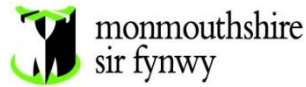


Public Document Pack



County Hall
Rhadyr
Usk
NP15 1GA

Monday, 29 September 2025

Notice of meeting:

Planning Committee

Tuesday, 7th October, 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 - 6
4.	To consider the following Planning Application reports from the Chief Officer Place and Community Wellbeing (copies attached):	
4.1.	Application DM/2021/01700 - The demolition of existing buildings and the construction of 4 two-bedroom, four-person houses and an apartment block with 9 one-bedroom, two-person flats. Land At Wheat Field Close, Monmouth.	7 - 22
4.2.	Application DM/2025/00379 - Erection of a detached single storey dwelling with integral garage, small curtilage buildings, new driveway paths and landscaping. Minor alterations to existing access. Land to the north of 29 Main Road, Portskewett, NP26 5SA.	23 - 34
4.3.	Application DM/2025/00831 - Modification of condition 2 relating to planning DM/2024/00741: we would like the operating hours to be extended. We would like the following hours going forward: Monday: 8AM-9PM. Tuesday: 8AM-9PM. Wednesday: 8AM-9PM. Thursday: unchanged. Friday: unchanged. Saturday: unchanged. Sunday: unchanged. 30 Lion Street, Abergavenny, NP7 5NT.	35 - 44
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	North Barn, Whitehouse Farm, Llanvair Grange Road, Llanfair Kilgeddin, Monmouthshire NP7 9BB.	45 - 50

5.2.	Land at North Court Farm, Redwick, Caldicot NP26 3DX.	51 - 74
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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;	Independent Socialist
County Councillor Steven Garratt	Overmonnow;	Welsh Labour/Llafur Cymru
County Councillor Meirion Howells	Llanbadoc & Usk;	Independent
County Councillor Su McConnel	Croesonen;	Welsh Labour/Llafur Cymru
County Councillor Jayne McKenna	Mitchel Troy and Trellech United;	Welsh Conservative Party
County Councillor Phil Murphy	Caerwent;	Welsh Conservative Party
County Councillor Maureen Powell	Pen Y Fal;	Welsh Conservative Party
County Councillor Sue Riley	Bulwark and Thornwell;	Welsh Labour/Llafur Cymru
County Councillor Dale Rooke	Chepstow Castle & Larkfield;	Welsh Labour/Llafur Cymru
County Councillor Ann Webb	St Arvans;	Welsh Conservative Party

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Public Information

Any person wishing to speak at Planning Committee must do so by registering with Democratic Services by no later than 12 noon two working days before the meeting. Details regarding public speaking can be found within this agenda

Access to paper copies of agendas and reports

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

Watch this meeting online

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

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

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

Welsh Language

The Council welcomes contributions from members of the public through the medium of Welsh or English. We respectfully ask that you provide us with 5 days notice prior to the meeting should you wish to speak in Welsh so we can accommodate your needs.

Aims and Values of Monmouthshire County Council

Our purpose

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

Objectives we are working towards

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

Our Values

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

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

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

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

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

Purpose

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

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

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

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

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

Decision-making

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

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

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

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

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

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

Planning policy context

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

Monmouthshire's Local Development Plan (LDP) sets out the Council's vision and objectives for the development and use of land in Monmouthshire, together with the policies and proposals to implement them over a 10 year period to 2021. The plan area excludes that part of the County contained within the Brecon Beacons National Park. It has a fundamental role in delivering sustainable development. In seeking to achieve this it sets out a framework for the development and use of land and for the protection of the environment. It also guides and facilitates investment decisions as well as the delivery of services and infrastructure. It determines the level of provision and location of new housing, employment and other uses and sets the framework for considering all land use proposals during the plan period. The LDP contains over-arching policies on development and design. Rather than repeat these for each application, the full text is set out below for Members' assistance.

Policy EP1 - Amenity and Environmental Protection

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

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

Policy DES1 – General Design Considerations

All development should be of a high quality sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Development proposals will be required to:

- a) Ensure a safe, secure, pleasant and convenient environment that is accessible to all members of the community, supports the principles of community safety and encourages walking and cycling;
- b) Contribute towards sense of place whilst ensuring that the amount of development and its intensity is compatible with existing uses;
- c) Respect the existing form, scale, siting, massing, materials and layout of its setting and any neighbouring quality buildings;
- d) Maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable;
- e) Respect built and natural views and panoramas where they include historical features and/or attractive or distinctive built environment or landscape;

- f) Use building techniques, decoration, styles and lighting to enhance the appearance of the proposal having regard to texture, colour, pattern, durability and craftsmanship in the use of materials;
- g) Incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;
- h) Include landscape proposals for new buildings and land uses in order that they integrate into their surroundings, taking into account the appearance of the existing landscape and its intrinsic character, as defined through the LANDMAP process. Landscaping should take into account, and where appropriate retain, existing trees and hedgerows;
- i) Make the most efficient use of land compatible with the above criteria, including that the minimum net density of residential development should be 30 dwellings per hectare, subject to criterion l) below;
- j) Achieve a climate responsive and resource efficient design. Consideration should be given to location, orientation, density, layout, built form and landscaping and to energy efficiency and the use of renewable energy, including materials and technology;
- k) Foster inclusive design;
- l) Ensure that existing residential areas characterised by high standards of privacy and spaciousness are protected from overdevelopment and insensitive or inappropriate infilling.

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

Supplementary Planning Guidance (SPG):

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

- Green Infrastructure (adopted April 2015)
- Conversion of Agricultural Buildings Design Guide (adopted April 2015)
- LDP Policy H4(g) Conversion/Rehabilitation of Buildings in the Open Countryside to Residential Use- Assessment of Re-use for Business Purposes (adopted April 2015)
- LDP Policies H5 & H6 Replacement Dwellings and Extension of Rural Dwellings in the Open Countryside (adopted April 2015)
- Abergavenny Conservation Area Appraisal (adopted March 2016)
- Caerwent Conservation Area Appraisal (adopted March 2016)
- Chepstow Conservation Area Appraisal (adopted March 2016)
- Grosmont Conservation Area Appraisal (adopted March 2016)
- Llanarth Conservation Area Appraisal (adopted March 2016)
- Llandenny Conservation Area Appraisal (adopted March 2016)
- Llandogo Conservation Area Appraisal (adopted March 2016)
- Llanover Conservation Area Appraisal (adopted March 2016)
- Llantilio Crossenny Conservation Area Appraisal (adopted March 2016)
- Magor Conservation Area Appraisal (adopted March 2016)
- Mathern Conservation Area Appraisal (adopted March 2016)
- Monmouth Conservation Area Appraisal (adopted March 2016)
- Raglan Conservation Area Appraisal (adopted March 2016)
- Shirenewton Conservation Area Appraisal (adopted March 2016)
- St Arvans Conservation Area Appraisal (adopted March 2016)
- Tintern Conservation Area Appraisal (adopted March 2016)
- Trellech Conservation Area Appraisal (adopted April 2012)
- Usk Conservation Area Appraisal (adopted March 2016)
- Whitebrook Conservation Area Appraisal (adopted March 2016)
- Domestic Garages (adopted January 2013)
- Monmouthshire Parking Standards (adopted January 2013)
- Approach to Planning Obligations (March 2013)
- Affordable Housing (revised version) (adopted July 2019)

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

National Planning Policy

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

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition12
- PPW Technical Advice Notes (TAN):
 - TAN 1: Joint Housing Land Availability Studies (2015)
 - TAN 2: Planning and Affordable Housing (2006)
 - TAN 3: Simplified Planning Zones (1996)
 - TAN 4: 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. Please leave a daytime telephone number. Any requests to speak that are emailed through will be acknowledged prior to the deadline for registering to speak. If you do not receive an acknowledgement before the deadline please contact Democratic Services on 01633 644219 to check that your registration has been received.

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

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

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

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

Content of the Speeches

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

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

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

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

Procedure at the Planning Committee Meeting

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

- The Chair will identify the application to be considered.
- An officer will present a summary of the application and issues with the recommendation.
- The local member if not on Planning Committee will be invited to speak for a maximum of 6 minutes by the Chair.
- If applicable, the video recording of the representative of the community or town council will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the community or town council has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the community or town council representatives may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the objector's video recording will then be played to the Members (this shall be no more than 4 minutes in duration) Alternatively, if a third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the objector may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the supporter's video recording will then be played to Members (this shall be no more than 4 minutes in duration) Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the supporter may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- If applicable, the applicant's (or appointed agent's) video recording will then be played to Members (this shall be no more than 4 minutes in duration). Alternatively, if the third party has opted to submit a script of their representations that will be read out by an officer to the Committee Members at the meeting. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting for a maximum of 4 minutes.
- Where more than one person or organisation speaks against an application, the applicant or appointed agent, shall, at the discretion of the Chair, be entitled to submit a video of their response of up to 5 minutes in duration. Alternatively, the applicant (or appointed agent) may address the Planning Committee in person at the meeting up to 5 minutes in duration.
 - Time limits will normally be strictly adhered to, however the Chair will have discretion to amend the time having regard to the circumstances of the application or those speaking.
 - Speakers may speak only once.
 - Committee Members may then raise technical questions with officers.
 -
- Planning Committee members will then debate the application, commencing with the

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

- Where an objector or supporter or applicant/agent community or town council has spoken on an application no further speaking by or on behalf of that group will be permitted in the event that the application is considered again at a future meeting of the Committee unless there has been a material change in the application.
- The Chair's decision regarding a procedural matter is final.
- When proposing a motion either to accept the officer recommendation or to make an amendment the Member proposing the motion shall state the motion clearly.
- When the motion has been seconded the Chair shall identify the Members who proposed and seconded the motion and repeat the motion proposed (including any additional conditions or other matters raised). The names of the proposer and seconder shall be recorded.
- Members shall decline to vote in relation to any planning application unless they have been present in the meeting of the Planning Committee throughout the full presentation and consideration of that particular application.
- Any Member who abstains from voting shall consider whether to give a reason for their abstention.
- The Legal Officer shall count the votes and announce the decision.
-
- When the motion has been seconded, the Chair shall identify the members who proposed and seconded the motion and repeat the motion proposed. The names of the proposer and seconder shall be recorded.
- A member shall decline to vote in relation to any planning application unless he or she has been present in the meeting of the Planning Committee throughout the full presentation and consideration of that application.
- Any member who abstains from voting shall consider whether to give a reason for his/her abstention.
- An officer shall count the votes and announce the decision.

Public Document Pack Agenda Item 3

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th
September, 2025 at 2.00 pm**

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

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

County Councillor Louise Brown attended the meeting by invitation of
the Chair

OFFICERS IN ATTENDANCE:

Andrew Jones	Head of Planning
Molly Edwards	Principal Heritage Officer
Jo Draper	Senior Development Management Officer
Joanne Chase	Head of Commercial Law
Richard Williams	Democratic Services Officer

APOLOGIES:

None.

1. Declarations of Interest

County Councillor Rachel Buckler declared a personal, non-prejudicial interest pursuant to the Members' Code of Conduct in respect of application DM/2024/01294 as she was contacted by an interested party. However, she did not express any opinion on this matter.

2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 5th August 2025 were confirmed as an accurate record.

3. Application DM/2024/01295 - Outline planning application for residential development of up to 110 dwellings with landscaping, public open space and associated infrastructure works at Drewen Farm, Monmouth. All matters reserved except for access points. Land At Drewen Farm, Watery Lane, Monmouth, NP25 5AT

We considered the report of the application which was recommended for approval subject to the conditions outlined in the report with additional conditions as outlined in late correspondence. Also, that a Section 106 Agreement be sought.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th
September, 2025 at 2.00 pm**

https://youtu.be/PwcBnl-L_co?si=qdzlOu7CHpwUdXNr&t=180

In noting the detail of the application and the views expressed, it was proposed by County Councillor Tony Easson and seconded by County Councillor Rachel Buckler that application DM/2024/01295 be approved subject to the conditions outlined in the report with additional conditions as outlined in late correspondence. Also, that a Section 106 Agreement be sought.

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

For approval	-	16
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2024/01295 be approved subject to the conditions outlined in the report with additional conditions as outlined in late correspondence. Also, that a Section 106 Agreement be sought.

4. Application DM/2024/01513 - This is an existing double garage with flat over, approved under application number DM/2021/01503. The application seeks to change the use of the flat to an air b&b. There will be no construction or alteration to the internal layout as approved. The bnb will let out to a 1 car family, couple or party of max 3 people. The building had building regulation approval upon completion of construction in 2023. Rosewood, A48 Chepstow Garden Centre to Pwllmeyric Hill, Pwllmeyric, Monmouthshire, NP16 6LA

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

https://youtu.be/PwcBnl-L_co?si=p9_jSL1WW2SBI-GS&t=3180

In noting the detail of the application and the views expressed, it was proposed by County Councillor John Crook and seconded by County Councillor Tony Easson that application DM/2024/01513 be approved subject to the conditions outlined in the report.

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

For approval	-	14
Against approval	-	1
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2024/01513 be approved subject to the conditions outlined in the report.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th
September, 2025 at 2.00 pm**

5. 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

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

https://youtu.be/PwcBnl-L_co?si=eSxnEOi1eJwEqxPt&t=4435

In noting the detail of the application and the views expressed, it was proposed by County Councillor Jayne McKenna and seconded by County Councillor Emma Bryn that application DM/2024/01294 be approved subject to the conditions outlined in the report.

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

For approval	-	16
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2024/01294 be approved subject to the conditions outlined in the report.

6. Application DM/2025/00717 - Application to retain the two existing internally illuminated fascia signs. 43 Frogmore Street, Abergavenny, NP7 5AN

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

The application had been presented to Planning Committee at its August 2025 meeting with an officer recommendation for refusal. However, Members had been minded to approve the application and resolved that it be re-presented to a subsequent Planning Committee meeting with appropriate conditions.

https://youtu.be/PwcBnl-L_co?si=TIJ6N_pkgqRmzpvk&t=5277

In noting the detail of the application and the views expressed, it was proposed by County Councillor Tony Easson and seconded by County Councillor John Crook that application DM/2025/00717 be approved subject to the conditions outlined in the report.

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

For approval	-	13
Against approval	-	2
Abstentions	-	1

The proposition was carried.

MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th September, 2025 at 2.00 pm

We resolved that application DM/2025/00717 be approved subject to the conditions outlined in the report.

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

https://youtu.be/PwcBnl-L_co?si=OiwmC0WIT5O6zXml&t=6646

7.1. Land at Severn Bridge Industrial Estate, Pill Row, Caldicot, Monmouthshire, NP26 5PR

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at Severn Bridge Industrial Estate, Pill Row, Caldicot, Monmouthshire, NP26 5PR on 25th June 2025.

We noted that the appeal had been dismissed, and the enforcement notice was upheld. Planning permission was refused on the application deemed to have been made under Section 177(5) of the Act.

7.2. Land near Plas Ivor Cottage, Hill House to Llymon Brook, Cross Ash NP7 8PT

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at land near Plas Ivor Cottage, Hill House to Llymon Brook, Cross Ash NP7 8PT on 18th July 2025.

We noted the following decision:

1. It is directed that the enforcement notice be corrected by replacing Schedule 2 of the Notice with: "Unauthorised material change of use of the land from agriculture to residential use including the associated siting of mobile home & kennels/wooden structures".
2. Subject to this correction, the enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

7.3. The Old Forge, Main Road, Portskewett, NP26 5SG

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at the Old Forge, Main Road, Portskewett NP26 5SG on 18 July 2025.

We noted that the appeal had been dismissed.

MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held
In the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 9th
September, 2025 at 2.00 pm**

**7.4. Land at 8 Woolpitch Wood, Bayfield, Chepstow, Monmouthshire, NP16
6DW**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at 8 Woolpitch Wood, Bayfield, Chepstow, Monmouthshire, NP16 6DW on 10th July 2025.

We noted the following decision:

It is directed that the Enforcement Notice be corrected by the substitution of the alleged breach of planning control set out at Schedule 2 in its entirety with the following words: "The construction of decking measuring over 30cm in height above the ground levels of the rear garden". Subject to that correction, the appeal is dismissed and the Enforcement Notice upheld.

The meeting ended at 3.59 pm.

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Application Number: DM/2021/01700

Proposal: The demolition of existing buildings and the construction of 4 two-bedroom, four-person houses and an apartment block with 9 one-bedroom, two-person flats

Address: Land At Wheat Field Close, Monmouth

Applicant: MHA

Plans: 3860(003)-PEN-ZZ-FF-DR-A-4005-S4-P3, 3860(003)-PEN-ZZ-GF-DR-A-2002-S4-P3, 3860(003)-PEN-ZZ-GF-DR-A-4002-S4-P3, 3860(003)-PEN-ZZ-ZZ-DR-A-1100-S4-P2, 3860(003)-PEN-ZZ-ZZ-DR-A-1101-S4-P7, 3860(003)-PEN-ZZ-ZZ-DR-A-1300-S4-P2, 3860(003)-PEN-ZZ-ZZ-DR-A-2008-S4-P4, 3860(003)-PEN-ZZ-ZZ-DR-A-4008-S4-P5, 3860(003)-PEN-ZZ-ZZ-DR-A-1000-S4-P3, GRY-9707-100-P2, Building Inspection and Bat Survey Report. Wheatfield Close, Overmonnow. - 16.09.2024, Flood Consequences Assessment GRYS-9707-REP01-R1-FCA - January 2022, 003)-PEN-ZZ-GF-DR-A-2005-S4-P3, Flood Consequences Assessment (FCA), Revision 2, by Grays Ltd. Reference: GRYS-9707-REP01-R2-FCA

RECOMMENDATION: Approved subject to S106 agreement

Case Officer: David Wong
Date Valid: 28.10.2021

The application is presented to Planning Committee as the application has received five or more neighbour objections

1.0 APPLICATION DETAILS

1.1 Proposal Description

1.1.1 Monmouthshire Housing Association (MHA) proposes to redevelop an existing housing site at Wheat Field Close, Monmouth. The site lies within the Monmouth Town Development Boundary and currently comprises two blocks of residential flats (two and three storeys), containing three two-bedroom flats, three three-bedroom flats, and eight three-bedroom maisonettes. All units are owned and managed by MHA.

1.1.2 Wheat Field Close is a private road not maintained by the Council's Highways Department. It is accessed directly off Brook Estate, an unclassified narrow road via a simple T-junction. Brook Estate connects to Rolls Avenue and Watery Lane, which link to the wider local highway network.

1.1.3 MHA has indicated that the existing flats, built in the 1960s/70s, require significant investment to meet current energy efficiency and quality standards. The flats have been vacant for over five years. Current housing demand in the area shows a need for one-bedroom flats/houses, two-bedroom houses, and three-bedroom houses. Accordingly, the proposal seeks to demolish the existing blocks and replace them with a scheme that better reflects local housing need and provides accommodation that meets modern living standards.

1.1.4 This proposal is a revised version of the original scheme submitted to Monmouthshire County Council in 2021. This application remains undetermined due to unresolved foul drainage issues (Phosphate), which have now been addressed. This revised scheme comprises four two

bedroom, four-person houses and a new apartment block containing nine one-bedroom, two-person flats. The development will include 14 on-site parking spaces and external storage for bicycles and bins.

