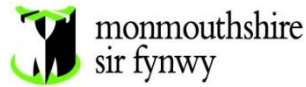


# Public Document Pack



County Hall  
Rhadyr  
Usk  
NP15 1GA

Monday, 27 October 2025

Notice of meeting:

## Planning Committee

Tuesday, 4th November, 2025 at 2.00 pm,  
The Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA

### AGENDA

Item No	Item	Pages
1.	Apologies for Absence.	
2.	Declarations of Interest.	
3.	To confirm for accuracy the minutes of the previous meeting.	1 - 4
4.	To consider the following Planning Application reports from the Chief Officer Place and Community Wellbeing (copies attached):	
4.1.	Application DM/2019/02051 - Construction of 20no. affordable housing units, landscaping and associated works. Land at Wern Gifford, Pandy, Abergavenny, NP7 8DL.	5 - 34
4.2.	Application DM/2023/01198 - Erection of 2 No. additional poultry units and associated infrastructure on established poultry farm. Coombe Farm, Cwm Mill to Shirenewton, Shirenewton, Chepstow.	35 - 56
4.3.	Application DM/2025/01100 - Retention of boundary fence and entrance gate. Marchwood, St Lawrence Road, Chepstow, NP16 5BJ.	57 - 64
5.	FOR INFORMATION - The Planning Inspectorate - Appeals Decisions Received:	
5.1.	Land At Cobbs Tump, Duffields Lane, Upper Redbrook, Redbrook, Monmouth, NP25 4LU.	65 - 70
5.2.	Land at Millers Arms Pub, Mathern Road, Mathern, Monmouthshire, NP16 6JD.	71 - 72

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

:

## Public Information

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

### Access to paper copies of agendas and reports

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

### Watch this meeting online

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

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

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

### Welsh Language

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

# Aims and Values of Monmouthshire County Council

## Our purpose

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

## **Objectives we are working towards**

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

## Our Values

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

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

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

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

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

## **Purpose**

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

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

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

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

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

## **Decision-making**

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

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

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

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

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

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

## Planning policy context

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

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

### Policy EP1 - Amenity and Environmental Protection

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

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

### Policy DES1 – General Design Considerations

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

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

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

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

#### Supplementary Planning Guidance (SPG):

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

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

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

### National Planning Policy

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

- Future Wales: the national plan 2040
- Planning Policy Wales (PPW) edition12
- PPW Technical Advice Notes (TAN):
  - TAN 1: Joint Housing Land Availability Studies (2015)
  - TAN 2: Planning and Affordable Housing (2006)
  - TAN 3: Simplified Planning Zones (1996)
  - TAN 4: Retail and commercial development (November 2016)
  - TAN 5: Nature Conservation and Planning (2009)
  - TAN 6: Planning for Sustainable Rural Communities (2010)
  - TAN 7: Outdoor Advertisement Control (1996)
  - TAN 8: Renewable Energy (2005)
  - TAN 9: Enforcement of Planning Control (1997)
  - TAN 10: Tree Preservation Orders (1997)
  - TAN 11: Noise (1997)
  - TAN 12: Design (2016)
  - TAN 13: Tourism (1997)
  - TAN14: coastal planning (2021)
  - TAN 15: Development, flooding and coastal erosion (March 2025)
  - TAN 16: Sport, Recreation and Open Space (2009)
  - TAN 18: Transport (2007)
  - TAN 20: The Welsh Language (2017)
  - TAN 21: Waste (2014)
  - TAN 23: Economic Development (2014)
  - TAN 24: The Historic Environment (2017)
- Minerals Technical Advice Note (MTAN) Wales 1: Aggregates (30 March 2004)
- Minerals Technical Advice Note (MTAN) Wales 2: Coal (20 January 2009)
- Welsh Government Circular 016/2014 on planning conditions

### **Other matters**

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

#### Planning (Wales) Act 2015

As of January 2016, Sections 11 and 31 of the Planning Act come into effect meaning the Welsh language is a material planning consideration.

