage and as a workshop during my site visit.

#### *Residential conversion policies*

4. Policy T2 of the Monmouthshire LDP states outside town and village development boundaries, the provision of permanent serviced or self-catering visitor accommodation will only be permitted if it consists of the re-use and adaptation of existing buildings and the conversion of buildings for such uses complies with the criteria set out in Policy H4.
5. Policy H4 relates to the conversion/rehabilitation of rural buildings in the open countryside for residential use. The Council highlight criterion e) to be of relevance which requires, amongst other matters, buildings will be expected to have been used for their intended

purpose for a significant period of time and particularly close scrutiny will be given to proposals relating to those less than 10 years old, especially where there has been no change in activity on the unit.

6. The appellant contends that an outbuilding has been present at the appeal site in excess of 70 years and provides a copy of an ordnance survey map dated 1971 clearly showing a structure, along with copies of Google Streetview images for 2009 and 2011 showing an outbuilding adjacent to the southwestern boundary of the site.
7. Whilst I do not dispute this evidence, planning permission was granted in 2020 for rebuilding of the outbuilding (ref. DM/2020/01459). The approved plans show that although the new outbuilding is of a similar size, it is of slightly different shape and position within the site. As such, the original outbuilding shown in the evidence provided no longer exists at the site, with the current outbuilding constructed at the site post 2020. Although I am not suggesting this is the case in the scheme before me, Policy H4(e) seeks to prevent applicants circumventing the strict control over development in the countryside by acquiring planning permission on the basis a new building will be used for a purpose which complies with countryside policy but intending to convert it to purpose that would not.
8. The Council do not dispute that the proposal would comply with the other criterion of Policy H4 and I do not disagree. Nevertheless, although there has been an outbuilding at the property in use as a workshop in excess of 10 years at the site, this was replaced by the outbuilding which is presently at the site following planning permission granted in 2020. As such, the outbuilding subject to the appeal proposal has not been used for its intended purpose as a double garage and workshop for 10 years. Therefore, the proposal would not comply with Policies H4 and T2 of the LDP concerning residential conversions in the countryside.

#### *River Usk SAC*

9. The River Usk is a SAC and is protected under the Conservation of Habitats and Species Regulations 2017 (the Habitats Regulations). Natural Resources Wales (NRW) has set new phosphate standards for the riverine SAC's of the Wye and Usk and their catchment areas.
10. Accordingly, new development within any part of the catchment which will increase the amount or concentration of wastewater effluent or organic materials discharged directly or indirectly into the catchment's waterbodies has the potential to increase phosphate levels within those waterbodies.
11. The site is not within a public mains sewered area and therefore there is no dispute over the proposed use of a private drainage system. The appeal submission includes details of the Vortex advanced Activated Sludge Process (ASP) sewage treatment plant which is proposed to be installed at the site. It includes detailed information on the treatment process, performance and installation details of the treatment plant. The appellant has also provided an email confirming that the treatment plant proposed would meet the relevant criteria provided by NRW in order to be screened out as not likely to have a significant effect on a river SAC. However, no site-specific details are provided in terms of where the proposed plant would be located within the site and there is no plan showing this or the associated drainage field in relation to any surface water feature, including a river, stream, ditch or drain and any other ground discharge at the site. Similarly, there are no details of the soil or percolation tests to understand if the ground conditions would be suitable. As such, in light of the limited evidence demonstrating compliance with the criteria, I am not satisfied that the proposal would not have a significant effect on a river SAC.



12. In light of this and given that the conflict with the countryside policy identified above which provides strong grounds to dismiss the appeal, I need not undertake a Habitats Regulations Assessment.
13. To conclude I am not satisfied that the proposal would not adversely affect the integrity of the River Usk SAC and therefore would pose an unacceptable risk to interests of nature conservation, contrary to LDP Policy EP1. In addition, the proposal would not accord with the Conservation of Habitats and Species Regulations 2017.

#### **Other Matter**

14. Although I note the proposal would create some local jobs and provide accommodation for visitors to events in the surrounding area, given the scale of the development such benefits would not be sufficient to outweigh the harm identified.

#### **Conclusion**

15. For the above reasons and having regard to all other matters raised, the appeal is dismissed.
16. In reaching my decision, I have taken into account the requirements of sections 3 and 5 of the Well-Being of Future Generations (Wales) Act 2015. I consider that this decision is in accordance with the Act's sustainable development principle through its contribution towards one or more of the Welsh Ministers' well-being objectives.

*Zoe Baxter*

INSPECTOR

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