1.1.5 The layout of the proposed dwellings will broadly follow the existing 'L'-shaped configuration. However, the building block that comprises four houses are positioned closer to Brook Estate compared to the previous units. The new rear apartment building block occupies a larger footprint and is shifted nearer to the site boundary adjoining the rear gardens of neighbouring properties. Foul water will be discharged to the public sewer, and surface water will be managed through sustainable drainage systems.

1.1.6 Below are the overall dimensions of the existing and proposed buildings (these figures are best estimates):

Building Fronting Brook Estate:

	Existing	Proposed
Height	9.7m	8.2m
Width	19.2m	22.1m
Depth	8.8m	9.2m

Building At The Rear:

	Existing	Proposed
Height	12.4m	12.4m
Width	19.4m	25.3m
Depth	7.3m	10.1m

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2021/01700	This amended proposal revises the original scheme of 8 one- and two-bedroom units to include the demolition of existing buildings and the construction of 4 two-bedroom, four-person houses and an apartment block with 9 one-bedroom, two-person flats.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

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

Development Management Policies

DES1 LDP General Design Considerations
 EP1 LDP Amenity and Environmental Protection

EP3 LDP Lighting
H1 LDP Residential Development in Main Towns, Severnside Settlements and Rural Secondary Settlements
MV1 LDP Proposed Developments and Highway Considerations
NE1 LDP Nature Conservation and Development
SD1 LDP Renewable Energy
SD2 LDP Sustainable Construction and Energy Efficiency
SD3 LDP Flood Risk
SD4 LDP Sustainable Drainage
GI1 LDP Green Infrastructure

Supplementary Planning Guidance

Infill Development Supplementary Planning Guidance 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.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Monmouth Town Council – Approval recommended, subject to the following conditions:

- * Flood concerns raised by SuDS and NRW are fully addressed by the applicant;
- * A Construction Environmental Management Plan (CEMP) is prepared and implemented;
- * Clear and meaningful biodiversity enhancements are incorporated into the scheme.

Councillors acknowledged public concerns about traffic and building aesthetics but agreed the development would not significantly impact traffic due to similar occupancy levels. While aesthetic concerns were noted, the design was considered clean and modern, supporting local housing needs. Councillors requested a detailed landscaping plan, particularly regarding rear boundary trees, and clearer biodiversity measures. They also noted SuDS and NRW comments, including the recommendation for a Construction Environmental Management Plan (CEMP).

MCC Highways - Further to our previous comments, it has now been clarified that no off-site works are proposed, and as such, earlier concerns regarding boundary treatment are withdrawn. However, to ensure clarity, we request that the applicant provides additional drawings confirming

this, to be secured by condition should planning approval be granted. While we acknowledge the applicant's assertion that occupancy levels are expected to be lower, we request that a full sustainability assessment be submitted as a condition of approval to justify the reduced parking provision. Despite the details provided, we retain concerns regarding parking capacity and layout, with recommendation of the above condition should permission be granted.

MCC Estates - We are aware of the application and are in discussions regarding a possible disposal (Subject to Contract and Council consent) of this land to support the scheme and development of affordable housing.

MCC Environment Health - No objection, subject to a pre-commencement Construction Environmental Management Plan (CEMP) condition. Additionally, where heat pumps are used in the proposed development information will need to be provided by the applicant to confirm how noise from such plant will be managed to protect the amenity of the occupiers of the proposed development along with neighbouring properties /business premises. Historical maps identify buildings on the site dating back to the late 1800's which indicate former development. The type of buildings are not clear, but it is likely they are houses. Whilst not a high risk of land contamination, it would have resulted in disturbed ground/made ground, which could contain some contamination, therefore a standard contamination condition is recommended.

HENEB (former Glamorgan Gwent Archaeological Trust) - There is unlikely to be an archaeological restraint to this proposed development and consequently, as the archaeological advisors to your Members, we have no objections to the positive determination of this application. The record is not definitive, however, and features may be disturbed during the course of the work. In this event, please contact this division of the Trust.

MCC SAB

Surface Water Drainage

Further information has been supplied on this subject. The application proposes discharge to a private water sewer which discharges into what appears to be a culverted watercourse approximately 40m to the east of the site. MHA have indicated that they are prepared to maintain the private surface water sewer if required. We therefore have no objection to the proposed discharge destination.

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

Note. These comments relate to surface water drainage. This team does not provide assessments of foul drainage systems.

Fluvial Flood Risk

NRW's Flood Map for Planning shows the site to be within Flood Zone 2 (rivers). NRW have engaged in the consultation and have provided detailed comment regarding fluvial flood risk. An updated FCA has been provided in response to these comments. We recommend that the anticipated future comments of NRW (who are the leading authority on fluvial flood risk) are given full consideration.

Pluvial Flood Risk

NRW's Flood Map for Planning also shows an area of pluvial flood risk (surface water and small watercourses) in the south-west of the site. This appears to be related to a modelled break-out from nearby small watercourses. The revised FCA (paragraph 10.5) suggests that "Selection of appropriate finished floor levels (FFLs) with falls away from thresholds will ensure that property is protected against any potential surface water flood risk.". However consideration of existing and proposed topographic levels presented on the drainage layout drawing and in the revised FCA show the highway to the west of the site to be at levels of around 20.2 to 20.3 m. The proposed

FFL for the dwellings is 20.2 m. This is a concern.

N.B. The FFLs of the proposed development would be a minimum of 20.2m AOD and can be agreed via condition as there may be a need to raise these very slightly in the relatively small part of the site that is affected by this pluvial flood risk.

Natural Resources Wales (NRW) - We continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the revised FCA is included in the approved plans and documents condition on the decision notice. The application site is within the catchment of the River Usk Special Area of Conservation (SAC). Recognising the specific nature of the application submitted which meets the screening criteria set out in our Planning Advice, we are satisfied that it is unlikely to increase the amount of phosphorus entering the catchment. Therefore, we are satisfied that the proposal is not likely to have a significant effect on the River Usk SAC.

Welsh Water - Dwr Cymru - Welsh Water has confirmed no objection to the proposed development. The intention to discharge foul water to the public sewer is acceptable in principle, and the use of sustainable methods for surface water disposal is welcomed. However, conditions are requested to manage the new connection to the public sewerage system and to prevent surface water from entering the foul mains.

MCC Biodiversity and Ecology - No objection subject to appropriate conditions for securing net benefit for biodiversity. A licence from Natural Resources Wales is not required for the development to proceed. The ecology report states that removal of hanging tiles will be undertaken by hand tools in the first instance. No details of lighting installation have been submitted with the application. If lighting is proposed at the site, a suitable lighting plan will need to be agreed (via condition) with the LPA to limit potential disturbance impacts on commuting and foraging bats.

5.2 Neighbour Notification

Five individual objections received (points summarised below):

- * The design and materials (e.g. grey brick, office-style doors) are not in keeping with the character of Brook Estate, which features red brick and traditional finishes.
- * Building height and placement are intrusive, reducing privacy and overshadowing neighbouring properties.
- * Tree planting near boundaries raises concerns about root impact on gardens.
- * Increased traffic and limited parking will worsen safety on narrow roads with poor pedestrian access.
- * Demolition and construction will cause prolonged noise and disruption; concerns about dust affecting health.
- * Concerns about hazardous materials during demolition and poor road access.
- * Communal bins may lead to odour, mess, and attract vermin.
- * Revised design reduces amenity and is out of scale with surrounding two-storey buildings.
- * Support for speed bumps to improve safety.
- * Request better engagement with neighbours before approval; residents are willing to cooperate but need responses.

Comments neither objecting to nor supporting the Planning Application:

- * Support the principle of redevelopment but concerned about increased traffic on narrow roads with limited pavements.
- * Highways comments suggest the scheme may be too intensive for the site and should be reconsidered. Previous proposal was less intensive and had less impact on road safety.
- * Removal of the existing bus stop, which is a valued community resource, should not be allowed.

5.3 Local Member Representations

No response 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>

6.1 Principle of Development

6.1.1 The Local Development Plan (LDP) and Planning Policy Wales (PPW) promote sustainable development and encourage the efficient use of brownfield land. The application site is located within an existing residential area and benefits from proximity to local amenities, including shops, playing fields, and schools. It is also well-connected via local bus services to Monmouth town centre and other surrounding areas, including access to wider transport networks such as train stations.

6.1.2 The site lies within the defined settlement boundary of Monmouth, which is identified as one of the Main Towns in the current Monmouthshire LDP. Policy H1 of the LDP states that development boundaries have been established for Main Towns, Severnside Settlements, and Rural Secondary Settlements (as identified in Policy S1). Within these boundaries, new residential development or redevelopment will be permitted, subject to detailed planning considerations and other relevant LDP policies that safeguard existing retail, employment, and community uses.

6.1.3 This proposal involves the redevelopment of an existing residential site within the Monmouth settlement boundary, and as such, there is no policy objection to the principle of development subject to detailed material considerations.

6.2 Good Design/Place making

6.2.1 The proposed development will feature a brick façade, which is regarded as a high-quality material. While some neighbouring residents have raised concerns that the proposed finish may not reflect the character of Brook Estate, where red brick and traditional finishes are more common, it is evident that the area exhibits a diverse range of housing styles and finishes. The area comprises a variety of housing types, including dormer bungalows, two-storey detached and semi-detached houses, terraced houses, and blocks of flats. External finishes vary and include brickwork, render, and cladding. Therefore, there would be no substantive basis to object to the design and appearance of the proposed units.

6.2.2 The proposed building line would be positioned closer to Brook Estate than the existing block of flats. However, there is no consistent building line along Brook Estate that would influence a different approach, and as such, this aspect of the proposal is considered acceptable.

6.2.3 In conclusion, the overall design and choice of external materials are considered to be appropriate in this context. The scale and mass of the proposed development are broadly comparable to the existing flats. Given the absence of a dominant architectural style in the area, the proposal is considered acceptable and in accordance with Policy DES1 of the LDP.

6.3 Historic Environment

6.3.1 The site is not located within a Conservation Area, and no listed buildings would be affected by the proposed development.

6.3.2 In relation to archaeology, Henneb has advised that the site has already been disturbed by previous development and associated groundworks. Given the limited scale of the proposal, it is unlikely that significant archaeological remains will be encountered during construction. Therefore, no archaeological concerns are anticipated.

6.4 Impact on Amenity

6.4.1 No. 36 Brook Estate has an existing obscure-glazed first-floor side window serving an en-suite, which is already overlooked by windows in the current block of flats. The proposed development will follow the footprint of the existing flats, forming an L-shaped layout. Although the proposed new units along Brook Estate will be approximately 4m closer to No. 36 Brook Estate than the existing block, no new first-floor side-facing windows are proposed. Therefore, the absence of additional windows ensures no increased overlooking.

6.4.2 Some neighbours have raised concerns regarding potential impacts on privacy and overshadowing. While the proposed blocks will occupy a larger footprint, their overall height remains broadly comparable to the existing buildings. The replacement three-storey block will be located approximately 2.5 metres closer to the site boundary but also 2.2 metres further away from

No. 36 Brook Estate. On balance, the spatial changes result in both gains and losses, but the overall impact is considered acceptable. It is noted that the revised layout creates a wider separation between the two replacement blocks on site, offering a more open outlook and reducing the sense of enclosure for neighbouring residents.

6.4.3 The Council's Environmental Health Department has raised no objections to the proposal, subject to the inclusion of a condition requiring a Construction Environmental Management Plan (CEMP). This plan will outline measures to mitigate noise, vibration, and dust during site preparation and construction, addressing concerns raised by neighbouring residents. Accordingly, the proposal complies with Policy EP1 of the LDP.

6.5 Phosphate/Biodiversity

6.5.1 The site lies within a Phosphorus Sensitive Catchment Area and has been held in abeyance since 2021 due to phosphate concerns. However, following a review of the local Wastewater Treatment Works (WwTW) permit, Welsh Water has confirmed sufficient headroom to accommodate the proposed development. As such, the proposal is unlikely to have a significant effect on the Special Area of Conservation (SAC).

6.5.2 Bat surveys conducted in 2020 were submitted with the application. Given the time elapsed, updated assessments have been carried out, as detailed in the submitted report: Building Inspection and Bat Survey Report, Wheatfield Close, Overmonnow (Soltys Brewster, 16 September 2024). The building has deteriorated since the original surveys, increasing the potential for roosting features. A single bat activity survey was undertaken under suitable conditions, and bat activity was found to be very low, with no emergence observed.

6.5.3 The Council's Biodiversity Officer has noted that the loss of amenity grassland will be mitigated through hedge and tree planting within the remaining amenity areas. To ensure net biodiversity gain, features such as bird boxes will be required. While it is preferable for ecological enhancements to be agreed prior to determination, the officer considers that the current layout provides sufficient scope for such features. A pre-commencement condition is therefore deemed appropriate. The proposal would thus comply with Policy NE1 of the LDP.

6.5.4 A standard landscaping condition will be imposed prior to commencement to review the type and location of proposed planting. Some neighbours have raised concerns regarding tree planting near boundaries, particularly the potential impact of roots on garden structures but that can be weighed up when considering a detailed planting scheme.

6.6 Highways/Parking

6.6.1 Further information was submitted in response to queries raised by the Council's Highways Department, confirming that no off-site works are proposed. As a result, earlier concerns regarding site boundary treatments have been withdrawn. The Highways Department has requested that the applicant submit additional drawings to confirm this, which can be secured via condition should planning permission be granted.

6.6.2 While the applicant has indicated that occupancy levels are expected to be lower than the existing arrangement, the Highways Department has requested a full sustainability assessment to be submitted as a condition of approval. Their concerns regarding parking capacity and layout remain and this information would justify the reduced parking provision. Objections have also been received from neighbouring residents, who are concerned about the potential loss of on-street parking and increased pressure on existing provision.

6.6.3 Planning Policy Wales - Edition 12 (PPW12) emphasises the importance of supporting developments that align with the Sustainable Transport Hierarchy; prioritising walking and cycling, followed by public transport, with private car use being the least desirable.

6.6.4 In this case, the existing site accommodates 14 residential units, whereas the proposed scheme comprises 13 units. The site is well located, offering reasonable walking and cycling links to key destinations and amenities in Monmouth. It is also served by local bus routes and lies within walking distance of the bus station on Monnow Street, which provides access to a comprehensive range of retail, educational, and service facilities. The site is therefore considered to be in a highly sustainable location, reducing reliance on private vehicles, which is supported by PPW12. Therefore, the highway request for a full sustainability assessment to justify the reduced parking

provision is not considered to be reasonably required in this instance.

6.6.5 In terms of parking provision, currently, the site includes five garages and an open, unmarked parking and turning area. The proposed scheme would provide 14 designated on-site parking spaces, one of which is for the visitors, offering an improved management of parking provision. This is considered a betterment compared to the existing unmanaged arrangement.

6.6.6 The site is located within a predominantly residential area and traffic is generally low in volume. The Highways Department would not agree that the proposed development would result in a significant deterioration in highway safety or capacity. In addition, no speed reduction measures are requested, and all required changes within the adopted road network would be considered under a separate application to the Highways Department.

6.6.7 It has also been clarified that the revised proposal would result in a reduction in the number of residents on site. All development would be confined to land within the applicant's ownership, and the existing bus stop would remain unaffected. Also, no loss of existing on-street parking is proposed, and the proposed parking provision is considered to be acceptable in this instance. Given the above, from a planning perspective, there are no grounds to sustain an objection on highway safety or lack of capacity for on-site parking.

6.6.8 As well as the Highways Department, other stakeholders have expressed a desire for the construction phase to be properly managed. As such, the inclusion of a Construction Traffic Management Plan (CTMP) condition is considered reasonable.

6.6.9 In light of the above, and subject to the imposition of a CTMP condition, the highways and parking aspects of the proposal are considered acceptable and in accordance with Policy MV1 of the LDP.

6.7 Affordable Housing

6.7.1 This application is made by the Monmouthshire Housing Association (MHA), which is a registered social housing landlord and a legal agreement would be drawn up, ensuring the proposed units would be retained as affordable housing units. Therefore, this element would be in compliance with Policy S4 of the LDP.

6.8 Flooding

6.8.1 The planning application proposes the demolition of residential flats (highly vulnerable development (HVD) and replacement with residential dwellings (HVD) and flats. The Flood Risk Map confirms the application site lies partially within Zone C2 of the Development Advice Maps (DAM) as contained in TAN15.

6.8.2 The submitted Flood Consequences Assessment (FCA) concludes that all accesses will remain flood free in the most extreme flood event, allowing access and egress to the wider highway network. The development would, therefore, be within the tolerable limits of A1.15 of TAN15.

6.8.3 Section 9.5 of the FCA states that the finished floor level (FFL) would be set at a minimum level of 20.2m AOD. Section 12.2 advises that the development site will largely mimic existing levels and existing development build extent and will therefore provide continuity in terms of any existing overland flow paths.

6.8.4 NRW advised that the development should be carried out in accordance with the FCA which advises FFL are set at 20.2m AOD. The Flood Consequences Assessment prepared by Grays referenced GRYS-9707-REP01-R1-FCA dated January 2022 is to be included in the approved plans and documents condition on the decision notice.

6.8.5 The Council's SAB team identified a part of the site in the south-western corner where some surface water flooding may occur in an extreme event. As such, a condition is recommended to agree finished floor levels of the residential units so that the development is not at risk, and should be a minimum of 20.2m AOD (and possibly slightly higher in the aforementioned area of risk).

6.8.6 Given the above, the scheme as submitted is acceptable from a flood perspective.

6.9 Foul Drainage

6.9.1 The intention is to discharge foul water to the public sewer, regarding which Welsh Water has raised no objection in principle, subject to compliance with Section 106 of the Water Industry Act 1991. Welsh Water has also noted that surface water will be managed via sustainable means and has welcomed this approach. A condition has been requested to ensure that surface water and/or land drainage does not connect directly or indirectly to the public sewerage network.

6.10 Surface Water Drainage

6.10.1 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). The requirement to obtain SAB consent sits outside of the planning process but is enforceable in a similar manner to planning law. It is a requirement to obtain SAB consent in addition to planning consent. Failure to engage with compliant SuDS design at an early stage may lead to significant unnecessary redesign costs.

The application proposes discharge to a private water sewer which discharges into what appears to be a culverted watercourse approximately 40 metres to the east of the site. MHA have indicated that they are prepared to maintain the private surface water sewer if required. In the light of this, the SAB team have no objection to the proposed discharge destination.

6.11 Land Contamination / Noise

6.11.1 The Council's Environmental Health Department has advised that, while the site is not considered to present a high risk of land contamination, the presence of disturbed or made ground could potentially contain contaminants. As such, a standard land contamination condition and informative are recommended.

6.11.2 Additionally, a Construction Environmental Management Plan (CEMP) is required to outline the steps and procedures that will be implemented to minimise noise, vibration, and dust during site preparation, groundwork, and construction phases.

6.11.3 In addition to the above, the Environmental Health Department has highlighted that should heat pumps be installed as part of the development, the applicant will be required to provide details confirming how noise from such equipment will be managed to protect the amenity of both future occupiers and neighbouring properties or businesses. Appropriately-worded conditions and informatives will be applied to address these matters.