Section 31 of the Planning Act clarifies that considerations relating to the use of the Welsh language can be taken into account by planning authorities when making decisions on applications for planning permission, so far as material to the application. The provisions do not apportion any additional weight to the Welsh language in comparison to other material

considerations. Whether or not the Welsh language is a material consideration in any planning application remains entirely at the discretion of the local planning authority, and the decision whether or not to take Welsh language issues into account should be informed by the consideration given to the Welsh language as part of the LDP preparation process. Section 11 requires the sustainability appraisal, undertaken as part of LDP preparation, to include an assessment of the likely effects of the plan on the use of Welsh language in the community. Where the authority's current single integrated plan has identified the Welsh language as a priority, the assessment should be able to demonstrate the linkage between consideration for the Welsh language and the overarching Sustainability Appraisal for the LDP, as set out in TAN 20.

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

#### Environmental Impact Assessment Regulations 2016

The Town and Country Planning (Environmental Impact Assessment) (Wales) Regulations 2016 are relevant to the recommendations made. The officer report will highlight when an Environmental Statement has been submitted with an application.

#### Conservation of Habitat & Species Regulations 2017

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

- (i) The derogation is in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment.
- (ii) There is no satisfactory alternative
- (iii) The derogation is not detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.

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

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

- **A prosperous Wales:** efficient use of resources, skilled, educated people, generates wealth, provides jobs;
- **A resilient Wales:** maintain and enhance biodiversity and ecosystems that support resilience and can adapt to change (e.g. climate change);
- **A healthier Wales:** people's physical and mental wellbeing is maximised and health impacts are understood;
- **A Wales of cohesive communities:** communities are attractive, viable, safe and well connected;
- **A globally responsible Wales:** taking account of impact on global well-being when considering local social, economic and environmental wellbeing;



- **A Wales of vibrant culture and thriving Welsh language:** culture, heritage and Welsh language are promoted and protected. People are encouraged to do sport, art and recreation;
- **A more equal Wales:** people can fulfil their potential no matter what their background or circumstances.

A number of sustainable development principles are also set out:

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

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

#### Crime and Disorder Act 1998

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

#### Equality Act 2010

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

#### Children and Families (Wales) Measure

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

#### Climate Emergency

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

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

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

## **Protocol on Public Speaking at Planning Committee**

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

### **Who Can Speak**

#### Community and Town Councils

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

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

Not to introduce information that is not:

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

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

#### Members of the Public

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

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

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

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

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

## Applicants

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

When is speaking permitted?

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

### Registering Requests to Speak

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

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

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

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

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

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

### Content of the Speeches

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

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

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

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

## Procedure at the Planning Committee Meeting

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

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

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

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



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# Public Document Pack Agenda Item 3

## MONMOUTHSHIRE COUNTY COUNCIL

**Minutes of the meeting of Planning Committee held  
at the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th  
October, 2025 at 2.00 pm**

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

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

County Councillor Laura Wright attended the meeting by invitation of  
the Chair.

### **OFFICERS IN ATTENDANCE:**

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

County Councillor Jill Bond did not vote in respect of application DM/2025/00379 as she had to leave the meeting temporarily during consideration of this application.

County Councillor Jan Butler did not vote in respect of application DM/2025/00379 as she joined the meeting late due to technical issues whilst attempting to join the meeting remotely.

County Councillor Fay Bromfield left the meeting following consideration of application DM/2025/00831 and did not return.

County Councillor Jan Butler left the meeting following consideration of application DM/2025/00831 and did not return.

### **APOLOGIES:**

County Councillor Rachel Buckler

#### **1. Declarations of Interest**

None received.

## MONMOUTHSHIRE COUNTY COUNCIL

Minutes of the meeting of Planning Committee held  
at the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th  
October, 2025 at 2.00 pm

### 2. Confirmation of Minutes

The minutes of the Planning Committee meeting dated 9<sup>th</sup> September 2025 were confirmed as an accurate record.

### 3. 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

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

<https://www.youtube.com/live/UQhI6L8ngwk?si=85XBBhrQG-x54z8-&t=151>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Ann Webb and seconded by County Councillor Emma Bryn that application DM/2025/00379 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement with an additional condition to add external lighting.

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

For approval	-	13
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2025/00379 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement with an additional condition to add external lighting.