6.12 Renewable Energy

6.12.1 The proposed development includes the installation of solar panels and air source heat pumps, in accordance with Policy SD1 of the Local Development Plan (LDP), supporting the delivery of low-carbon and energy-efficient housing.

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

6.13.1 Response to the neighbour objections received.

The design and materials (e.g. grey brick, office-style doors) are not in keeping with the character of Brook Estate, which features red brick and traditional finishes.

LPA response: Please refer to Section 6.2 of this report.

Building height and placement are intrusive, reducing privacy and overshadowing neighbouring properties.

LPA response: Please refer to Section 6.4 of this report.

Tree planting near boundaries raises concerns about root impact on gardens.

LPA response: Please refer to Section 6.5 of this report.

Increased traffic and limited parking will worsen safety on narrow roads with poor pedestrian access.

LPA response: Please refer to Section 6.6 of this report.

Demolition and construction will cause prolonged noise and disruption; concerns about dust affecting health.

LPA response: Please refer to Section 6.4 of this report.

Concerns about hazardous materials during demolition and poor road access.

LPA response: Please refer to Section 6.4 and 6.11 of this report.

Communal bins may lead to odour, mess, and attract vermin.

LPA response: No change of use is proposed in this application; it is a replacement housing scheme. The entire site is managed by MHA. This particular part of the site will be managed by the occupiers of the proposed units, in a manner consistent with how it was previously managed before the buildings became vacant. Previously, there was no designated area for bin storage, and large wheelie bins were placed unmanaged in the open courtyard. The current proposal includes a dedicated bin and cycle storage area, which will help improve the overall organisation and appearance of the site.

Revised design reduces amenity and is out of scale with surrounding two-storey buildings.

LPA response: Please refer to Section 6.2 of this report.

Support for speed bumps to improve safety.

LPA response: Please refer to Section 6.6 of this report.

Request better engagement with neighbours before approval; residents are willing to cooperate but need responses.

LPA response: the applicants would have submitted a public consultation exercise before submitting the planning application, and moreover, the planning application has been publicised via a press notice, site notice and neighbour letters to invite representations.

Support the principle of redevelopment but concerned about increased traffic on narrow roads with limited pavements. Highways comments suggest the scheme may be too intensive for the site and should be reconsidered. Previous proposal was less intensive and had less impact on road safety.

LPA response: Please refer to Section 6.6 of this report.

Removal of the existing bus stop, which is a valued community resource, should not be allowed.

LPA response: Please refer to Section 6.6 of this report.

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

6.14.1 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.

6.15 Conclusion

6.15.1 The proposal is in accordance with Policies DES1, EP1, EP2, EP3, H1, MV1, NE1, S4, SD1, SD2, SD3 and SD4 of the LDP.

7.0 RECOMMENDATION: APPROVE

Subject to a S106 agreement or unilateral undertaking requiring that all resulting residential units remain as Affordable Housing Units.

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

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

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

in the table below.

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

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

REASON: In the interests of highway safety and to ensure compliance with LDP Policy MV1.
IN

5 Prior to the commencement of development, to include demolition, a Construction Environmental Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The Construction Environmental Management Plan shall identify the steps and procedures that will be implemented to minimise the creation and impact of noise, vibration, dust from the site preparation, groundwork and construction phases of the development.

The approved Construction Environmental Management Plan shall be adhered to at all times, unless otherwise first agreed in writing with the Local Planning Authority.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby (LDP Policy EP1).

6 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.

7 Prior to the commencement of works, details of Biodiversity net benefit measures shall be submitted on plan, identifying location, positioning and specification which provides net benefit. The scheme shall provide for the future management and an implementation timetable. The scheme shall be submitted to and approved in writing by the Local Planning Authority. The development shall only proceed in accordance with the approved plans and shall be retained as such thereafter.

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

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

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

9 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.

10 No surface water and/or land drainage from the development hereby approved shall drain directly or indirectly to the public sewerage system.

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

11 No development shall take place until the sewer diversion scheme has been carried out and completed in accordance with the approved drawing 9707-GRY-01-00-DR-C-100 REV P4. The approved scheme shall be adhered to throughout the lifetime of the development and the protection measures shall be retained in perpetuity.

REASON: To ensure that the proposed development does not affect the integrity of the public sewerage system in the interests of public health and safety.

12 The development shall be carried out in strict accordance with Section 5 (Conclusions and Recommendations) of the approved "Wheatfield Close - Building Inspection and Bat Survey Report by Soltys Brewster, dated October 2020" report.

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

13 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be installed on the building or in the curtilage until an appropriate lighting 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.

14 Prior to installation of any proposed Air Source Heat Pump (ASHP), written confirmation shall be provided to the Local Planning Authority that it complies with the Microgeneration Certification Scheme (MCS) planning standard or an equivalent standard. Where the proposed ASHP does not comply with the MCS planning standard or an equivalent standard details of the specification of the unit to be used including the noise level (sound power level and sound pressure level at a given distance) and confirmation of its location shall be submitted to and approved in writing by the Local Planning Authority. The installation shall be carried out in accordance with the approved scheme.

REASON: To protect the amenity of the locality, especially for people living and/or working nearby (LDP Policy EP1).

15 Prior to the construction of the development hereby approved, details and/or samples of the materials to be used in the construction of the external surfaces of the buildings shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such in perpetuity.

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

16 Notwithstanding the submitted information, the finished floor levels of all residential units shall be agreed with the local planning authority prior to works commencing on site and the development shall be carried out in accordance with the approved details.

REASON: To ensure the development is not at risk of flooding, in accordance with Technical Advice Note (TAN) 15.

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).

Bat boxes

Bat boxes are more likely to be used if they are located where bats are known to feed. Ideally, several boxes should be put up facing in different directions on sunny aspects to provide a range of warm conditions. Boxes should be put as high as possible to try and avoid predation from cats on the ground or nearby structures. Bats use dark tree lines or hedgerows for navigation, so putting boxes near these features could help bats find the box.

In summary, locate boxes:

- Where bats are known to feed and navigate (close to hedges and tree lines);
- Ideally at least 4m above the ground (where safe installation is possible);
- Away from artificial light sources (to protect them from predation); and
- Sheltered from strong winds and exposed to the sun for part of the day (usually south, south-east or south-west).

Bats need time to find and explore new homes, and it may be several months or even years before boxes have residents - be patient! Once bats find a place they want to live they can return over and over again. Droppings on the landing area, urine stains around the lower parts of the box and chittering noises from inside on warm afternoons and evenings are signs of occupation.

Please note, as bats are vulnerable to disturbance and fully protected under UK law, boxes must only be opened by a licensed bat worker.

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 Bird boxes informative

5 MCC Highways

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.

5 MCC Land Drainage Informative:

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

Flooding

2 (locations with between a 1% and 0.1% probability of flooding in any one year). We have examined the proposals in relation to the new Technical Advice Note 15 (TAN15).

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

Our database of drainage and flood assets records only highway gullies and chambers in the vicinity of the site.

Applicants should note:

- NRW's flood risk maps are the product of a high level modelling exercise. They provide no guarantee that a site will not be flooded in future.
- Our database of historical flood events should not be regarded as complete. Your site may have been flooded previously yet still not appear on our database.
- Our database of drainage and flood assets should not be regarded as complete. It is the responsibility of the applicant to identify any such features which may affect or be affected by their development.

6 MCC Environmental Health Informative:

I would recommend that an informative is provided to the applicant informing them of the potential for ground contamination to be present and that all ground workers involved in the construction and the occupants of the house during the construction, take appropriated health, safety and hygiene measures. For example the use of appropriate personal protective equipment and practising good personal hygiene to avoid or minimise contact with made ground uncovered during the groundwork phase of the build.

7 HENEB Glamorgan Gwent Archaeological Trust's record is not definitive in the area of the proposal and features may be disturbed during the course of the work. In this event, please contact the Trust on 01792 655208.

8 NRW Informative:

River Usk Special Area of Conservation (SAC) We note the application site is within the catchment of the River Usk Special Area of Conservation (SAC). In line with our Advice to Planning Authorities for Planning Applications Affecting Nutrient Sensitive River Special Areas of Conservation (28 June 2024), under the Habitats Regulations, Planning Authorities must consider the impact of proposed developments on water quality within SAC river catchments. However, recognising the specific nature of the application submitted which meets the screening criteria set out in our Advice, we are satisfied that there is unlikely to be a source of additional nutrients and/or a pathway for impacts. As such, in our opinion, it would be reasonable for your Authority to screen out this proposal as not likely to have a significant effect on the River Usk SAC in relation to nutrient inputs.

European Protected Species

We note an updated ecological report ('Building Inspection and Bat Survey Report' dated 16th September 2024 by Soltysbrewster) has been submitted and that your Authority's ecologist has provided comments on this. As such we assume you do not seek our advice on this. If our advice is required please reconsult us advising what you seek our advice on.

Other Matters

The advice in this letter relates to matters which are included on our consultation topics list. We do not rule out the potential for the proposed development to affect other environmental interests that are not included on this list.

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.

9 Welsh Water Advisory Notes

The planning permission hereby granted does not extend any rights to carry out any works to the public sewerage or water supply systems without first having obtained the necessary permissions required by the Water industries Act 1991.

The applicant may need to apply to Dwr Cymru / Welsh Water for any connection to the public sewer under S106 of the Water industry Act 1991.

If the connection to the public sewer network is either via a lateral drain (i.e. a drain which extends beyond the connecting property boundary) or via a new sewer (i.e. serves more than one property), it is now a mandatory requirement to first enter into a Section 104 Adoption Agreement (Water Industry Act 1991). The design of the sewers and lateral drains must also conform to the Welsh Ministers Standards for Gravity Foul Sewers and Lateral Drains, and conform with the publication "Sewers for Adoption"- 7th Edition. Further information can be obtained via the Developer Services pages of www.dwrcymru.com

The applicant is also advised that some public sewers and lateral drains may not be recorded on our maps of public sewers because they were originally privately owned and were transferred into public ownership by nature of the Water Industry (Schemes for Adoption of Private Sewers) Regulations 2011. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

As of 7th January 2019, this proposed development is subject to Schedule 3 of the Flood and Water Management Act 2010. The development therefore requires approval of Sustainable Drainage Systems (SuDS) features, in accordance with the 'Statutory standards for sustainable drainage systems – designing, constructing, operating and maintaining surface water drainage systems'. It is therefore recommended that the developer engage in consultation with Monmouthshire County Borough Council, as the determining SuDS Approval Body (SAB), in relation to their proposals for SuDS features. Please note, Dwr Cymru Welsh Water is a statutory consultee to the SAB application process and will provide comments to any SuDS proposals by response to SAB consultation.

Capacity is currently available in the water supply system to accommodate the development. We reserve the right however to reassess our position as part of the formal application for the provision of new water mains under Section 41 and Section 51 of the Water Industry Act (1991) to ensure there is sufficient capacity available to serve the development without causing detriment to existing customers' supply as demands upon our water systems change continually.

In accordance with Planning Policy Wales (Edition 12) and Technical Advice Note 12 (Design), the applicant is advised to take a sustainable approach in considering water supply in new development proposals, including utilising approaches that improve water efficiency and reduce water consumption.

We would recommend that the applicant liaises with the relevant Local Authority Building Control department to discuss their water efficiency requirements.

Our response is based on the information provided by your application. Should the proposal alter during the course of the application process we kindly request that we are re-consulted and reserve the right to make new representation.

If you have any queries please contact the undersigned on 0800 917 2652 or via email at developer.services@dwrcymru.com

Please quote our reference number in all communications and correspondence.

Application Number: DM/2025/00379

Proposal: Erection of a detached single storey dwelling with integral garage, small curtilage buildings, new driveway paths and landscaping. Minor alterations to existing access.

Address: Land to the north of 29 Main Road, Portskewett, NP26 5SA

Applicant: Mr Vivian Danks

Plans: Site Plan 763 P03 Rev B - Proposed Site Plan, Elevations - Proposed 763 P08 Rev A - Garden Shed, Design and Access Statement - , Ecology Report EIA - Ecological July 25 V2, Location Plan 763 P01 - , Floor Plans - Proposed 763 P04 Rev A - , Other S240909.4 - Arboricultural Report, Green Infrastructure Appraisal/Statement - , Other Arctic Cabin - A 1 to 6, Elevations - Proposed 763 P05 - SE and NE, Elevations - Proposed 763 P06 - NW and SE, Elevations - Proposed 763 P07

RECOMMENDATION: Approved Subject To S106 agreement

Case Officer: Kate Young
Date Valid: 20.03.2025

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

1.0 APPLICATION DETAILS

1.1 Site Description

The site which is to the north of Main Road in Portskewett, covers approximately 0.9ha including 0.23 ha of woodland. There is a track into the site between nos. 27 and 29 Main Road. The site is located within the Portskewett Development Boundary. The access track is within an Archaeologically Sensitive Area. The site is not in a designated flood zone identified in the DAM maps of TAN 15 or the Flood Maps for Planning. To the north of the site runs a Public Right of Way and beyond that the land is designated as a Minerals Safeguarding Area.

The site comprises a triangular shaped paddock. The land falls approximately 5.5 metres across the site to a small area of mixed woodland in the south-east corner. To the north-west of the site there are two fields extending up to Portskewett Common and Portskewett Hill. The north-east boundary comprises of a poorly maintained native hedge row separating the site from fields and a recreation area known as Richard's Quest. There are residential properties along the southern boundary of the site.

The owner of the fields behind the site has a right of access over the access track and along the south-west boundary to an existing field gate in the northwest corner.

1.2 Proposal Description

The current full application seeks the erection of one single storey, three-bedroom bungalow with a linked garage, two outbuildings, an access and driveways. The main house is designed as three distinct sections to reflect the use. The main central section accommodates an open-plan sitting/dining/kitchen area and a study/craft room. Bedrooms and bathrooms are housed in the section to the right (east) and the left-hand (west) block contains garaging and service areas. The blocks are connected by two flat-roofed links accommodating the main entrance and laundry. The house will be constructed with a highly insulated timber frame, finished externally with vertical timber cladding. Small contrasting areas will be finished with horizontal timber cladding

and natural Welsh cropped slate stone walling. The main roofs will be slates or a riven artificial slate, black photovoltaic panels will be fixed in roof trays so that they are finished flush with the adjacent slates, windows and external doors are aluminium with a dark grey polyester paint finish. There would be an air source heat pump on the side of the proposed dwelling.

A shed to house site maintenance/ gardening equipment including a small tractor is proposed at the southern edge of the site. This will be a lightweight timber structure built off a shallow reinforced concrete raft foundation. It is proposed to erect a small summer house in the opening within the woodland.

The application is accompanied by the following documents:

Design and Access Statement

Ecological assessment prepared by Ecological Services Ltd, dated August 2024.

Badger Activity Report prepared by Badger Ecology, dated October 2024

Arboricultural Report prepared by TR33 Environments, dated March 2025.

GI Statement

2.0 RELEVANT PLANNING HISTOREY (if any)

Reference Number	Description	Decision	Decision Date
DM/2025/00379	Erection of a detached single storey dwelling with integral garage, small curtilage buildings, new driveway paths and landscaping. Minor alterations to existing access.	Pending Determination	

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S1 LDP The Spatial Distribution of New Housing Provision

S4 LDP Affordable Housing Provision

S12 LDP Efficient Resource Use and Flood Risk

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S15 LDP Minerals

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

SD2 LDP Sustainable Construction and Energy Efficiency

SD4 LDP Sustainable Drainage

GI1 LDP Green Infrastructure

NE1 LDP Nature Conservation and Development

EP1 LDP Amenity and Environmental Protection

MV1 LDP Proposed Developments and Highway Considerations

DES1 LDP General Design Considerations

LC5 LDP Protection and Enhancement of Landscape Character

EP5 LDP Foul Sewage Disposal

EP3 LDP Lighting

Supplementary Planning Guidance

Affordable Housing SPG July 2019:

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

Infill Development SPG November 2019:

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

Domestic Garages SPG (January 2013):

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Domestic-Garage-SPG-Jan-2013.pdf>

Monmouthshire Parking Standards (January 2013)

<http://www.monmouthshire.gov.uk/app/uploads/2015/07/Mon-CC-Parking-Standards-SPG-Jan-2013.pdf>

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

Portskewett Community Council - no objection, recommend approval.

MCC Highways - No objection.

Lead Local Flood Authority and SuDS Approval Body - No objection

As the site will have a total construction area greater than 100m², SAB approval will be required. The application has now demonstrated a means of surface water discharge to infiltration.

Natural Resources Wales (NRW) - No objection.

The application site is located within 750m of Bushy Close Site of Special Scientific Interest (SSSI). We have considered the Preliminary Ecological Assessment (PEA) by Ecological Service Ltd. (August 2024). Based on the information submitted, we consider the proposed development is not likely to damage the features for which Bushy Close SSSI is of special interest.

The application site is located within 1km of the Severn Estuary European Marine Site. From

the information submitted, we consider the proposed development is not likely to have a significant effect on the Severn Estuary as there are no potential pathways to the protected site.

Heneb (GGAT) - No objection.

The application is within an area of high archaeological potential, the size and nature of the proposal is such that it will be within an area already disturbed by the construction of the house itself. Therefore, the impact of the proposed development upon any buried archaeological resource is considered to be low.

Welsh Water - No objection.

The site lies within the catchment of Nash WwTW where we can confirm there is sufficient hydraulic capacity to accommodate the foul flows and foul flows only from this network.

No amount of surface water will be permitted to communicate directly or indirectly with the public combined sewerage system.

MCC Tree Officer - No objection.

MCC Ecology - No objection.

MCC Public Rights of Way - No objection.

5.2 Neighbour Notification

Letters of objection received from 8 addresses.

This is agricultural land

Highway Safety and Traffic Concerns

Adverse impact on wildlife including badgers

Dangerous access into the site, opposite to Wedgewood Drive

On-street parking

May set a precedent

Loss of privacy

Previous access into the site was refused

Loss of view

Impact on the footpath

Loss of visibility due to cars parked on the road

Wildlife - the badger reports seem to lack evidence and is inconclusive even though badger hair and foraging has been identified on site

The layout is contrary to good practice in highway design and safety

The existing access is an important wildlife corridor, its loss will impact bats and conflict with local and national biodiversity objectives

Concerns about the size of the proposed property, it could be divided into two properties in the future, leading to more traffic on the small lane

Loss of residential amenity, neighbouring property have windows facing the access track

Do not want any more building, retain our green spaces

Increase in noise levels

Traffic Congestion

Detrimental to the quality of life for current residents and undermine the character and sustainability of the local community

Removal of hedgerows

There are bats roosting in the woodland

Boundary dispute

There is a covenant restricting weight limit on the access track

No mud or debris should affect the highway.

Letters of support from 7 addresses

Will make little impact on the surrounding environment

The applicant has made great efforts in improving the environment for future benefit to wildlife and appearance for local residents

The build would be for the applicant's disabled wife

I would rather a single storey build as opposed to a small scale housing development that would result in more traffic, noise and impact on the environment

The development has been designed taking into account the privacy of the neighbouring property, with the proposed tree planting along the shared boundary

External lighting should be kept to a minimum

Close attention should also be paid to the proposed road surface for the access path and driveway to reduce vehicle noise

A restriction should be placed on the access created to ensure no additional dwellings can be added to this or the adjoining land behind utilising this access

Increased planting makes a wildlife corridor and enhances the view from the footpath

There is already a dropped kerb access so no issues with road safety as this entrance has clearly been used for years and will put little pressure on the road

A well designed eco-dwelling

It is brilliant to see the number of new trees planted around the perimeter to improve the land and encourage more wildlife

The fact there is only one new dwelling being proposed is good

The bungalow is being tucked away in the far field behind the natural tree line, so the view out of any of the houses looking on to the piece of land isn't affected

The land is being well maintained and the introduction of the hundreds of different tree varieties is already starting to encourage more wildlife

The operating hours of construction traffic, deliveries and removals should be outside of the school run.

5.3 Other Representations

None Received

5.4 Local Member Representations

None Received

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

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

6.0 EVALUATION

6.1 Principle of Development

PPW 12 states that proposals for housing on infill and windfall sites within settlements should be supported where they accord with the national sustainable placemaking outcomes. The site is located within the Portskewett Development Boundary within which there is a presumption in favour of new residential development subject to detailed planning considerations. Policies S1 and H1 allow for new residential development to be built inside the development boundaries of Severnside Settlements of which Portskewett is one. Therefore the principle of new residential development in this location is acceptable subject to detailed planning consideration. The main constraint in this case is the width of the access track into the site. Policy DES1 of the Local Development Plan (LDP) sets out that to make the most efficient use of the land, the minimum net density of residential development should be 30 dwellings per hectare. In this case, however, the existing access adjacent to no 29 Main Road is not of sufficient width to accommodate that level of development. In this situation, given the limitation of the access, a single dwelling is considered acceptable although it would result in a significantly lower density than that advocated in the policy.

This application also needs to be considered against the Infill Development Supplementary Planning Guidance which was adopted in November 2019.

6.2 Infill Development

Character

The Infill Development Supplementary Planning Guidance (SPG) states that the proposed dwelling must respect the scale, form and massing of existing development in the area. The properties in this part of Portskewett are predominantly modern, detached dwellings on substantial plots, facing towards Main Road. The majority of properties are single storey although there are also some two storey dwellings. They are finished in a wide mix of materials including brick, timber cladding and render of varying colours. The proposed bungalow does reflect the character of the area but it should be noted that it would not be prominent within the street scene.

Distance between buildings

The SPG says that all proposals need to provide sufficient gaps between buildings to minimise any overbearing and overshadowing impact on the residential amenity of neighbouring properties. Part 7.1 looks at Privacy and Amenity. The key considerations relating to privacy and amenity for small scale infill residential development are:

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

In this case the plot is of sufficient size to accommodate a new dwelling with sufficient parking provision and private amenity space. The principal elevations containing most of the windows are facing north, south and east with adequate privacy distances. The dwelling is set about 50 metres north of the site boundary and at least 70 metres from the properties on Main Road and would be set about 50 metres to the north-east of Heston Break.

6.3 Sustainability

The Local Development Plan and PPW encourage sustainable development. This is a sustainable location for new housing development being located within the settlement of Portskewett and being within easy walking and cycling distance to all the facilities in Caldicot. There is a primary school in Portskewett. The proposal includes solar panels on the roof of the dwelling as well as an air source heat pump. It is proposed that the new house will be constructed to an environmentally robust design with a highly insulated thermal envelope. Principal space and water heating will be provided by an air-source heat pump with supplementary heating provided by a woodburning stove carrying an SIA Ecodesign Mark and with a minimum average seasonal efficiency of 80%. A mechanical ventilation system with heat recovery will be installed. Wherever possible, building materials will be obtained from local sources. Structural and joinery timber will be obtained from a certified sustainable source such as the FSC or PEFC. The proposal accords with a key objective of PPW12 providing residential accommodation in a sustainable location.

6.4 Good Design and Place Making

The proposed single-storey dwelling would be located in the northern part of the site. It comprises of three linked sections. In total the overall length of the building is approximately 33 metres and the width 14 metres. The maximum height of the building is 6 metres. The majority of the dwelling will be finished in vertical timber cladding but there will be some cropped slate detailing on the walls and the chimney. There will be natural slate on the roof. The form, scale and massing of the new dwelling is acceptable and the proposal will respect the character of the area and the surrounding properties. It therefore accords with the objectives of Policy DES1 of the LDP, which requires that all development shall be of a high quality, sustainable design and respect the local character and distinctiveness. The tool shed will have a monopitched roof, measure 6 metres by 4 metres and be clad in timber. This design is appropriate for an outbuilding. It is also proposed to erect a 'whimsical' timber summer house in the opening within the woodland. The location is well clear of likely tree roots and will be erected off recycled short "piles". That structure will be approximately 6m long by 4m wide with a ridge height of about 2.8 metres although there would be

a turret above that height. The proposed summer house will not be visually prominent in the wider landscape and is considered acceptable.

6.5 Landscape

An Arboricultural Report prepared by TR33 Environments was submitted as part of the application. As part of the management of the woodland, some dead and dying trees will be removed as outlined in the report. The applicants have planted 150m of native hedgerow along the south-west and north-west sides of the site with over 775 whips and trees, and a further 125 whips to thicken the existing hedge along the north-eastern boundary of the site. In addition to the hedgerows, generous new tree planting will be carried out to enhance flora and fauna and improve vistas. It is intended to adopt a soft natural approach to the site landscaping with only a minimal "garden" area around the house. A small formal lawn will be created at the front of the house. Otherwise all the existing semi-improved grassland will be left/returned to its existing condition. Patios and paths at the rear of the house will be in natural sandstone and where necessary stepped retaining walls will be formed using gabion baskets filled with stone and densely planted with ground cover. The retaining structures will not exceed 1m high. The path from the house through the woodland to the summer house will be formed using a non-dig, tree root protection system and finished with chipped tree bark from the felled trees and cut logs as edging. The MCC Tree Officer has no objection to the proposal saying that the development is not close to neighbouring trees and the Root Protection Zone would not be affected.

6.6 Impact on Amenity

As explained above, the proposed new dwelling would be sited a substantial distance from existing properties, well in excess of the privacy distance outlined in the adopted SPG. Existing residential properties will not be affected by the proposal in terms of loss of privacy or overbearing impact. The only impact on other properties would be from vehicles using the access track that runs between no's. 27 and 29A Main Road. No 27 is a bungalow which has ground floor windows facing onto the access track and these windows serve habitable rooms. The access track is existing and is already used by vehicles. There are several examples of where such an arrangement have been found to be acceptable when determining similar applications, most notably the appeal decision at Pathways, Undy.

No 29A has a blank gable wall facing onto the access track.

Heston Break is the detached dwelling that lies to the west of the application site; its principal elevations face north and south although it has one first floor window that faces towards the application site. Heston Break is approximately 50 metres from the proposed dwelling which is ample. The vehicular access to Heston Break would not be affected by the proposal.

6.7 Ecology

An Ecological Impact Assessment report (produced by Ecological Services, dated July 2025, v2) has been provided. The report is informed by a Preliminary Ecological Assessment report (produced by Ecological Services, dated August 2024) which includes details of a desk study and habitat assessment and a Badger Activity Report (produced by Badger Ecology, v2 dated December 2024) provides details of a walkover survey to assess a potential badger sett identified during the PEA survey. An Outline Stewardship Plan has been provided via email on 14th August 2025.

The PEA survey identified moderately species rich grassland, which includes calcareous indicator species such as carline thistle. The Council's Biodiversity Officer has spoken to the scheme ecologists and the outline stewardship plan states that the grassland does not meet priority grassland. Even though the grassland is not priority habitat, it is still species-rich and provides habitat for a range of species. There is also a single species hedgerow along the access road, which will be lost to the proposals. The Outline Stewardship Plan includes a plan showing the site will be managed in zones including high and low meadow areas and a wildlife corridor bounding the site. The is replacement hedgerow planting and orchard trees. The biodiversity officer is satisfied that if managed appropriately the scheme would not result in a net loss to biodiversity. Appropriate avoidance measures will also be required during construction.

Net Benefit for Biodiversity

Planning Policy Wales (PPW) 12 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 12 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The proposals include three bat boxes and three bird nesting boxes fixed to existing trees in the wooded area.

Logs from felled trees will be placed in informal brash piles, scattered within the wooded area, to create habitats for insects and small animals.

A reptile hibernaculum will be created in a suitable location within the wooded area.

These measures are considered sufficient to demonstrate net benefit.

Green Infrastructure Statement

A Green Infrastructure Statement has been submitted with the application. The Statement is proportionate to the scale of the development and references the ecology report for biodiversity features that will be provided to maintain and enhance biodiversity. New tree planting will form a scalloped north edge to the woodland to provide increased cover for small animals. The grassed wildlife corridor along the north-west boundary will be planted with a wild flower seed mix specific to the locality.

6.8 Highways

6.8.1 Sustainable Transport Hierarchy

PPW12 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the site is in an existing residential area within walking and cycling distance to all the facilities in Caldicot as well as some local facilities including a primary school and shop within the village of Portskewett itself.

6.8.2 Access / Highway Safety

The application proposes the construction of a large detached three-bedroom bungalow and integral garage accessed via an existing 6m wide access located between 27 and 29 Mian Road, Portskewett. The access in addition to the proposed dwelling, will also provide access to the current landowner's further land to the north of the site; access to this land will be maintained via a proposed 6m wide right of way that runs parallel with the plot's south-western boundary and field gate located at the plot's north-western corner. The access junctions with Main Road via an existing adopted footway vehicular crossing.

The proposed development of one additional dwelling is not considered to be detrimental to the safety and capacity of the immediate local highway network. The proposed means of access is over an existing footway vehicular crossing, the existing visibility is slightly constrained by the proximity of the adjacent property boundary walls and hedgerows. The applicant's Design and Access Statement, Section 10 Movement (To, From & Within the Site), Site Access states "Visibility at the highway is good and will be improved by removing the existing visibility splay walls which currently trespass onto the site".

The proposed layout is considered suitable, laid out to accommodate and provide adequate turning provision within the curtilage of the development to allow all vehicles that will require access and egress to do so in a forward gear. The proposal accords with the objectives of Policy MV1 of the LDP and Highways offer no objection.

6.8.3 Parking

The proposed layout drawing indicates an attached three-bay garage. The attached garaging does not accord with the Council's adopted standards but Highways consider that the proposed garage together with the available forecourt area would be more than capable of accommodating the number of parking spaces required for the dwelling proposed.

6.9 Affordable Housing

LDP Policy S4 requires affordable housing contributions to be made in relation to developments which result in the net gain in residential dwellings. Where the net gain in dwellings is below the threshold for affordable units to be provided on site, which is 5 or more units in Severnside, then a financial contribution is appropriate. The financial contribution is based on floor area and the calculation contained in Appendix 3 of the Affordable Housing Supplementary Planning Guidance (July 2019).

Formula: Financial Contribution = Internal Floor Area (m²) x CS Rate x 58%.

In Severnside the CS rate is £80.00

The property will have an internal floor area of 300 m² so the financial contribution will be £13,920.

The applicant has confirmed they accept the payment and are willing to enter into a Section 106 agreement. As such, the proposal accords with Policy S4.

6.10 Flooding

The Flood risk maps provided by NRW indicate the site to be at no identified risk of flooding. There is a surface water flooding flow path to the north-east. The database of previous flood events records shows surface water flooding in close proximity to the site and could be exacerbated by development in this location and the database of drainage and flood assets does not record any drainage or flood assets in close proximity to the site.

The Lead Local Flood Authority have no objection to the proposal.

6.11 Drainage

6.11.1 Foul Drainage

The foul water will connect to a mains sewer. This complies with the advice from NRW that in a sewered area the preference is to connect into a mains sewer. Welsh Water have offered no objection. The site lies within the catchment of Nash Waste water Treatment Works (WwTW) and Welsh Water confirm that there is sufficient hydraulic capacity to accommodate the foul flows and foul flows only from this.

6.11.2 Surface Water Drainage

As the site will have a total construction area greater than 100m², SAB approval will be required. The application has now demonstrated a means of surface water discharge to infiltration. The scheme will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage and approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The SuDS Approving Body have offered no objection.

6.12 Public Right of Way

Public Footpath 6 in the community of Portskewett runs adjacent to the site of the proposed development. Public Path no. 376/6 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 prohibition order. The Public Right of Way officer offers no objection.

6.14 Planning Obligations

If the application is to be approved then a financial contribution for affordable housing in the local area will be required.

6.15 Response to the Representations of Third Parties

Letters of objection to the application were received from eight addresses and letters of support from seven addresses. Many of the local residents were concerned with highway safety; this has been addressed in detail in the main body of the report and the Highway Authority offers no objection. Several of the objectors were concerned that the proposal would result in additional on street parking, this is unlikely given the amount of land available on the site for car parking as well as the distance of the proposed dwelling from the road. One resident has said that previously access into the site was refused. Planning officers can find of record of this, there was a pre-application enquiry on the site when the Highway Authority said that according to highway standards the current access is only suitable to serve up to 5 dwellings. The objector also refers to an appeal decision at 65 Main Road. That appeal was dismissed as the shared access into the site was serving more than 5 dwellings and did not comply with the common standards. The circumstances in that case were very different from those of the current application to serve one plot.

The impact of the proposal on ecology and trees has been considered in great detail by MCC Ecologists and MCC's Tree Officer, all of whom offer no objection to the proposal subject of various conditions. There is a significant amount of new hedge planting on the site.

There are concerns from some residents about loss of privacy and loss of a view. As set out in the main body of the report the proposed dwelling will be a significant distance from the existing residential properties, well in excess of the guidelines set out on the SPG on Infill Development. The privacy of existing residents will be maintained in accordance with Policy EP1 of the LDP. One residential property does have habitable windows facing onto the access track, but the access track is existing and can now be used by vehicular traffic. It is acknowledged that the access track would be more intensely used as a result of this proposal but this would still not lead to a significant increase in usage. In addition, there are similar examples within the County when this type of arrangement has been approved and works reasonably.

The public right of way is outside the boundary of the site and will not be affected by this proposal. There is concern at the loss of agricultural land, however, the site is located within the Portskewett Development Boundary, within which residential development is encouraged.

Local residents are concerned that this application will set a precedent and that the proposed house is too big and could be subdivided at some time in the future. It must be remembered that each application is determined on its own merits. This is a relatively modest, three-bedroom dwelling; the footprint is quite large as it is a bungalow with an integral garage.

One resident has referred to a boundary dispute and a covenant on the land. These are both private legal matters and not material planning considerations.

6.16 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.

6.17 Conclusion

The site is located within the Portskewett Development Boundary. Policies S1 and H1 of the Local Development Plan presume in favour of new residential development within development

boundaries. The proposal accords with a key objective of PPW12 providing residential accommodation in a sustainable location. The proposed dwelling will respect the scale, form and massing of existing development in the area. The proposed dwelling does comply with the guidance set out in the adopted SPG on Infill Development and will not result in a significant loss of outlook or privacy to the occupiers of the existing neighbouring properties in accordance with the objectives of policy DES1 and EP1 of the LDP. The Highway Authority considers that the access track is adequate to serve one dwelling and that sufficient parking provision can be provided within the plot. The proposal accords with Policy MV1 of the LDP.

The proposal accords with Policy S4 of the LDP by providing a financial contribution for affordable housing in the area. The scheme will provide adequate biodiversity enhancements in accordance with Policy NE1 of the LDP. The Ecological Impact Assessment report and Preliminary Ecological Assessment report are acceptable and MCC Ecologists agree with the findings. Welsh Water have agreed that the foul water from the development can connect into the main sewer and that there is sufficient capacity.

In conclusion, the application is considered to be policy compliant in all respects and is presented to Committee Members with a recommendation for approval.

7.0 RECOMMENDATION: Approve

Subject to a 106 Legal Agreement requiring the following:

S106 Heads of Terms

A financial contribution towards affordable housing in the local area of £13,920.

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 surface water and/or land drainage shall be allowed to connect directly or indirectly with the public sewerage network.

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

4 The proposed access shall have a hard surface of concrete or bituminous material for a minimum distance of 5m from the highway boundary.

No surface water shall be permitted to discharge onto the adjacent public highway, The existing access shall be improved in accordance with the details to be submitted to and approved in writing by the Local Planning Authority before any development commences and shall be completed in accordance with the approved details before the development is brought into beneficial use.

Reason: In the interest of highway safety in accordance with Policy MV1 of the LDP

5 No development shall take place until a Long-term Management Plan has been submitted to and approved in writing by the local planning authority. The content of the plan shall be based upon the submitted document "DM-2025-00379 - Cae Caradog (Beloved Field) Outline Stewardship Plan". The management plan shall include:

- a) Detailed design(s) and/or working method(s) to achieve stated objectives.
 - b) Extent and location/area of proposed works on appropriate scale maps and plans.
 - c) Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - d) Persons responsible for implementing the works.
 - e) Details of initial aftercare and long-term maintenance.
- a timetable of implementation and details of the body or organisation responsible for implementation. The EMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter. Evidence of implementation of measures to achieve net benefit for biodiversity must be provided to the LPA no more than three months later than the first beneficial use of the development.

Reason: To maintain and enhance ecological resilience in accordance with LDP policy NE1, Planning Policy Wales and Section 7 of the Environment (Wales) Act 2016.

6 No development or site preparation shall take place or material or machinery brought onto the site until a Biodiversity 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 safeguard protected and priority species including nesting birds and reptiles during the constructions works. The content of the method statement shall include, as a minimum the:

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

The approved CMS shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: Safeguarding of protected and priority species during construction works in accordance with LDP policy NE1, the Wildlife and Countryside Act 1982, and Section 7 of the Environment (Wales) Act 2016.

Application Number: DM/2025/00831

Proposal: Modification of condition 2 relating to planning DM/2024/00741: we would like the operating hours to be extended.
We would like the following hours going forward:
Monday: 8AM-9PM
Tuesday: 8AM-9PM
Wednesday: 8AM-9PM
Thursday: unchanged
Friday: unchanged
Saturday: unchanged
Sunday: unchanged

Address: 30 Lion Street, Abergavenny, NP7 5NT.

Applicant: Mr Eoin Duggan

Plans: Location Plan

RECOMMENDATION: Approve

Case Officer: Kate Bingham
Date Valid: 26.06.2025

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

1.0 APPLICATION DETAILS

1.1 Site Description

This application relates to an existing cafe/bar in Abergavenny. The property is in the commercial centre of Abergavenny being located opposite Morrison's Supermarket. The building forms part of a terrace adjoining a private dwelling to the east and a hairdressing business with flats above to the west.

The property benefits from consent to be used as a cafe/bar with planning conditions restricting opening hours. The premises also has a licence that includes the sale of alcohol between 08.00 - 00.00 Monday to Sunday and live music between 08.00 - 23.00 Monday to Sunday. The licence covers both the inside and outside areas of the premises.

The site is within the Abergavenny Conservation Area but the property is not a listed building.