### 4. 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

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

<https://www.youtube.com/live/UQhI6L8ngwk?si=U3qFciFRiNxpo8Cn&t=2040>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Ann Webb and seconded by County Councillor Phil Murphy that

## MONMOUTHSHIRE COUNTY COUNCIL

### Minutes of the meeting of Planning Committee held at the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th October, 2025 at 2.00 pm

application DM/2025/00831 be approved subject to the conditions outlined in the report and that Condition 2 be amended as follows:

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

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

In favour of the proposal	-	7
Against the proposal	-	7
Abstentions	-	1

As the vote was tied the Chair exercised his casting vote and voted in favour of the proposal.

The proposition was carried.

We resolved that application DM/2025/00831 be approved subject to the conditions outlined in the report and that Condition 2 be amended as follows:

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

**5. 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**

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

<https://www.youtube.com/live/UQhI6L8ngwk?si=X0MoqQZFIncfWJGk&t=4826>

In noting the detail of the application and the views expressed, it was proposed by County Councillor Tony Easson and seconded by County Councillor Dale Rooke that application DM/2021/01700 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement. Also, that an additional condition be added to require submitted details and Local Planning Authority approval of the cycle store.

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

For approval	-	11
Against approval	-	0
Abstentions	-	0

The proposition was carried.

We resolved that application DM/2021/01700 be approved subject to the conditions outlined in the report and subject to a Section 106 Agreement. Also, that an additional

## **MONMOUTHSHIRE COUNTY COUNCIL**

**Minutes of the meeting of Planning Committee held  
at the Council Chamber, County Hall, The Rhadyr, Usk, NP15 1GA on Tuesday, 7th  
October, 2025 at 2.00 pm**

condition be added to require submitted details and Local Planning Authority approval of the cycle store.

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

<https://www.youtube.com/live/UQhI6L8ngwk?si=tR3zeKePOx6TBtIm&t=7020>

#### **6.1. North Barn, Whitehouse Farm, Llanfair Grange Road, Llanfair Kilgeddin, Monmouthshire NP7 9BB**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at North Barn, Whitehouse Farm, Llanfair Grange Road, Llanfair Kilgeddin on 18<sup>th</sup> June 2025.

#### **Appeal A**

We noted that the appeal was dismissed.

#### **Appeal B**

We noted that the appeal was dismissed.

#### **6.2. Land at North Court Farm, Redwick, Caldicot NP26 3DX**

We received the Planning Inspectorate report which related to an appeal decision following a site visit that had been held at North Court Farm, Redwick, Caldicot NP26 3DX on 27<sup>th</sup> August 2025.

We noted that the appeal was allowed and planning permission was 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 the decision letter.

**The meeting ended at 4.00 pm.**

**Application number:** DM/2019/02051

**Proposal:** Construction of 20no. affordable housing units, landscaping and associated works

**Address:** Land at Wern Gifford, Pandy, Abergavenny, NP7 8DL

**Applicant:** Mr. Tim Crooks

**Plans:** Proposed Site Layout (Rev H), LT1917.04.01 (Rev J), Engineering Layout -Sheet 1 (Rev G), Engineering Layout -Sheet 2 (Rev F), Longitudinal Sections (Rev A) Highways Construction Details (Rev A), Addendum GI Statement (May 2025), Detailed Soft Landscape Proposals (Rev C), E24123101 Land at Wern Gifford, Pandy PEA, Issued (A), LT1917.00.101 Land Mitigation Plan - REV.C Boundary Details LT1917.04.04 REV.A. Plots 1&2 LT1917.04.110 REV.B, Plots 3&4 LT1917.04.111 REV.B, Plots 5&6 LT1917.04.112 REV.B, Plots 7&8 LT1917.04.113 REV.A, Plots 9-12 LT1917.04.114 REV.A, Plots 13-15 LT1917.04.115A, Plots 16&17 LT1917.04.116 REV.B,

**RECOMMENDATION: APPROVE subject to Section 106 agreement**

Case Officer: Kate Bingham Date

Valid: 06.01.2020

**This application is presented to Planning Committee as there are five or more objections to the proposal**

## 1.0 APPLICATION DETAILS

This application was presented to Planning Committee on 3<sup>rd</sup> March 2020 where it was resolved to approve the development subject to the resolution of a holding objection raised by NRW in relation to flood modelling.

In the meantime, residential development within the catchment of the River Wyer Special Area of Conservation (SAC) was paused due to the river failing to meet revised water quality targets for phosphorus. Under the Habitats Regulations, development that may increase the concentration of phosphates levels will be subject to appropriate assessment and Habitats Regulations Assessment. As such a Test of Likely Significant Effect (TOLSE) has been undertaken which concludes that this proposed development is unlikely to have a Significant Effect on the phosphate sensitive River SAC and a full Appropriate Assessment is not required. Further details are provided below in Natural Resource Wales' (NRW's) advice.

## 2.0 SUMMARY OF AMENDMENTS

The applicant has been working in direct liaison with NRW resulting in the submission of a updated Flood Consequences Assessment (FAC) which has prepared by PHG allowing NRW to withdraw their objection.

The design of the development is principally the same as that previously presented to planning committee with the access, layout, scale, amount/unit numbers remaining the same. A minor change to the arrangement of plots 18-20 has been undertaken to improve the design of the scheme whilst also assisting on the flooding requirements.

The main change to the design in terms of flood risk has been the omission of the culvert under the access road and replacement with the span bridge as now indicated. Consequential impacts of the flood mitigation have followed in the form of the swale and basin design and corresponding landscaping design.

As such the site location plan, layout plan and block plan have been updated. A soft planting scheme and management strategy has also been provided to demonstrate suitable compensatory SINC mitigation.

### 3.0 FURTHER REPRESENTATIONS

#### 3.1 Consultation Responses

**NRW** - We are satisfied that our concerns can be overcome by attaching the following conditions to any planning permission granted:

Updated Green Infrastructure Management Plan and updated Landscape Plan  
Landscape and preservation of Dark Skies  
European Protected Species (EPS) – dormouse conservation plan  
European Protected Species (EPS) – lighting scheme  
Construction Environmental Management Plan

Further details below:

##### 1. Flood Risk

The planning application proposes highly vulnerable development of 20 dwellings. Our Flood Risk Map confirms the site to be partially within Zone C2 of the Development Advice Map (DAM) contained in TAN15. The Flood Map for Planning identifies the application site to be at risk of flooding and falls partially into Flood Zone 2 and 3 Rivers.

We refer you to Section 6 of TAN15 and the Chief Planning Officer letter from Welsh Government, dated 9 January 2014, which affirms that highly vulnerable development should not be permitted in Zone C2 (paragraph 6.2 of TAN15). The justification tests in paragraph 6.2 of TAN15 do not apply to highly vulnerable development in Zone C2.

Notwithstanding this policy position, we have reviewed the Flood Consequences Assessment (FCA) by PHG Consulting Engineers, Reference 1966 Version 15 dated 19th September 2024, the FCA Addendum uploaded on your website on 13 January and 3 March 2025 together with the Engineering Layout drawings 200 and 201 Revs D.

##### Flood risk: 1% plus climate change (A1.14 criteria)

The residential area of the proposed development site is predicted to be flood free during the 1 in 100 year (1%) plus an allowance for climate change (CC) (25%) flood event. We note that the northern edge of the proposed swale lies partially within the flood outlines (1% CC and 0.1%) of the ordinary watercourse. The swale feature is for discharging the attenuated surface water from the site and therefore we consider it is unlikely to have any impact on flooding as a result.

##### Flood risk 0.1% present day (A1.15 criteria)

###### *Flood Depths/Velocities*

The residential area of the proposed development site is predicted to be flood free in the 1 in 1000 year (0.1%) flood event. However, the main access into the site has been shown to flood up to a maximum depth of 0.120m with a corresponding velocity of 0.48m/sec (Section 2.13.2 of the FCA) during the 0.1% event. The predicted depth is within the indicative tolerable conditions set out in A1.15 of TAN15 i.e. <600mm. However, the velocity exceeds the 0.3m/sec advisory limit.

###### *Rate of Rise, and Speed of Inundation*

We advise that no information has been provided on the rate of rise or speed of inundation as per A1.15 of TAN15 and the Welsh Government's CPO letter (Planning Policy on Flood Risk and Insurance Industry Changes) on 9 January 2014. If you are minded to request this information from the Applicant, we would be happy to provide further advice.