1.2 Proposal Description

This application seeks modification of condition 2 on consent DM/2024/00741 (Retrospective application for new patio and turfed area with trellis fence panel along wall for continued use in association with the cafe/bar). The condition as imposed restricts the use of the area to the following times:

*Tuesdays and Wednesdays 5pm finish
Thursdays 9pm finish
Fridays 10pm finish
Saturdays 10pm finish*

Sundays 9pm finish

The reason for the condition is 'in the interests of amenity and to ensure compliance with LDP Policy EP1'.

The proposed revised opening hours are as follows:

Mondays, Tuesdays and Wednesdays 9pm finish

No changes to the hours of operation on any other days are proposed.

The opening hours of the internal area of the cafe/bar are covered under the original consent for the use (application ref DM/2023/01614) to:

9am - 11pm Sunday to Thursday

9am - Midnight Fridays and Saturdays

This application relates to the outside area only.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/1990/00280	Double Sided Hanging Sign.	Approved	03.05.1990
DM/2024/00741	Retrospective application for new patio and turfed area with trellis fence panel along wall for continued use in association with the cafe/bar.	Approved	06.05.2025
DM/2023/01614	Change of Use to a café/bar	Approved	04.01.2024

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S5 LDP Community and Recreation Facilities

S13 LDP Landscape, Green Infrastructure and the Natural Environment

S17 LDP Place Making and Design

Development Management Policies

EP1 LDP Amenity and Environmental Protection

DES1 LDP General Design Considerations

EP5 LDP Foul Sewage Disposal

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 - Abergavenny Town Council supports the views expressed by Environmental Health Officer and local residents that:

there is the potential for noise from the customers excessively impacting on the occupiers of nearby residential accommodation, particularly at the adjacent 28 Lion Street.

MCC Environmental Health - As commented in DM/2024/00741, there is the potential for noise from the customers excessively impacting on the occupiers of nearby residential accommodation, particularly at the adjacent 28 Lion Street.

The impact I suggest would potentially be most significant during late evening hours on summer weekends when the café / bar use of the outside area will be maximised and the residents with windows open for ventilation or indeed looking to enjoy their own garden area. However, I am not in a position to substantiate a level of noise impact from increasing the opening hours as proposed on Mondays to Wednesdays on which I could base an objection.

SEWBRc Search Results - No significant ecological record identified.

5.2 Neighbour Notification

{\ul 5.2 Neighbour Notification}

140 comments have been received in response to the publication of this application. Due to the high number of representations received, those from immediate neighbours have been identified for ease of reference.

49 representations received objecting to the proposal on the following grounds:

30 Lion St, Abergavenny:

- How after only a short time with strict closing times can this request be valid?
- Have children in the house and the opening hrs of 9am - 10pm are already a problem having noise disturbance on the evenings of Thursday- Sunday.
- Beer garden has views into a bedroom window.

- Opening windows in the house is difficult with the lack of privacy/ noise and smells of cigarettes etc.
- Conversations had been had with the vendors to be considerate at this time and yet they chose not to be, with loud, large gatherings outside of the consented times.
- The sound echoes and the acoustics are obviously bouncing off the walls and hard surfaces, creating louder noise that can be heard all over the house even with the windows closed.
- The pubs that are nearby or have been in the past have not had beer gardens and haven't caused nuisance noise to us. I know that the Farmers Arms were really good about keeping the doors closed to lessen the noise.
- Living in town we do expect some noise, but not a beer garden next door.
- The noise from the establishment is disturbing the sleep patterns of the children and has made it difficult for them to enjoy their outside space.
- The garden is always noisy, but worse when it's busy and when people are drinking lots.
- It makes me sad, as it has changed our house.
- The beer garden now has over 14 benches and seats which will allow over 100 people to be in it at one time.
- The opening hours if passed would be nearly 90 hours per week. There would be no escape from it, open 7 days a week 8am - 9/10pm.
- Hearing people next door which can be up to 60 people or more drinking, shouting, speaking loudly, bands playing and people smoking.
- After reading some of the comments, it has to be said that the general public just come and go and have no idea of the continuous impact this would have on our home.

Other objections:

- Would cause additional impacts of noise and disturbance to the local residents.
- Significant concerns are the effect on the quality of home life, loss of privacy and well-being for those in the affected area.
- Adds no value to the residents of Abergavenny or the county itself.
- Does not help to meet the MCC council's aim of a safe place to live where people have a home and community where they feel secure.
- I note that a recent planning application for a glamping site was turned down because of possible anti-social behaviour and noise - and this in a rural setting with no close neighbours.
- It appears most of the supporters are clients, who have no idea about the inconvenience they pose to neighbours.
- Do not question the character of the licensees or their right to carry out a business which is clearly popular but this must be balanced and the location considered.
- Outside noise suppression is difficult in this property.
- How a small cafe which at one time seemed acceptable has received permission to become a pub with numerous loud guests and with extended licensing hours is beyond belief and I must conclude that somebody in authority has not taken a proper look at these premises and has failed in their duty of care to private householders.
- The pub has now converted an overgrown garden into a seating area for numerous guests which are loud and disturbing the local environment and this should not be allowed to happen and is also a public health hazard. This should be stopped immediately by revoking the alcohol licence and restricting the maximum number of guests within the very small cafe area.
- An initial licence for a cafe only should remain and not be allowed a change of use to a full blown noisy pub/catering facility.
- Abergavenny is well served with drinking establishments, many with outdoor seating. Is there a pressing need for this large beer garden and pub?
- The immediate vicinity of The Dug Out is primarily residential, and the impact of noise is disproportionately felt by the neighbours who have no choice but to endure the disruptive effects.
- The premises will devalue neighbouring properties.
- Since the garden has been in use this has had a serious mental health effect on the residents.

- Change of Use for permanent bench seats and coverings should be subject to separate planning in order to protect people who live so close to the premises. I can see no record of this being sought.
- The initial hours of use was stated as 'unknown'; subsequently 100 hours was mysteriously awarded (can find no record of audit trail for these hours).
- Noise pollution public disturbance vandalism through alcohol.
- To revise these hours is to have a complete disregard for any residential neighbours, particularly those in the adjacent property and the Environmental Health Officer's report stating his misgivings of expected noise and accompanying complaints.
- The Dugout has been located in a property which previously had no licence to sell alcohol. Surely, this business in the first instance should have been encouraged to be set up in one of the many empty public houses across the local community before even being granted permission in a previously unlicensed premises located next to a residential property.
- Is it reasonable to expect local residents to endure increased late night noise and foot traffic right outside their home for the sake of extended commercial activity?
- Concerns have been raised by other businesses in the ward on the impact both on themselves and the piecemeal and unclear approach to the overall change of use and adherence to licencing arrangements.
- Police and Pubwatch should be involved.
- If this business can't function within normal hours I would suggest the business model is incorrect.

91 representations received supporting the proposal for the following reasons:

Flat at 32 Lion Street:

- As a direct neighbour of The Dugout, I would like to express my full support for its application to extend operating hours.
- Many of the objections are being coordinated by a group of individuals rather than reflecting the genuine views of the immediate neighbours.
- Living right next door, I can confidently say we have never had any issues with noise or disturbance from the venue. In fact, I see this as a positive addition to the area.
- We live opposite a busy supermarket and car park. This is a town centre location where a certain level of noise is to be expected.
- The Dugout has been a respectful neighbour, and I see no reason why its extended hours should not be granted.

31 Lion Street:

- As immediate neighbours for over five years we feel it's important to provide an accurate and honest account of what it is truly like to live next door to this business. Many of the objections raised do not reflect our lived experience and, in our view, misrepresent the reality of The Dugout's presence in this community.
- The suggestion that The Dugout causes antisocial behaviour, nuisance, or excessive noise is completely at odds with our experience and we live right next door.
- The use of the garden has brought a sense of warmth and community to the street, not conflict.
- People enjoying food or drink outdoors is no different than any resident having a BBQ or guests in their own garden.

Other support:

- It must be acknowledged that this application is not to extend the licence of The Dugout into unsociable hours.
- Use of the garden is weather dependent and hence only happens for about six months of the year but greatly improves the appeal of the venue.
- I live opposite The Dugout, my kitchen window overlooks Morrisons car park, and I've never heard noise or seen anti-social behaviour coming from there.
- Great place with a community based approach.
- My kitchen window overlooks the car park in front of The Dugout, and I've never once been disturbed by noise or disruption.

- it seems inconsistent to single out The Dugout while accepting other sources of noise and activity.
- Extended hours shouldn't be viewed as disruptive by default when no harm has been demonstrated.
- As a neighbour living 100m down the street from the property I certainly have never become aware of any noise or other nuisance emanating from the premise since its opening.
- The additional hours would enable a consistent safe space for those that need it, knowing any day of the week that the facility is going to be open.
- A friendly and safe place.
- Staff are respectful and professional.
- The clientele is consistently respectful, and the atmosphere is more sedate than one might expect from a licensed premises.
- It is exactly the kind of venue that adds value to our town centre, offering a safe and sociable space for the community.
- The management team have clearly invested significant effort in establishing this business under challenging circumstances, and their commitment to creating a community hub should be commended.
- They have operated responsibly, closing earlier than many similar venues and showing consideration towards their neighbours.
- The premises are surrounded almost entirely by commercial properties, cafes, restaurants, and shops with only a single residence in close proximity.
- Don't see how the noise levels are any different (if anything I would say they are less) than when the Farmers Arms (Market Tavern) and Black Lion pubs were open in the same vicinity a few years back and open for a lot later.
- Supporting such businesses helps safeguard the vibrancy of our town centre.
- It has made a real contribution to improving social cohesion in the town, and extending its hours would only strengthen that.
- The ethos of the cafe seems centred around wellbeing, family time, and creating a relaxing safe space where you can find coffee later than the other coffee shops in town.
- They have various activities that demonstrate their commitment to the local community: running, yoga, etc.
- They set an example of how good businesses should give back to the community in this way.
- Suspect that the noise from people leaving nearby pubs, and even the traffic around Morrisons is worse.
- Their contribution to the charity Mind has been very admirable. The extra hours would give customers more opportunity to use it.
- 9pm is a more than reasonable time to open until.
- The application seems very reasonable given that the premises will close much earlier than other similar businesses in the location.
- Staff and owners are acutely aware of their surroundings and have worked hard to ease stresses on neighbours and surrounding businesses e.g. the nursery and erecting a fence to provide privacy for the family next door.
- Proactively trying to create a safe environment not only within the walls of the cafe but to others that are around them.
- Young entrepreneurs should be backed for their positivity, energy and efforts to be a force for good in the community.
- Extending its operating hours would allow greater flexibility for those who wish to enjoy a local, community oriented venue in the evening particularly on quieter days when fewer options are available.
- Morrisons supermarket located directly opposite the cafe already operates until 10pm setting a clear precedent for extended business hours in the immediate area. As such the cafe's proposed hours would be in keeping with the existing character and usage of the area during those times.
- Enhance the local evening economy.
- Provide a community space for residents during extended hours.
- Increased footfall and activity in the area, potentially improving safety and vitality.

- This improvement would help many others to feel that warm welcome and sense of inclusion as we did when we moved to Abergavenny.
- The business is completely inclusive of age, gender and ability and treat mental and physical wellbeing for their customers and members as a key outcome of their work both at the cafe and in the associated running club.
- Extending the hours would enhance what is already a thriving, well-run venue in a commercial area of the town centre. Rather than being a disturbance, it is a positive draw that supports local businesses and the wider Abergavenny economy.
- It is unlikely that there would be an increase in disturbance to residents but it would however provide a place for people and particularly the running club to meet in the evening.
- Value the positive effects on the local economy and the jobs that have been and will be created.
- Choosing to live in the town centre, you are not going to be faced with the peace and tranquillity you are looking for.
- It would continue to operate within permissions granted to the premises by the licensing department.
- Without evidence of anti-social behaviour or reduced levels of amenity beyond what should be expected within a town centre, it would be unfair to place onerous planning conditions restricting opening hours on this business, especially when other similar businesses in Abergavenny town centre are not subject to such limitations.
- The applicants have sought to ensure that the boundary between themselves and a sensitive receptor is managed in a way that increases privacy, and reduces visual impact of the cafe bar to neighbours.
- Extending their hours particularly to include Mondays and slightly later openings mid-week will not only improve accessibility for residents but also support the local economy by encouraging footfall, increasing town centre vibrancy, and helping to sustain local jobs.
- Unlike a traditional "noisy beer garden" found in Pubs around Abergavenny and surrounding areas, the garden at the rear of The Dugout cafebar is a very calming place to be with no rowdy behaviour and a quiet atmosphere.
- While it is important that neighbours have a voice, that voice should contribute to balanced progress, not automatically block any growth or evolution of a local business that is clearly working to enhance the community.
- For our town to thrive, we must be open to growth and supportive of forward-thinking establishments that bring life, inclusivity, and innovation. Extending The Dugout's opening hours is not just about business, it is about investing in the town's culture, health, and future.
- If this is turned down what message does this send to prospective business owners in the local area?

5.3 Other Representations

None.

6.0 EVALUATION

6.1 Good Design/ Place making

6.1.1 There are no physical changes proposed as part of this application.

6.2 Impact on Residential Amenity

6.2.1 As demonstrated by the many comments received in support of the application, the cafe/bar is a well-used community facility and the success of the business and reported contribution to help with mental health and well-being is to be applauded. However, this needs to be balanced against the impact that additional opening hours will have on local residential amenity. There are conflicting representations made by neighbouring occupiers about the level of unwanted noise being generated by the use of the outside area with the occupiers of no.30 Lion Street raising concerns about noise from the garden while those at nos. 31 and 32 reporting no (or very little)

noise disturbance at all. The configuration of the buildings, positioning of windows and how individuals use their homes will all have an impact on how noise from the cafe/bar is perceived and therefore all comments need to be carefully considered.

6.2.2 It is accepted that with the proposed extended opening hours there is the potential for longer periods of noise from the customers adversely impacting on the occupiers of nearby residential accommodation, particularly at the adjacent 28 Lion Street. This will be most significant during later evening hours on summer weekdays when the café / bar use of the outside area will be maximised and the residents with windows open for ventilation or indeed looking to enjoy their own garden area. In determining this application for extended opening hours, an assessment needs to be made on whether or not this disturbance is reasonable or if it would significantly harm local residential amenity.

6.2.3 Policy EP1 (Amenity and Environmental Protection) of the LDP provides that development 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 due to the various factors including noise, will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk. Criterion (d) of LPD Policy DES1 (General Design Considerations) also states that 'Development proposals will be required to maintain reasonable levels of privacy and amenity of occupiers of neighbouring properties, where applicable.

6.2.4 In this case, disturbance to the neighbouring properties will not necessarily be increased in terms of noise levels, but the duration of the disturbance will be lengthened by opening on a Monday (currently restricted) and an additional four hours on a Tuesday and Wednesday evening if the garden area is in use (until 9pm). The garden area is most likely to be used during the summer months when the weather permits.

6.2.5 In assessing whether or not the additional potential noise disturbance is likely to result in unacceptable harm to local residential amenity, the views of the Council's Environmental Health Department have been sought. They have advised that they are not currently in a position to substantiate a level of noise impact from increasing the opening on Mondays and by an additional four hours on Tuesdays to Wednesdays on which they could base an objection to the proposed modification to the condition.

6.2.6 In terms of any future complaints that may be received from neighbouring occupiers, the Council's Environmental Health Department has the responsibility for investigating complaints of noise nuisance, having regard to the statutory nuisance provisions of the Environmental Protection Act 1990. If unwanted noise creates an unreasonable and substantial interference with the use or enjoyment of a home, the Environmental Health department does have the power to investigate and act on such complaints. However, they are unlikely to be in a position to resolve complaints of noise which can be reasonably expected from the consented cafe/bar use of the rear garden e.g. voices / conversations of the customers. No formal noise complaints have been received to date.

6.2.7 In conclusion, while it accepted that extending the hours of use of the garden will result in some additional noise, it is not possible to conclude that this disturbance would result in additional unacceptable harm to residential amenity. Therefore, it is considered that on balance it would not be reasonable to refuse the application on this basis, given the 9pm limit. There would also be licencing controls to limit the future opening times in the event a justified complaint is received.

6.3 Biodiversity

6.3.1 The application site is within the Nutrient Sensitive Catchment Area of the River Usk Special Area of Conservation (SAC). 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 SAC's. NRW has set new phosphate standards for the riverine SAC's 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.

6.3.2 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (v4 issued 28th June 2024). It is considered that this development is unlikely to increase nutrient inputs.

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

6.4.1 This application does not seek to extend the alcohol licensing hours which are already 08.00 - 00.00 Monday to Sunday.

The initial change of use of the building to a cafe/bar covered both the building and the rear garden area. As such the principle of using the garden is established. Providing seating in the garden does not constitute development and therefore is beyond the remit of planning control. Similarly, revoking the alcohol licence and restricting the maximum number of guests would be a matter for the Licensing Authority rather than Planning.

6.4.2 Devaluation of property are not a material planning considerations. Furthermore, planning legislation does not provide for consideration of alternative sites in the determination of a planning application which in this case is a lawful A3 use.

6.4.3 The hours of use previously consented resulted from balancing the needs of the business with the impact on local residential amenity. Potential public disturbance and vandalism through alcohol use off the premises is a matter for The Police. The Police and Pubwatch have not been consulted on this application because the premises has an existing licence to sell alcohol. The Police are consulted on alcohol license applications in Wales under the Licensing Act 2003 as a Responsible Authority. They are notified of all applications and can make representations to the licensing authority, raising objections if they believe an application could negatively impact crime prevention, public nuisance, public safety, or the protection of children.

{\b 6.5 Well-Being of Future Generations (Wales) Act 2015}

6.5.1 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.

6.6 Conclusion

6.6.1 While it accepted that extending the hours of use of the garden will result in some additional noise, it is not possible to conclude that this disturbance would result in additional unacceptable harm to local residential amenity. Therefore, it is considered that it would be unreasonable to refuse the application on this basis. The commencement of this outdoor use at 9am (rather than 8am as applied for) would tie in with the existing planning permission for the indoor cafe/ bar area.

6.6.2 For the reasons detailed above in this report, 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.

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 There shall be no outdoor live music after 8pm on any day.

REASON: In the interests of amenity and to ensure compliance with LDP policies DES1 and EP1.

3 The outdoor premises shall not be used for the approved purposes outside the following times:

Monday - Thursdays 9am until 9pm

Fridays 9am until 10pm

Saturdays 9am until 10pm

Sundays 9am until 9pm.

REASON: In the interests of amenity and to ensure compliance with LDP policies DES1 and EP1.

INFORMATIVES

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



Appeal Decisions

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

an Inspector appointed by the Welsh Ministers

Date of decisions: 24/07/2025

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 17th 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 18th century, which are said to be typical of rural Monmouthshire and to reflect its agricultural prosperity during the 17th and 18th 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

by Paul Selby BEng (Hons) MSc MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 25/09/2025

Appeal reference: CAS-04093-C1D8Z1

Site address: Land at North Court Farm, Redwick, Caldicot NP26 3DX

- 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 Clean Earth Energy Ltd against the decision of Monmouthshire County Council.
 - The application Ref DM/2023/01045, dated 24 July 2023, was refused by notice dated 2 December 2024.
 - The development proposed is a single wind turbine, including access track, crane pad and associated infrastructure.
 - A site visit was made on 27 August 2025.
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Decision

1. The appeal is allowed and planning permission is granted for a single wind turbine, including access track, crane pad and associated infrastructure, at Land at North Court Farm, Redwick, Caldicot NP26 3DX, in accordance with the terms of the application Ref DM/2023/01045, dated 24 July 2023, subject to the conditions set out in the schedule to this decision letter.