##### Flood risk elsewhere (A1.12 criteria)

We note that the amended FCA (September 2024) concludes (3.13 and 3.15) that there will be no increase in flooding elsewhere due to the provision of compensatory flood storage within off-line storage areas. However, these storage areas have now been removed.

The FCA Addendum states that the removal of the twin culverts and installing a clear span bridge over the ordinary watercourse negates the requirement for a storage area to the south of the development as the soffit of the proposed bridge will have a clearance of 600mm above the 1% CC design event flood level.

The amended Engineering Layout drawings Nos 200 and 201 Revs D show that the northern storage area has now been removed from proposed plans and a large meandering swale has been incorporated to manage surface water. The FCA addendum states “As the development will not increase flood risk elsewhere, the northern compensation area is not required.” We are satisfied with this assessment.

With regards to the proposed meandering swale feature, the applicant may wish to consider continuing it as an open feature up to the bank of the ordinary watercourse. This would avoid a need to install a conventional drainage piped system and the new headwall structure, thereby allowing the swale to naturally function and have less maintenance liability.

Any works affecting an ordinary watercourse may require an Ordinary Watercourse Consent from the relevant Lead Local Flood Authority. We advise they are consulted on this proposal.

## 2. Landscape

Bannau Brycheiniog National Park: Our advice relates to potential impacts of the proposed development on the landscape character and visual amenity of Bannau Brycheiniog National Park (BBNP) and its setting, and the statutory purpose of the designation to conserve and enhance its natural beauty.

In our response of 7 February 2020, CAS-106733-D2R4, we advised that revised/updated detailed landscape/site layout plans and planting plans should be provided prior to the determination of the application and the Green Infrastructure Management Plan/LEMP will also need to be updated based on these changes.

Following revisions to the scheme, we have reviewed the additional and updated landscape information submitted including:

- Proposed site layout LT1917.04.01 REV.G, LeTrucco Design Architecture, Jan 2025
- Detailed soft landscape proposals, TDA Jan 2024
- Landscape Specification and Management Plan, TDA, Jan 2024

We note that there are discrepancies between these plans and engineering proposals e.g. conflicts between root protection zones and drainage, extent of swales on engineering drawings, and new tree planting proposed south of the entrance which lie outside the red line boundary.

Some of the new elements proposed, such as retaining walls, fencing treatments and lighting proposals, may increase potential for harm to the protected landscape and its amenity. These hard landscape elements are not indicated on the landscape planting plan. Hard landscape features and retaining walls are described across multiple plans e.g. Plan ref 1966-200C Engineering layout, LT1917.04.04 REV.A Boundary Details, and LT1917.04.02 REV.F. This makes it hard to establish whether boundary treatments need alternative planting measures to achieve appropriate screening and mitigation.

On boundary planting generally, we advise that landscape buffer zones and new hedging need to be sufficiently wide to allow effective screening particularly on the western edge of plots 9-15. Additional boundary tree planting would also be desirable.

Effects of lighting have not been assessed and a lighting strategy is needed to ensure appropriate safeguards of BBNP dark skies are included.

## Landscape Conditions

We continue to advise that conditions for an updated Landscape Plan and Green Infrastructure Management Plan are included on any permission granted as well as a condition to protect the BBNP dark skies

The updated landscape plan should include updated details of both hard and soft landscape works and enhanced boundary treatments. For example:

- Soft landscape: planting plans, specifications, species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment.
- Hard landscape: materials including surfacing, SuDS, fencing, gates, minor artefacts and structures (e.g. signs, bins, stores).

We have also requested a lighting plan condition under European Protected Species advice (see below) to ensure suitable dark commuting and foraging areas for bats are retained during construction and post development. We would be happy for your authority to combine the two conditions as long as both objectives are clear i.e. safeguard foraging/commuting habitat and protecting dark skies of the National Park.

### 3. Foul Drainage and Protected Sites - River Wye Special Area of Conservation

We note the application site is within the catchment of the River Wye 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.

This application for the erection of 20 dwellings proposes connection of foul water to the mains sewer. Ultimately, the suitability of foul drainage arrangements for the proposed development is a matter for your Authority to determine.

We note in their letter of 4 February 2025, reference PLA0085017, DCWW has confirmed that "Pandy WwTW is now currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. ....Accordingly, we would advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from the development subject of this application. We would also advise that this WwTW has a phosphorus consent limit of 5 mg/l and is currently compliant with this consent limit."

While the nutrient impacts of new connections should be considered on a case-by-case basis, we consider that it is likely that a conclusion of no likely significant effect could be drawn in the context of water quality impacts from this proposal as the sewerage undertaker has confirmed that there is capacity to treat additional wastewater from the proposed development within revised environmental permit limits, and the WwTW is currently operating in compliance with permit conditions.

### 4. European Protected Species Dormice and Bats

In our letter dated 7 February 2020, reference CAS-106732-D2R4, we requested additional dormouse surveys to be undertaken using alternative survey techniques for example, nest tube/box surveys. However, we advised that in this instance, we would accept an approach that assumes presence of dormice on site. As such, a condition, to secure a dormouse conservation plan that sets out the likely impacts upon dormice and the mitigation and compensation measures that will be implemented to off-set these impacts, would be acceptable.

We also advised that a lighting plan should be secured to ensure suitable dark commuting and foraging areas for bats are retained during construction and post development.

We note the proposed condition 3 and condition 8 set out in the Planning Officer's report to planning committee uploaded onto the website on 24 February 2020. We agree with the wording of these conditions and their inclusion on any permission granted to address our concerns in relation to dormice and bats.



We note the submission of a CEMP, by P+P Builders, dated 12 December 2019. We note comments in the CEMP under "Protect the Water Source" which proposes to "develop bunds on the banks or place absorbent material along ditch banks to prevent or restrict the flow of pollutants to the water resource." However, bunds could pose an unacceptable risk to the watercourse, as the material used could wash and/or leach into the watercourse. Therefore, we recommend this is amended and the CEMP considers the advice referred to in the Guidance for Pollution Prevention: Works and Maintenance in our near water GPP5 available via on the Netregs website. Any discharge of suspended solids/pollutants is not permitted to enter the watercourse at any time.

**Cadw** - A revised site plan, omitting the proposed flood attenuation area located to the south of scheduled monument MM199 has been submitted in support of this application. The revised plan, without the flood attenuation area, is very similar to the plan assessed by EDP in their archaeological and heritage desk-based assessment of December 2019. The assessment of the impact of the proposed development on the setting of scheduled monument MM199 Tramway Embankment of Grosmont Railway contained in that document is therefore valid and no additional information on this issue is now required. Consequently, subject to the retention of the buffer zone alongside the scheduled monument with the existing vegetation augmented by additional planting, the impact of the proposed development on the setting of the scheduled monument will be slight adverse, a level of impact that will not cause unacceptable damage to it.

A revised site plan, with a proposed flood attenuation area located between the development and the A465, along with a swale beside the access road has been submitted in support of this application. These changes in the design of the proposed development will not alter the scale of impact on the setting of scheduled monument MM199 determined by EDP in their archaeological and heritage desk-based assessment of December 2019.

**Dwr Cymru – Welsh Water (DCWW)** – No objections subject to condition.

The site lies within the catchment of Pandy WwTW which ultimately discharges to a Special Area of Conservation (SAC) and at the time of our previous consultation, Pandy WwTW was failing to comply with the 95% quartile for its flow passed forward (FPF) performance. Therefore, on previous correspondence a request was made for the inclusion of a Grampian Style condition to be included.

However, following works, we can confirm that Pandy WwTW is now currently compliant with the 95% quartile for its flow passed forward (FPF) performance, at the time of this consultation. It is also noted that the amended documents do not vary the total number of proposed housing units and the total proposed remains 20. Accordingly, we would advise there is currently suitable hydraulic capacity in the public sewerage system and downstream WwTW to accommodate foul water flows from the development the subject of this application. We would also advise that this WwTW has a phosphorus consent limit of 5 mg/l and is currently compliant with this consent limit.

The amended drawings show that surface water will still discharge to a surface water body which is a welcomed approach. Therefore, it is requested that a condition is included in any subsequent grant of planning permission that prevents the discharging of surface water either directly or indirectly to the public sewer network.