Background and Main Issues

2. Only one reason was given for the Council refusing the planning application; namely, that it is located in the Gwent Levels Redwick and Llandeenny Site of Special Scientific Interest (SSSI) and is not necessary for the management of the SSSI. However, the accompanying officer's report also alleges harm in relation to landscape effects and on the Gwent Levels Landscape of Outstanding Historic Interest (LOHI). Policy 17 of Future Wales also states that, in determining planning applications for renewable and low carbon energy development, decision-makers must give significant weight to the target to generate 70% of consumed electricity by renewable means by 2030 in order to combat the climate emergency. Consequently, I consider the main issues to be:
 - The effect of the proposal on biodiversity and ecosystem resilience, having particular regard to its location within the Gwent Levels Redwick and Llandeenny Site of Special Scientific Interest (SSSI)
 - The effect on the landscape, visual receptors and the Gwent Levels LOHI, and
 - Whether the public benefits of the proposal would outweigh any harmful effects.

Reasons

3. The appeal site lies within the Gwent Levels Redwick and Llandevenny SSSI and the Gwent Levels LOHI. It occupies a somewhat rural setting of pasture fields separated by drainage channels (reens and ditches) but also lies in proximity to industrial buildings associated with the Gwent Euro Park. Manmade structures present within the wider landscape include the A4810 road, high voltage electricity cables/pylons and wind turbines. The proposal would be situated around 230m northwest of an existing 150m turbine, the access track for which would be modified to serve the appeal scheme.

Biodiversity and ecosystem resilience / SSSI

4. The Redwick and Llandevenny SSSI is one of six SSSIs forming the Gwent Levels network. Designated in 1989, special features comprise reen and ditch habitats and the aquatic and terrestrial insects and invertebrates they support, in addition to shrill carder bee, which depends on flower-rich grassland.
5. The results of a Phase 1 habitat survey reported in the Ecological Assessment (EA) record that the field within which the turbine would be situated mainly comprises arable land. At its periphery are habitats such as poor semi-improved grassland and tall ruderal. The southern and northern edges of the site feature densely vegetated, species-poor reens managed by Natural Resources Wales (NRW). The access track serving the existing turbine to the southeast bisects the field and is bounded by a heavily vegetated ditch. At the western boundary is a landowner-managed dry ditch and a hedgerow. Whilst the Phase 1 survey was conducted over 3 years ago, based on my site observations I have no reason to dispute its findings regarding site-based habitats.
6. In a letter dated 8 May 2024, NRW confirms that the watercourses bordering the appeal site form part of the SSSI, the special interest of which is dependent on the quality and quantity of water and the continued maintenance and management of the drainage system. It also notes that shrill carder bee depends on grassland and ruderal habitats.
7. The appellant contends that past assessments have found the SSSI's special features to be in an 'unfavourable' condition because of poor management, including for shrill carder bee. There is little evidence that site-based habitats of potential importance to the SSSI are in good condition. In any case, there would be no permanent loss of existing reen systems or semi-improved grassland, not least because the proposed development would make use of an existing reen crossing and access track. Subject to conditions to minimise direct and indirect impacts during the construction phase, there would be no significant harm to habitats and species for which the SSSI has been designated.
8. Notwithstanding this, the Council's reason for refusing the application was that the proposed development is not necessary for the management of the SSSI. This refers to paragraphs 6.4.25 and 6.4.26 of Planning Policy Wales (PPW), which states that there is a presumption against certain forms of development located in a SSSI as a matter of principle. This stance is also reflected in the 'step-wise' approach set out at paragraph 6.4.15 of PPW, which aims to ensure that planning authorities fulfil the duty of Section 6 of the Environment (Wales) Act 2016 by taking all reasonable steps to maintain and enhance biodiversity in the exercise of their functions. Stepwise step 1b notes that proposals in statutory designated sites are, as a matter of principle, unacceptable and must be excluded from site searches undertaken by developers.
9. The generation of energy is the primary intention of the appeal development. This has no direct connection to the management of the SSSI and is not necessary for it. Consequently, the appeal scheme, by virtue of its location within the boundary of the

SSSI, is plainly contrary to the abovementioned provisions of PPW. The proposal therefore fails to satisfy step 1 as it does not 'avoid' a designated site. Whilst I recognise that the application was originally submitted before the relevant changes were made to PPW via a Ministerial letter published in October 2023, decisions must nonetheless be taken in the light of prevailing planning policy.

10. In terms of steps 2 and 3 of the step-wise approach, the turbine base, access track extension and switchgear housing unit would be in situ permanently, with long-term sealing of underlying soil habitats. However, the utilisation of the existing access track and the siting of the turbine and related infrastructure on arable land would assist in retaining the most valuable site-based habitats. Measures to mitigate ecological impacts during construction, including the details of cabling and trenching, could be secured via conditions. Bat surveys suggest that there were no large roosts close to the site during the monitoring period. Although the EA notes the potential for fatalities to common/soprano pipistrelle and noctule bat species from turbine collisions, a condition to require the feathering of turbine blades during idling would reduce this risk.
11. PPW makes it clear that enhancement measures intended to secure a net benefit for biodiversity must be identified at each stage of the step-wise approach. In this regard a Habitat Management Plan (HMP) has been prepared which takes on board measures recommended in the EA to enhance the site for wildlife and increase biodiversity. A suitable level of detail is provided and there is a clear implementation and monitoring framework. NRW has been consulted on the HMP and does not object to its provisions.
12. Watercourse enhancement and management measures included in the HMP, including casting the westernmost ditch, are generally consistent with the July 2023 Ecological Mitigation Plan for the neighbouring (operational) Rush Wall turbine. Consequently, the 'additional' HMP measures specific to this proposal involve fencing off a peripheral area of existing grassland and ruderal north and east of the access track and thereafter managing and monitoring it to optimise its foraging potential for shrill carder bee; habitat enhancements for amphibians and reptiles (e.g. cavities and crevices for shelter and hibernation, a basking spot, log piles and 'heaps' for grass snakes to lay eggs), which may also benefit small mammals and invertebrates; and improved management of the hedgerow on the western boundary. Although modest in both qualitative and quantitative terms, these enhancement measures appear consistent with NRW advice and would provide potential benefits to special features of the SSSI, including by reducing overshading to the westernmost watercourse.
13. The EA's finding that turbine collisions would not affect the local or favourable conservation status of any bat species assumes that the blade tips would be at least 50m from linear features typically used by some species for foraging and commuting. To achieve this NRW recommends a condition to ensure that vegetation associated with the reed on the eastern boundary of the field is maintained at ground level. A condition to secure micro-siting of infrastructure in accordance with nature conservation principles would resolve any potential tensions between the necessary bat conservation measures and the grassland enhancement objectives proposed in the HMP.
14. Ornithological surveys found little egret and cormorant to be the only target species to make regular movements through the area, but in small numbers. The EA finds little potential for bird displacement and collisions and a low likelihood of significant effects on local populations. Although the site lies around 2.5km from the Severn Estuary, a designated Special Protection Area (SPA), Special Area of Conservation (SAC) and Ramsar wetland of international importance, estuarine wildfowl were not a feature of the ornithological surveys and no qualifying interest species for which the Severn Estuary SPA and Ramsar site are designated were recorded as flying over the site. On this

basis it is reasonable to conclude that there are no likely significant effects on the SPA, SAC and Ramsar site and that an appropriate assessment is not therefore required. Neither the Council nor NRW has made any indication to the contrary.

15. The bat and ornithological species surveys upon which the EA relies were conducted in 2021 and 2022. Although there is little evidence to suggest that site conditions have changed to an extent which would render them wholly unrepresentative, where there is a notable gap between the dates of surveys and a scheme's eventual construction it is best practice for observations and recommendations to be revisited to ensure that they remain valid. Given the circumstances of the case, I consider that these updates could be secured as a pre-commencement condition and potentially conducted alongside the walkover survey intended to inform the construction environmental management plan (CEMP). Moreover, given the uncertainties in the baseline, as well as in gauging the relative level of local bat activity, I agree with NRW that a condition would be necessary to secure post-construction bat monitoring and a scheme of turbine curtailment.
16. To conclude on this main issue, I have found that special features of the SSSI and other designated sites would not be adversely affected by the appeal proposal. Uncertainties in the evidence mean that there could be potential adverse effects on bats, which are European Protected Species. There would also be some loss of soil habitats due to the siting of permanent infrastructure on greenfield land. Nonetheless, mitigatory conditions would acceptably reduce harm to bats and other species and habitats, and permanent loss of terrestrial habitats would be limited in extent. I am satisfied that the habitat restoration and enhancement measures specific to this proposal and set out in the HMP would achieve a net benefit for biodiversity within a timely fashion.
17. Consequently, steps 2, 3 and 5 of the step-wise approach are met. As the proposal would not result in harm of any significance to features of the SSSI and other ecological interests, and would achieve a net benefit to biodiversity, I conclude that the proposal would accord with the requirement in policies 17 and 9 of Future Wales for proposals to demonstrate that they would not have an unacceptable adverse impact on the environment whilst securing a biodiversity net benefit and ecosystem resilience. It would also accord with the green infrastructure, biodiversity and nature conservation objectives of policies SD1, LC1, NE1, GI1 and DES1 of the Monmouthshire Local Development Plan (LDP).
18. Notwithstanding the above, the proposal is located within a SSSI and is not necessary for its management. It therefore fails to accord with step-wise step 1 and is thus in conflict with key provisions of PPW in this regard. This is a material consideration which may justify making a decision contrary to the development plan. I return to this matter in the 'Planning Balance'.

Landscape, visual receptors and the Gwent Levels LOHI

19. The appellant has prepared a Landscape and Visual Impact Assessment (including an addendum to the original report) which has been prepared by qualified professionals in accordance with best practice guidance. Potential effects of the development on landscape character and visual receptors are assessed over a 15km study area; extended to 23km for assessing cumulative impacts with other turbines. Modelled Zones of Theoretical Visibility (ZTVs) have influenced the selection of representative viewpoints for gauging impacts.
20. The site is not subject to a local landscape designation, albeit land to the south and west lies within the Caldicot Levels Special Landscape Area designated by the Newport Local Development Plan. The site forms part of the Gwent Levels National Landscape Character Area, noted as being one of the finest examples of a 'hand crafted' landscape

with distinctive historic patterns of settlement and reens, coastal defences and reclamation works dating from the Roman period. The reens are recognised for their rare and diverse plants and invertebrates, whilst buried under the alluvium are archaeological deposits of 'immense potential'. Reflecting the importance of such features, the area has been registered as a LOHI by Cadw. It therefore comes as no surprise that, under NRW's LANDMAP datasets, the development site falls within 'historic landscape' and 'landscape habitat' aspect areas evaluated as 'outstanding', and 'visual and sensory' and 'cultural landscape' aspect areas evaluated as 'high'.

21. The proposed turbine would lie within the LOHI, close to its northern boundary. I saw that the level topography and prevalence of boundary trees and hedgerows tends to reduce the prominence of some modern landscape elements, such as the A4810 road and industrial estate which lie close to the development site. However, the processions of steel lattice towers supporting overhead electricity lines, and the four existing wind turbines within visual range of the site, are prominent structures which bear significantly on the baseline character of the landscape.
22. The construction of the turbine foundations, extension of the access track and provision of a substation/switchgear housing unit would result in the permanent loss of some arable land and erode the currently open character of the field. However, screening by established field boundaries, which would be retained, would ensure that these elements would have a limited effect on landscape character.
23. I saw on my site visit that the relative prominence of the four existing operational turbines varies depending on direction and distance. Moreover, from some viewpoints not all are perceptible. Nonetheless, although varying in height and rotor diameter, the rhomboid siting and spacing of the four turbines means that they are perceived as a diffuse cluster. Although the proposed turbine would be sited far closer to its 'twin' in the neighbouring field than to the other more westerly turbines, the visualisations amply demonstrate that this irregular siting would not be apparent. From some vantagepoints to the northwest and southeast the siting of the proposed turbine would broaden the span of the existing cluster, but not to an extent which would harm the existing character of the landscape. Nor would the intensification of the cluster appreciably increase its prominence or magnify any sense of visual 'clutter'. The proposal would therefore accord with advice pertaining to wind farm extensions in the Design Commission for Wales' 'Designing for Renewable Energy in Wales' (November 2023).
24. Although generally well separated from the appeal scheme, the proposed turbine would be visible from some nearby settlements and dwellings. It would also be perceptible to recreational users of public rights of way (PRoWs), including from national trails and routes such as the Wales Coast Path and national cycle route 7 and, further afield, from Offa's Dyke trail and PRoWs within the Wye Valley Area of Outstanding Natural Beauty. I saw on my site visit that, from exposed or elevated locations such as the seawall south of Redwick and from Wilcrick Hill, clear views of the turbine blades, and in some cases the tower, would be clearly visible. Nonetheless, visual effects would be considerably mitigated by the mature vegetation present within the wider landscape and by the turbine's siting as part of an existing cluster, in visual range of overhead electricity lines. These baseline landscape attributes would also mitigate effects during the construction and decommissioning phases. Consequently, I agree with the ES that the proposal's landscape and visual effects would not be significantly adverse.
25. The application is supported by a Heritage Impact Assessment (HIA) which assesses potential effects on the LOHI. Cadw agrees with the finding of the HIA that there would be a very slight but not significant adverse effect on the LOHI. Although the HIA concludes that the proposal could have a major and adverse effect on buried

archaeology, Heneb advises that a written scheme of investigation for a programme of work would suitably protect the archaeological resource. I concur with the views of Cadw and Heneb.

26. The cumulative assessment of landscape and visual effects is confined to operational wind turbines, as at the time that the LVIA was completed in September 2022 there were no 'in planning' or consented turbines within the study area. Although some time has elapsed since then, no party has brought to my attention any other development proposals which may have cumulative effects in combination with the appeal scheme. I am therefore satisfied that the evidence continues to provide a robust basis for establishing likely visual and landscape effects. Having regard to the 35-year operational timeframe, I conclude that in terms of effects on the landscape, visual receptors and the Gwent Levels LOHI, the proposal would accord with the objectives of LDP policies LC1, LC5 and SD1 and with policy 17 of Future Wales.

Benefits

27. The proposed turbine would export electricity to the national grid, supplying 8GWh of energy annually; equivalent to over 2,412 homes. The appellant estimates that the potential carbon saving would amount to around 1,702 metric tonnes per annum, or 59,500 tonnes over the 35-year operational timeframe. Whilst the manufacture, transportation and construction of the turbine would have a carbon cost, the wind turbine is expected to generate at least 32 times the energy used in its manufacture and installation. I have no reason to dispute these calculations.
28. As a viable grid connection has been secured there is a realistic prospect of the proposal contributing to the target expressed in Future Wales for 70% of consumed electricity to be generated by renewable means by 2030. Having regard to the estimated amount of electricity generated over the lifetime of the project, the scheme would make a modest contribution to supporting decarbonisation, transitioning to a low carbon economy, diversifying the electricity supply and improving energy security.
29. The proposal also has potential to supply 'behind the meter' power to local facilities, potentially contributing around 20% of a nearby brewery's total energy demand. However, the public benefit of providing a direct wire connection to nearby businesses additional to, or in place of, a national grid connection, and any alignment with published renewable energy targets, is unclear. Irrespective of the regional importance of the nearby employment site I afford this matter little weight.
30. The ES indicates that the proposal would have an overall positive socio-economic impact on the local area, supporting both the diversification of a rural business and the local construction industry, with potential add-on benefits. However, there is little evidence that the proposal is necessary to secure the viability of an existing rural business. Any construction or operational-related benefits would be largely incidental to the scheme and there is no certainty that they would accrue locally. I afford limited weight to these matters.
31. A community benefit fund is proposed, but in the absence of any associated, alleged harm this has not been shown to meet the test of necessity set out in Circular 13/97 'Planning Obligations'. I afford no weight to this.
32. I have already concluded that the proposal would provide a biodiversity net benefit. Although required by policy, having regard to the nature, extent, scope and time during which the restoration and enhancement measures would be in place, this carries limited weight in favour of the scheme.

33. Consequently, the principal public benefits of the proposal are the contribution to renewable energy targets and carbon displacement, and the provision of a net benefit for biodiversity and ecosystem resilience.

Other Matters

34. The candidate turbine, which measures 149.9m in height, would be located approximately 150m from the A4810, which at the time of writing forms part of the Welsh Government (WG) managed strategic road network (SRN). In its consultation response, the WG Network Management Division has referred to a Circular published in December 2022 entitled 'SRN and the delivery of sustainable development', which states that wind turbines should be sited a minimum of height + 50 metres, or height x 1.5 (whichever is the lesser) from the highway boundary of the SRN. Although the proposed turbine would not meet this minimum threshold, this Circular applies only to the SRN in England, and neither it nor its predecessor is referred to in Welsh planning policy. The appellant notes that Technical Advice Note 8 'Planning for Renewable Energy' advised siting wind turbines a minimum of blade-tip height from the public highway, but that is no longer in force and there is no similar guidance in current national planning policy.
35. The English Circular states that the reason for identifying a minimum distance is to mitigate risks to the safety of road users arising from structural or mechanical failure from turbines. The identified threshold is, however, evidently a broad rule which does not take account of local risk factors such as ground conditions, route conditions, topography and prevailing wind directions. To accord weight to the minimum distance identified in the English Circular would require an evaluation of risks in relation to location-specific factors, yet the parties have provided no information in this regard.
36. The fact that a nearby 100m turbine lies only 60m from the A4810 neither demonstrates nor disproves the relative acceptability of the appeal scheme. However, the concern raised in WG Network Management Division's representation relates solely to the route's (current) status as part of the SRN. In the absence of any compelling allegation of harm to public safety in the context of this proposal, I am satisfied that conditions to secure a road safety audit would, in combination with applicable health and safety regulatory regimes, acceptably mitigate risks to the safety of highway users. Subject to the imposition of conditions, the WG Network Management Division, and the Monmouthshire and Newport City highway authorities, have not objected to other aspects of the proposal and I have no reason to find otherwise.
37. Residents have raised concerns about the potential for ice and blade throw and subsequent risk to residents and recreational users. However, although risks cannot be eliminated entirely, there is no evidence that wind turbines cannot be constructed and operated safely in proximity to sensitive receptors.
38. Wilcrick Hill Camp Scheduled Monument lies around 1.3km north of the site. Magor Conservation Area (CA) lies around 1.2 km to the northeast of the site, and Redwick CA is around 1.5 km to the south. Listed buildings are present within the two CAs and the Grade II listed Brick House lies around 1.6km from the site. The HIA concludes that there would be no more than a minor impact on the setting of these assets and no harm to their significance, including cumulatively with other wind turbines. I note that Cadw concurs with conclusions reached in the HIA and I too consider that the proposal would preserve historic assets.
39. The appeal site is located within Flood Zones 2 and 3 (Rivers and Sea) on the Flood Map for Planning. It also falls within Zone C1 of the Development Advice Map (DAM) associated with the 2004 version of TAN 15 'Development and Flood Risk', which is the

applicable national policy as per a Ministerial Written Statement dated 31 March 2025. NRW has reviewed the appellant's Flood Consequences Assessment (FCA) and has confirmed that the proposal would be acceptable subject to a condition to secure the recommended flood mitigation measures. I agree.

40. In addition to visual impact, potential effects of the proposal on the living conditions of residents have been subject to robust evaluation by way of assessments relating to noise and shadow flicker. Subject to the imposition of relevant conditions the Council has not objected to the proposal in terms of these effects, and I have no reason to find otherwise.
41. NATS has not objected to the development. Although the land falls within an area where aircraft may conduct low level flight training, the Ministry of Defence does not object to the proposal subject to the applicant providing details of the location, height and date of the erection and operation of the turbine, and for the approval and implementation of an aviation safety lighting scheme. I agree that such a condition would be necessary.
42. Comments have been made by residents that the planning application was not properly advertised and that there are inaccuracies on the plans. Nonetheless there is no evidence of any procedural impropriety, and I am satisfied that the submitted evidence is sufficiently accurate.

Planning Balance

43. PPW paragraph 6.4.27 indicates that development within a SSSI should only be proposed where it is considered to be appropriate and is not likely to damage the SSSI, and there is broad and clear agreement for mitigation and enhancement as part of a development plan. Although I have concluded that the proposal would accord with Future Wales and the Monmouthshire LDP, I am not of the view that there is an 'agreed position' within the relevant development plan which indicates that this development (or type of development) is acceptable within this particular SSSI, having regard to its notified features. In my view this differentiates the appeal scheme from the proposed business park and railway station in called-in application ref: CAS-02298-X2Q2Q2, which related to a site allocated within an LDP for that type of development. Furthermore, the siting of a wind turbine is evidently more flexible than that of a railway station, the provision of which was clearly a unique factor that satisfied the First Minister that it constituted a wholly exceptional circumstance. I therefore do not consider this called-in case to be justly comparable to the appeal scheme.
44. The appellant has also brought my attention to a determination by the Welsh Ministers not to call in an application for the extension of mineral working at an existing quarry within a SSSI (ref: C/2022/0171) as the issues were not of more than local importance. I note that the related planning report refers to a regional assessment indicating that there were no realistic alternatives to meet limestone aggregate needs in the sub-region. The full details are not before me, making it difficult to reach any firm conclusions. Nonetheless, this indicates that locational factors, based on a regional study of alternatives, may have been a justifying factor in the Welsh Ministers' decision.
45. Paragraph 5.9.19 of PPW sets out what decision-makers should take into account in determining applications for renewable energy. In line with Future Wales policy 17, I attach significant weight to the renewable energy benefits of the scheme, albeit these benefits are modest in magnitude as the proposal is for a single wind turbine.
46. Subject to conditions, I have found that the construction, decommissioning and 35-year operational phases of the proposal would be acceptable in terms of impacts on the character of the landscape, visual receptors, the Gwent Levels LOHI and the 'Other

Matters' listed above. These are neutral factors which weigh neither for nor against the scheme.

47. Irrespective of the appellant's assessment of alternative sites within a 2km radius, the proposal's siting within an SSSI means that there would be conflict with key provisions of PPW, paragraph 6.4.15 1b of which states that it will be wholly exceptional for development in statutory designated sites to be justifiable.
48. Nonetheless, paragraph 5.7.7 of PPW also says that the benefits of renewable and low carbon energy is of paramount importance. I have found that the proposal would accord with the development plan and would provide a renewable energy benefit. I have identified no substantive harmful effects, including to the SSSI's features. Whilst I recognise that the land which would be directly affected by the development could support features for which the SSSI is notified, there is little to suggest that the proposal would compromise the long-term ability of the site to protect such features, or that there would be habitat fragmentation or disruption to linear features essential for migration, dispersal or genetic exchange. Moreover, the renewable energy benefits of the proposal have an ecological dynamic as they would contribute, albeit modestly, in adapting to climate change. It has also been demonstrated that the proposal would secure a net benefit for biodiversity, including to SSSI features. There is little evidence that similar enhancements would occur by other mechanisms in the absence of the development.
49. I am therefore persuaded that this case represents a wholly exceptional circumstance which justifies the siting of the wind turbine within the boundary of this SSSI, and that granting planning permission would be consistent with the duty set out in section 6 of the Environment (Wales) Act 2016. No other factors lead me to find otherwise.

Conditions

50. I have had regard to the suggested conditions in the light of Circular 016/2014 'The Use of Planning Conditions for Development Management'. During the appeal I sought the further views of the Council and applicant on these suggested conditions, as well as on proposed additional conditions. The imposed conditions listed in the schedule to this decision contain several adjustments to the consulted-on conditions, which I consider to be necessary to accord with the tests set out in the Circular.
51. As the proposal is acceptable in landscape and visual terms and the management of natural features would take place under an HMP, conditions requiring a scheme of landscaping and similar are not necessary and I have therefore not imposed them. I have removed the condition requiring buffer strips, instead integrating this into the condition requiring a CEMP.
52. A condition to require a decommissioning Traffic Management Plan is not needed as this duplicates another condition. Similarly, a condition requiring a section 278 agreement is not necessary as the need to identify and secure highway improvements is covered in other conditions. I have removed the requirement for the applicant to demonstrate rights of access as this is not directly related to the scheme.

Conclusion

53. For the reasons stated above I conclude that the appeal should be allowed. 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.

Paul Selby INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development shall begin not later than five years from the date of this decision.
Reason: To comply with Section 91 of the Town and Country Planning Act 1990.
- 2) Subject to the conditions attached to this permission, the development shall be carried out in accordance with the following plans and documents:
 - Site Plan (Drawing No PR3759-IFP-HMP-B)
 - Block Plan (Drawing No PR3759-IFP-BP-D)
 - Turbine elevation (Drawing No 23.06.0001 Rev C)
 - Standard HV Cable Trench Section-A
 - Environmental Statement (July 2023).Reason: To ensure that the development is carried out in accordance with the approved plans and documents submitted with the application.
- 3) The permission hereby granted shall expire 35 years from the date when electrical power is first exported ('First Export Date') from the wind turbine to the electricity grid network, excluding electricity exported during initial testing and commissioning. Written confirmation of the First Export Date shall be provided to the Local Planning Authority no later than one calendar month after the event.
Reason: To comply with the terms of the application.
- 4) If the turbine hereby permitted fails to produce electricity for supply to the grid for a continuous period of 6 months, a scheme shall be submitted to the Local Planning Authority for its written approval within 3 months of the end of that 6 month period for the repair or removal of the turbine. Where repairs or replacements are required the scheme shall include a proposed programme of remedial works. Where removal of the turbine is required, the scheme shall include the same details required under condition 5 of this permission. The relevant scheme shall thereafter be implemented in accordance with the approved details and timetable.
Reason: In the interests of the character and appearance of the area, in accordance with policies LC1 and LC5 of the Monmouthshire Local Development Plan 2011-2021.
- 5) Not later than 12 months before the expiry of this permission, a decommissioning and site restoration scheme shall be submitted for the written approval of the Local Planning Authority. The scheme shall make provision for the removal of the wind turbine and the associated equipment and foundations. The scheme shall include details of:
 - a. the extent of equipment and foundation removal and the site restoration to be carried out;
 - b. the management and timing of any works;
 - c. a traffic management plan to address likely traffic impact issues during the decommissioning period;

- d. an environmental management plan to include details of measures to be taken during the decommissioning period to protect wildlife and habitats;
- e. identification of access routes;
- f. location of material laydown areas;
- g. a programme of implementation.

The approved scheme shall be fully implemented within 24 months of the expiry of this permission.

Reason: In the interests of the character and appearance of the area, biodiversity and highway safety, in accordance with policies LC1, LC5, NE1 and MV1 of the Monmouthshire Local Development Plan 2011-2021 and Future Wales Policy 9.

- 6) No development, including ground works and vegetation clearance, shall take place until a construction environmental management plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The CEMP shall include details of:
- a. The construction programme including timetable; site clearance; site construction drainage; containments areas; buffer zones between storage areas (of 12.5m for reens and 7m for field ditches) and means of protection; spoil, oils, fuels, concrete mixing and washing areas; and any watercourse or surface drain/ditch.
 - b. Tree and hedgerow protection; invasive species management; the results of an updated walkover survey; and species and habitats protection, avoidance and mitigation measures.
 - c. Fuel and chemical storage and containment; waste generation and its management; water consumption, wastewater and energy use.
 - d. Protection of watercourses, reens and groundwater; subsoil surface water drainage; bunding and siting of fuel storage areas; sewage and foul water drainage and disposal; and emergency procedures and pollution response plans.
 - e. Cabling and trenching.
 - f. The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; other responsible persons and lines of communication; and the times during construction when specialist ecologists need to be present on site to oversee works.

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

Reason: In the interests of habitats and species including qualifying features of the Gwent Levels Redwick and Llandeenny SSSI, in accordance with Future Wales Policy 9 and policy NE1 of the Monmouthshire Local Development Plan 2011-2021.

- 7) No development, including ground works and vegetation clearance, shall commence until an update report to the ecological assessment has been submitted to and approved by the Local Planning Authority. The update report shall provide details of: the validity of habitat and species surveys undertaken, including any significant changes to site-based habitats, and whether any species has moved onto the site or significantly changed its distribution within the site or immediate area; and required additional mitigation measures resulting from any significant changes to

habitats/species. The update report and any associated mitigation measures shall be implemented as approved.

Reason: In the interests of habitats and species, in accordance with Future Wales Policy 9 and policy NE1 of the Monmouthshire Local Development Plan 2011-2021.

- 8) No development (excluding pre-construction site investigations) shall commence until a micro-siting protocol has been submitted to and approved in writing by the Local Planning Authority. The micro-siting protocol will allow for the variation of the turbine and associated infrastructure of up to 25m in any direction subject to the minimisation of impacts on environmental constraints. The protocol shall be implemented as approved.

Reason: In the interests of protected species (bats), in accordance with Future Wales Policy 9 and policy NE1 of the Monmouthshire Local Development Plan 2011-2021.

- 9) The submitted Habitat Management Plan (HMP) (January 2024) shall be implemented in full and shall be retained as such for the lifetime of the development. Evidence of compliance with the HMP shall be in the form of monitoring reports, including georeferenced photographs, submitted to the Local Planning Authority in accordance with the timescales identified in the HMP.

Reason: In the interests of ecology and biodiversity, in accordance with Future Wales Policy 9 and policy NE1 of the Monmouthshire Local Development Plan 2011-2021.

- 10) No development shall commence until a detailed scheme for the post-construction monitoring of bats has been submitted to and approved in writing by the Local Planning Authority. Monitoring shall be undertaken post construction in accordance with the Joint Agency guidance Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation (August 2021) and shall include:

- a. Methods for data gathering and analysis
- b. Location of monitoring
- c. Timing and duration of monitoring
- d. Appropriate persons and equipment to carry out monitoring
- e. Timing and format for presenting and dissemination of monitoring results including submission to all data relevant databases
- f. Contingency prescriptions that will be carried out in the event of failure to undertake required surveillance.

The scheme shall be implemented in accordance with the approved details upon commencement of operation of the turbine.

Reason: In the interests of protected species (bats), in accordance with Future Wales Policy 9 and policy NE1 of the Monmouthshire Local Development Plan 2011-2021.

- 11) No development shall commence until a turbine curtailment protocol has been submitted to and approved in writing by the Local Planning Authority. The protocol shall be informed by the Joint Agency guidance Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation (August 2021) and shall provide for:

- a. The circumstances under which the operation of the turbine is to cease immediately, including where the monitoring carried out pursuant to condition 10 shows activity levels at the turbine to be moderate or above using the Ecobat methodology.

- b. Triggers/thresholds which would require an adjusted curtailment protocol to be provided.
- c. Prescriptions which evidence implementation of the curtailment protocol.

Upon recommencement of operation, turbine operation shall comply with the adjusted curtailment protocol as approved.

Reason: In the interests of protected species (bats), in accordance with Future Wales Policy 9 and policy NE1 of the Monmouthshire Local Development Plan 2011-2021.

12) The height of the nearest bat habitat features bordering the field in which the turbine shall be sited shall be maintained as follows for the lifetime of the development:

- a. The hedgerows on the north and west boundary of the field shall be no greater than 10m in height; and
- b. The reens and associated vegetation on the south and east boundaries shall be maintained at ground level.

Reason: In the interests of protected species (bats), in accordance with Future Wales Policy 9 and policy NE1 of the Monmouthshire Local Development Plan 2011-2021.

13) The turbine blades shall at all times be feathered to reduce rotation speeds to below 2 rpm while idling, in accordance with paragraph 7.1.3(a) of the Joint Agency guidance Bats and Onshore Wind Turbines – Survey, Assessment and Mitigation (August 2021).

Reason: In the interests of protected species (bats), in accordance with Future Wales Policy 9 and policy NE1 of the Monmouthshire Local Development Plan 2011-2021.

14) Abnormal Indivisible Loads (AILs) associated with the construction of the development shall be delivered strictly in accordance with a Traffic Management Plan (TMP) which shall be submitted to and approved in writing by the Local Planning Authority (in consultation with Welsh Government as Welsh trunk road highway authority or other relevant highway authority as appropriate) prior to AIL deliveries commencing. The TMP shall include:

- a. proposals for transporting AILs from their point of entry to the Welsh trunk road network to the site that minimise any impact on the safety and free flow of trunk road traffic in accordance with the Design Manual for Roads and Bridges
- b. evidence of trial runs that mimic the movement of the worst case AILs along the access route where appropriate, at the discretion of the Highway Authority
- c. number and size of AILs, including loaded dimensions and weights
- d. number and composition of AIL convoys, including anticipated escort arrangements
- e. methodology for managing trunk road traffic during AIL deliveries, including identification of passing places and holding areas as necessary
- f. convoy contingency plans in the event of incidents or emergencies
- g. estimated convoy journey durations and timings along the route, including release of forecast traffic queues
- h. swept path analysis modelling the movement of the worst case AILs at all potential horizontal and vertical constraints along the access route where appropriate, at the discretion of the Highway Authority

- i. proposals for the temporary or permanent modification of any affected street furniture along the access route and details of how this would be managed
- j. plans for the reinstatement of any temporary works after completion of the construction phase
- k. land ownership must be clarified on all drawings showing proposed highway modifications. The developer shall be responsible for the acquisition and reinstatement of all third party land including re-instatement of boundary features
- l. proposals to liaise with all relevant stakeholders and members of the public regarding construction traffic and AIL movements
- m. consideration of the cumulative impact of other abnormal load generating schemes proposing to use all or part of the same access route
- n. the appointment and role of a transport coordinator to administer the abnormal indivisible load delivery strategy
- o. means of control of timing of delivery of AIL movements
- p. temporary traffic diversions and traffic hold points
- q. details of banksmen and escorts for abnormal loads
- r. management and maintenance of layover areas, junctions, passing places, public rights of way and welfare facilities while AIL deliveries take place
- s. details of temporary signage
- t. details of any alterations to any works that are carried out to enable AIL movements.

Reason: In the interests of the safety and convenience of highway users, in accordance with policy MV1 of the Monmouthshire Local Development Plan 2011-2021.

15) No AILs shall be delivered until:

- a. An assessment of the capacity and impact on all structures along those parts of the highway network which shall be utilised during the construction of the development including bridges, culverts, retaining walls, embankments; and
- b. Details of any improvement works required to such structures as a result of construction of the development

have been submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The required improvement works identified in the assessment shall be completed prior to the commencement of any Abnormal Indivisible Load deliveries to the development site.

Reason: In the interests of the safety and convenience of highway users, in accordance with policy MV1 of the Monmouthshire Local Development Plan 2011-2021.

16) No AILs shall be delivered until full details of any highway works associated with the construction of layover areas, passing places and highway improvements including:

- a. the detailed design of any works
- b. geometric layout

- c. construction methods
- d. drainage, and
- e. street lighting

have been submitted to and approved in writing by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The highway works shall be completed in accordance with the approved details prior to the commencement of any AIL deliveries to the development site.

Reason: In the interests of the safety and convenience of highway users, in accordance with policy MV1 of the Monmouthshire Local Development Plan 2011-2021.

- 17) Condition surveys of all highway features along those parts of the highway network which shall be utilised during the construction of the development shall be undertaken prior to, during and on completion of the construction phase of the development. The reports shall be submitted to the Local Planning Authority for approval within 28 days of the surveys.

Reason: In the interests of the safety and convenience of highway users, in accordance with policy MV1 of the Monmouthshire Local Development Plan 2011-2021.

- 18) Prior to the commencement of development, a scheme to provide for the remediation of any incidental damage directly attributable to the development to the parts of the highway network which will be utilised during the construction of the development including street furniture, structures, highway verge and carriageway surfaces shall be submitted to and approved by the local planning authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate). The scheme shall be implemented as approved throughout the construction phase of the development.

Reason: In the interests of the safety and convenience of highway users, in accordance with policy MV1 of the Monmouthshire Local Development Plan 2011-2021.

- 19) Prior to the commencement of development, a Road Safety Audit of the scheme (Stages 2 – 4) shall be undertaken in accordance with the Design Manual for Roads and Bridges GG 119 and submitted to the Local Planning Authority. The scheme shall be implemented as approved by the Local Planning Authority following consultation with the Welsh Government as Welsh trunk road highway authority or other relevant highway authority (as appropriate).

Reason: In the interests of the safety and convenience of highway users, in accordance with policy MV1 of the Monmouthshire Local Development Plan 2011-2021.

- 20) The development shall be carried out in accordance with the mitigation measures set out in the Flood Consequence Assessment dated 27 October 2022, which includes setting the floor level of the substation, transformer kiosk and any other equipment housing electrics to a level of 6.31m AOD.

Reason: To minimise flooding risks and consequences, in accordance with policy SD3 of the Monmouthshire Local Development Plan 2011-2021.

- 21) 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: In order to mitigate the impact of the works on the archaeological resource.

- 22) The turbine shall have a semi-matt finish and be a pale grey colour the same or similar to RAL 7035 (light grey). Prior to the erection of the turbine, its exact specification including its finish and colour along with details of its dimensions, and the dimensions, finish and colour of other structures, kiosks and equipment housing electrics shall be submitted to and approved in writing by the Local Planning Authority. No name, sign, symbol or logo shall be displayed on any external surfaces other than those required to meet statutory requirements.

Reason: In the interests of the character and appearance of the area, in accordance with policies LC1 and LC5 of the Monmouthshire Local Development Plan 2011-2021.

- 23) Prior to commencement of construction of the wind turbine or deployment of any temporary structure 50 metres or more in height above ground level, an aviation lighting scheme shall be submitted to the Local Planning Authority for approval, defining how the development will be lit throughout its life to maintain civil and military aviation safety requirements. This shall set out:

- a. details of any equipment or temporary structures with a height of 50 metres or greater above ground level which will be deployed during construction, and details of any aviation warning lighting that they will be fitted with,
- b. the maximum height and coordinates of the wind turbine, the position of the warning lights, and the type and performance specification of lights to be used, and
- c. estimated dates for the erection and subsequent operation of the wind turbine.

Thereafter, the undertaker must exhibit such lights as detailed in the approved aviation lighting scheme. The lighting installed will remain operational for the lifetime of the development.

Reason: In the interests of aviation safety.

- 24) Other than aviation safety lighting there shall be no permanent illumination on the site.

Reason: In the interests of the character and appearance of the area and ecology, in accordance with policies LC1, LC5 and NE1 of the Monmouthshire Local Development Plan 2011-2021.

- 25) All cabling shall be laid underground.

Reason: In the interests of the character and appearance of the area, in accordance with policies LC1 and LC5 of the Monmouthshire Local Development Plan 2011-2021.

- 26) Prior to the erection of the turbine, details of a mechanism and/or control module to reduce shadow flicker shall be submitted to and approved in writing by the Local Planning Authority. The development shall only be operated in accordance with the approved details.

Reason: In the interests of residential amenity, in accordance with policy EP1 of the Monmouthshire Local Development Plan 2011-2021.

- 27) The rating level of noise emissions from the combined effects of the North Court and Rush Wall wind turbines (including the application of any tonal penalty) when determined in accordance with the attached Guidance Notes (to this condition), shall

not exceed the values for the relevant integer wind speed set out in, or derived from, the tables attached to these conditions at any dwelling which is lawfully existing or has planning permission at the date of this permission and:

- a. The wind farm operator shall continuously log power production, wind speed and wind direction, all in accordance with Guidance Note 1(d). These data shall be retained for a period of not less than 24 months. The wind farm operator shall provide this information in the format set out in Guidance Note 1(e) to the Local Planning Authority on its request, within 14 days of receipt in writing of such a request.
- b. No electricity shall be exported until the wind farm operator has submitted to the Local Planning Authority for written approval a list of proposed independent consultants who may undertake compliance measurements in accordance with this condition. Amendments to the list of approved consultants shall be made only with the prior written approval of the Local Planning Authority.
- c. Within 21 days from receipt of a written request from the Local Planning Authority following a complaint to it from an occupant of a dwelling alleging noise disturbance at that dwelling, the wind farm operator shall, at its expense, employ a consultant approved by the Local Planning Authority to assess the level of noise immissions from the wind farm at the complainant's property in accordance with the procedures described in the attached Guidance Notes. The written request from the Local Planning Authority shall set out at least the date, time and location that the complaint relates to and any identified atmospheric conditions, including wind direction, and include a statement as to whether, in the opinion of the Local Planning Authority, the noise giving rise to the complaint contains or is likely to contain a tonal component.
- d. The assessment of the rating level of noise immissions shall be undertaken in accordance with an assessment protocol that shall previously have been submitted to and approved in writing by the Local Planning Authority. The protocol shall include the proposed measurement location identified in accordance with the Guidance Notes where measurements for compliance checking purposes shall be undertaken, whether noise giving rise to the complaint contains or is likely to contain a tonal component, and also the range of meteorological and operational conditions (which shall include the range of wind speeds, wind directions, power generation and times of day) to determine the assessment of rating level of noise immissions. The proposed range of conditions shall be those which prevailed during times when the complainant alleges there was disturbance due to noise, having regard to the written request of the Local Planning Authority under paragraph (c), and such others as the independent consultant considers likely to result in a breach of the noise limits.
- e. Where a dwelling to which a complaint is related is not listed in the tables attached to these conditions, the wind farm operator shall submit to the Local Planning Authority for written approval proposed noise limits selected from those listed in the Tables to be adopted at the complainant's dwelling for compliance checking purposes. The proposed noise limits are to be those limits selected from the Tables specified for a listed location which the independent consultant considers as being likely to experience the most similar background noise environment to that experienced at the complainant's dwelling. The rating level of noise immissions resulting from the combined effects of the wind turbines when determined in accordance with the attached Guidance Notes

shall not exceed the noise limits approved in writing by the Local Planning Authority for the complainant's dwelling.

- f. The wind farm operator shall provide to the Local Planning Authority the independent consultant's assessment of the rating level of noise immissions undertaken in accordance with the Guidance Notes within 2 months of the date of the written request of the Local Planning Authority for compliance measurements to be made under paragraph (c), unless the time limit is extended in writing by the Local Planning Authority. The assessment shall include all data collected for the purposes of undertaking the compliance measurements, such data to be provided in the format set out in Guidance Note 1(e) of the Guidance Notes. The instrumentation used to undertake the measurements shall be calibrated in accordance with Guidance Note 1(a) and certificates of calibration shall be submitted to the Local Planning Authority with the independent consultant's assessment of the rating level of noise immissions.
- g. Where a further assessment of the rating level of noise immissions from the wind farm is required pursuant to Guidance Note 4(c), the wind farm operator shall submit a copy of the further assessment within 21 days of submission of the independent consultant's assessment pursuant to paragraph (d) above unless the time limit has been extended in writing by the Local Planning Authority.

Table 1 – Between 07:00 and 23:00 – Noise limits expressed in dB LA90,10 minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods

Location	ESR	Wind Speed as measured at 10m height (m/s) - All limit values are in dB LA90								
		10 Minute								
		4	5	6	7	8	9	10	11	12
Green Meadow Farm	1	48.1	49.2	49.7	49.8	49.4	49	48.8	49.1	50.9
Well Cottages	2	48.1	49.2	49.7	49.8	49.4	49	48.8	49.1	50.9
Barecroft House	3	48.1	49.2	49.8	50	49.7	49.2	49.1	49.4	51.1
Blue House Farm	4	48.1	49.2	49.8	50	49.7	49.3	49.1	49.4	51.1
Blackwell Stud	5	48.2	49.3	49.9	50	49.7	49.3	49.1	49.4	51.2
Lower Grange	6	42.3	42.6	42.7	42.6	42.6	42.6	42.7	42.7	42.7
Summerleaze	7	42.3	42.6	42.7	42.6	42.6	42.6	42.6	42.6	42.6
Redwick House	8	41.9	42.2	42.3	42	42	42	42.2	42.2	42.2
Little Longlands	9	40.8	41.2	41.2	40.4	40.2	40.6	40.9	40.9	40.9
North Court Farm	10	40.2	40.6	40.6	39.2	38.9	39.3	40	40	40
Tonew Kennels	11	44.5	44.9	44.6	43.5	43.1	42.7	43	43	43
Longlands Farm	12	44.3	44.3	44.2	43.9	43.8	43.9	44.1	44.1	44.1

Table 2 – Between 23:00 and 07:00 – Noise limits expressed in dB LA90,10-minute as a function of the standardised wind speed (m/s) at 10 metre height as determined within the site averaged over 10 minute periods

Location	ESR	Wind Speed as measured at 10m height (m/s) - All limit values are in dB LA90								
		10 Minute								
		4	5	6	7	8	9	10	11	12
Green Meadow Farm	1	45.8	45.9	46.3	47	48.4	50.2	52	53.5	54
Well Cottages	2	45.8	45.9	46.3	47	48.4	50.2	52	53.5	54
Barecroft House	3	45.9	46.1	46.5	47.3	48.6	50.4	52.1	53.5	54.1
Blue House Farm	4	45.9	46.1	46.6	47.4	48.7	50.4	52.1	53.6	54.1
Blackwell Stud	5	45.9	46.1	46.6	47.4	48.7	50.4	52.2	53.6	54.1
Lower Grange	6	42.9	42.8	42.8	43	44	45	45.9	46.2	45.9
Summerleaze	7	42.8	42.8	42.8	42.9	44	45	45.9	46.2	45.9
Redwick House	8	42.5	42.4	42.4	42.4	43.5	44.7	45.7	46	45.7
Little Longlands	9	41.5	41.5	41.4	40.9	42.4	44	45.1	45.5	45.1
North Court Farm	10	41	40.9	40.8	39.9	41.6	43.5	44.8	45.2	44.8
Tonew Kennels	11	42.9	43.2	43.3	43.5	45.3	46.9	48.4	49.2	48.9
Longlands Farm	12	44.3	44.3	44.2	43.9	43.8	43.9	44.1	44.1	44.1

Table 3 – Coordinate locations of the properties listed in Tables 1 and 2

Property	ESR	Easting	Northing
Green Meadow Farm	1	341173	186757
Well Cottages	2	341120	186805
Barecroft House	3	341607	186805
Blue House Farm	4	341942	186896
Blackwell Stud	5	342247	186788
Lower Grange	6	342832	185527
Summerleaze	7	342568	185070
Redwick House	8	341592	184727
Little Longlands	9	341217	184914
North Court Farm	10	340445	184969
Tonew Kennels	11	340027	185700
Longlands Farm	12	341319	184921

Note to Table 3: The geographical coordinate references are provided for the purpose of identifying the general location of dwellings to which a given set of noise limits applies.

Reason: In the interests of residential amenity, in accordance with policy EP1 of the Monmouthshire Local Development Plan 2011-2021.

Guidance Notes for Noise Condition

These notes are to be read with and form part of the noise condition. They further explain the condition and specify the methods to be employed in the assessment of complaints about noise immissions from the wind farm. The rating level at each integer wind speed is the arithmetic sum of the wind farm noise level as determined from the best-fit curve described in Guidance Note 2 of these Guidance Notes and any tonal penalty applied in accordance with Guidance Note 3. Reference to ETSU-R-97 refers to the publication entitled “The Assessment and Rating of Noise from Wind Farms” (1997) published by the Energy Technology Support Unit (ETSU) for the Department of Trade and Industry (DTI).

Guidance Note 1

- (a) Values of the LA90,10 minute noise statistic should be measured at the complainant's property, using a sound level meter of EN 60651/BS EN 60804 Type 1, or BS EN 61672 Class 1 quality (or the equivalent UK adopted standard in force at the time of the measurements) set to measure using the fast time weighted response as specified in BS EN 60651/BS EN 60804 or BS EN 61672-1 (or the equivalent UK adopted standard in force at the time of the measurements). This should be calibrated in accordance with the procedure specified in BS 4142: 1997 (or the equivalent UK adopted standard in force at the time of the measurements). Measurements shall be undertaken in such a manner to enable a tonal penalty to be applied in accordance with Guidance Note 3.
- (b) The microphone should be mounted at 1.2 – 1.5 metres above ground level, fitted with a two-layer windshield or suitable equivalent approved in writing by the Local Planning Authority, and placed outside the complainant's dwelling. Measurements should be made in “free field” conditions. To achieve this, the microphone should be placed at least 3.5 metres away from the building facade or any reflecting surface except the ground at the approved measurement location. In the event that the consent of the complainant for access to his or her property to undertake compliance measurements is withheld, the wind farm operator shall submit for the written approval of the Local Planning Authority details of the proposed alternative representative measurement location prior to the commencement of measurements and the measurements shall be undertaken at the approved alternative representative measurement location.
- (c) The LA90,10 minute measurements should be synchronised with measurements of the 10-minute arithmetic mean wind and operational data logged in accordance with Guidance Note 1(d), including the power generation data from the turbine control systems of the wind farm.
- (d) To enable compliance with the conditions to be evaluated, the wind farm operator shall continuously log arithmetic mean wind speed in metres per second and wind direction in

degrees from north at hub height for each turbine and arithmetic mean power generated by each turbine, all in successive 10-minute periods. Unless an alternative procedure is previously agreed in writing with the Planning Authority, this hub height wind speed, averaged across all operating wind turbines, shall be used as the basis for the analysis. All 10 minute arithmetic average mean wind speed data measured at hub height shall be 'standardised' to a reference height of 10 metres as described in ETSU-R-97 at page 120 using a reference roughness length of 0.05 metres . It is this standardised 10 metre height wind speed data, which is correlated with the noise measurements determined as valid in accordance with Guidance Note 2, such correlation to be undertaken in the manner described in Guidance Note 2. All 10-minute periods shall commence on the hour and in 10-minute increments thereafter.

(e) Data provided to the Local Planning Authority in accordance with the noise condition shall be provided in comma separated values in electronic format.

(f) A data logging rain gauge shall be installed in the course of the assessment of the levels of noise immissions. The gauge shall record over successive 10-minute periods synchronised with the periods of data recorded in accordance with Note 1(d).

Guidance Note 2

(a) The noise measurements shall be made so as to provide not less than 20 valid data points as defined in Guidance Note 2 (b)

(b) Valid data points are those measured in the conditions specified in the agreed written protocol under paragraph (d) of the noise condition, but excluding any periods of rainfall measured in the vicinity of the sound level meter. Rainfall shall be assessed by use of a rain gauge that shall log the occurrence of rainfall in each 10 minute period concurrent with the measurement periods set out in Guidance Note 1. In specifying such conditions the Local Planning Authority shall have regard to those conditions which prevailed during times when the complainant alleges there was disturbance due to noise or which are considered likely to result in a breach of the limits.

(c) For those data points considered valid in accordance with Guidance Note 2(b), values of the LA90,10 minute noise measurements and corresponding values of the 10- minute wind speed, as derived from the standardised ten metre height wind speed averaged across all operating wind turbines using the procedure specified in Guidance Note 1(d), shall be plotted on an XY chart with noise level on the Y-axis and the standardised mean wind speed on the X-axis. A least squares, "best fit" curve of an order deemed appropriate by the independent consultant (but which may not be higher than a fourth order) should be fitted to the data points and define the wind farm noise level at each integer speed.

Guidance Note 3

(a) Where, in accordance with the approved assessment protocol under paragraph (d) of the noise condition, noise immissions at the location or locations where compliance measurements are being undertaken contain or are likely to contain a tonal component, a tonal penalty is to be calculated and applied using the following rating procedure.

(b) For each 10 minute interval for which LA90,10 minute data have been determined as valid in accordance with Guidance Note 2 a tonal assessment shall be performed on noise

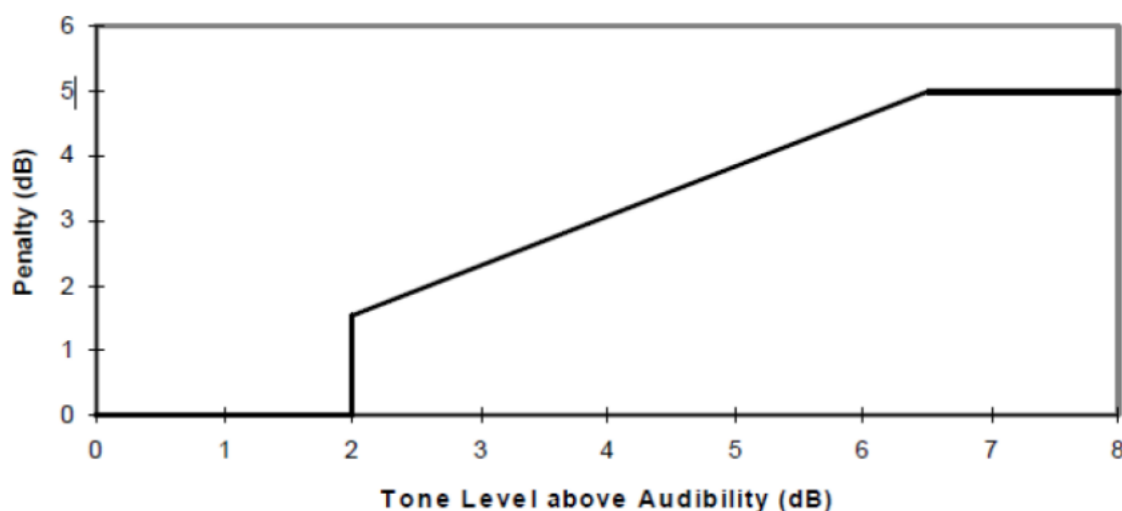
immissions during 2 minutes of each 10 minute period. The 2 minute periods should be spaced at 10 minute intervals provided that uninterrupted uncorrupted data are available (“the standard procedure”). Where uncorrupted data are not available, the first available uninterrupted clean 2 minute period out of the affected overall 10 minute period shall be selected. Any such deviations from the standard procedure, as described in Section 2.1 on pages 104-109 of ETSU-R-97, shall be reported.

(c) For each of the 2 minute samples the tone level above or below audibility shall be calculated by comparison with the audibility criterion given in Section 2.1 on pages 104-109 of ETSU-R-97.

(d) The tone level above audibility shall be plotted against wind speed for each of the 2 minute samples. Samples for which the tones were below the audibility criterion or no tone was identified, a value of zero audibility shall be used.

(e) A least squares “best fit” linear regression line shall then be performed to establish the average tone level above audibility for each integer wind speed derived from the value of the “best fit” line at each integer wind speed. If there is no apparent trend with wind speed then a simple arithmetic mean shall be used. This process shall be repeated for each integer wind speed for which there is an assessment of overall levels in Guidance Note 2.

(f) The tonal penalty is derived from the margin above audibility of the tone according to the figure below.



Guidance Note 4

(a) If a tonal penalty is to be applied in accordance with Guidance Note 3 the rating level of the turbine noise at each wind speed is the arithmetic sum of the measured noise level as determined from the best fit curve described in Guidance Note 2 and the penalty for tonal noise as derived in accordance with Guidance Note 3 at each integer wind speed within the range specified by the Local Planning Authority in its written protocol under paragraph (d) of the noise condition.

(b) If no tonal penalty is to be applied then the rating level of the turbine noise at each wind speed is equal to the measured noise level as determined from the best fit curve described in Guidance Note 2.

(c) In the event that the rating level is above the limit(s) set out in the Tables attached to the noise conditions or the noise limits for a complainant’s dwelling approved in accordance with

paragraph (e) of the noise condition, the independent consultant shall undertake a further assessment of the rating level to correct for background noise so that the rating level relates to wind turbine noise immission only.

(d) The wind farm operator shall ensure that all the wind turbines in the development are turned off for such period as the independent consultant requires to undertake the further assessment. The further assessment shall be undertaken in accordance with the following steps:

(e). Repeating the steps in Guidance Note 2, with the wind farm switched off, and determining the background noise (L_3) at each integer wind speed within the range requested by the Local Planning Authority in its written request under paragraph (c) and the approved protocol under paragraph (d) of the noise condition.

(f) The wind farm noise (L_1) at this speed shall then be calculated as follows where L_2 is the measured level with turbines running but without the addition of any tonal penalty:

$$L_1 = 10 \log \left[10^{\frac{L_2}{10}} - 10^{\frac{L_3}{10}} \right]$$

(g) The rating level shall be re-calculated by adding arithmetically the tonal penalty (if any is applied in accordance with Note 3) to the derived wind farm noise L_1 at that integer wind speed.

(h) If the rating level after adjustment for background noise contribution and adjustment for tonal penalty (if required in accordance with note 3 above) at any integer wind speed lies at or below the values set out in the Tables attached to the conditions or at or below the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then no further action is necessary. If the rating level at any integer wind speed exceeds the values set out in the Tables attached to the conditions or the noise limits approved by the Local Planning Authority for a complainant's dwelling in accordance with paragraph (e) of the noise condition then the development fails to comply with the conditions.

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