We advise that the proposed development site is crossed by a 150 mm public foul sewer with the approximate position being marked on the attached Statutory Public Sewer Record. In accordance with the Water Industry Act 1991, Dwr Cymru Welsh Water requires access to its apparatus at all times in order to carry out maintenance and repairs. Having reviewed the application, it appears that no new operational development would be situated within the protection zone of the public sewer measured 3 metres either side of the pipes centreline.

Further Reconsultation response – No additional comments.

We note that we have been previously consulted on DM/2019/02051 and made previous representations under references PLA0085017, PLA0083076, and PLA0047179 with PLA0085017 being our most recent consultation response dated 04.02.2025 where we raised no objection subject to the inclusion of a condition and advisory notes. We note that amended plans have been submitted that propose a large meandering swale to manage surface water effectively.

## **MCC Landscape/GI Officer - More detail requested 25/3/25**

The recent information relates to amendments to the surface water management / SuDS systems which is acceptable. The concerns and requests for further information as raised and highlighted previously above remain hence a provisional holding objection seeking further clarifications:

Issue of the 1.8m boundary fence atop of the 1.8m high retaining wall adjacent to plots 16,17 & 20 remains in terms of visual impact and additional planting mitigation or alternative fence treatment requested;

More tree planting along the western boundary of plots 9,12 & 15 required;

More detail of 1.1m fences of plots 1-8 close to the Scheduled Ancient Monument;

Landscape Specification & Management Plan submitted are welcome but not sufficient.

In absence of further information/clarification, request conditions for detailed hard and soft landscaping scheme, lighting plans and Green Infrastructure Management Plan if not provided prior to determination.

*Note: An addendum GI Statement along with amended landscape details have also been provided submitted on 6<sup>th</sup> June 2025. This issue is considered in sections 4.2 and 4.3 below.*

## **MCC Biodiversity – Objection.**

The Biodiversity Officer expresses an objection on the following grounds: The proposal is located wholly within a non-statutory designated site; the proposal would result in a significant adverse effect on the local designated site contrary to LDP policy NE1. The proposal does not adequately compensate for negative impacts and will result in net loss to biodiversity contrary to Environment (Wales) Act 2016 and Planning Policy Wales.

Legislation and planning policy has evolved since the site was allocated (2014) and since the application was received (2019). The Environment (Wales) Act 2016 introduced the Section 6 Biodiversity Duty, which requires that the LPA “must seek to maintain and enhance biodiversity in the exercise of [its] functions ... and in doing so promote the resilience of ecosystems”. Subsequent editions of Planning Policy Wales have increasingly emphasised the importance of fulfilling this duty. Planning Policy Wales 12 (published February 2024) improved the step-wise approach which must be followed “to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for” (PPW12, paragraph 6.4.11).

Designated sites are given protection from development in Planning Policy Wales which states that “All designated sites must be able to continue to protect the biodiversity and features for which they were designated” and “this ability should not be compromised by inappropriate development or other activity” (PPW, paragraph 6.4.19). Planning policy recognises that locally designated (non-statutory) wildlife sites “make a vital contribution to delivering an ecological network for biodiversity and resilient ecosystems, and they should be given adequate protection in development plans and the development management process” (PPW12, paragraph 6.4.31). Further protection has been included which states that whilst non-statutory designations do not preclude appropriate developments there should be “no adverse impacts on the features for which a site is designated and on wider ecosystem resilience” (PPW12, paragraph 6.4.33).

Legislation and planning policy has evolved since the site was allocated (2014) and since the application was received (2019). The Environment (Wales) Act 2016 introduced the Section 6 Biodiversity Duty, which requires that the LPA “must seek to maintain and enhance biodiversity in the exercise of [its] functions ... and in doing so promote the resilience of ecosystems”. Subsequent editions of Planning Policy Wales have increasingly emphasised the importance of fulfilling this duty. Planning Policy Wales 12 (published February 2024) improved the step-wise approach which must be followed “to maintain and enhance biodiversity, build

resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for" (PPW12, paragraph 6.4.11).

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The SINC comprises species-rich neutral grassland and ancient semi-natural woodland, both are priority habitats identified as habitats of principle importance for nature conservation in Wales listed on Section 7 of the Environment (Wales) Act 2016. LPAs must have specific regard for priority habitats in fulfilling the Section 6 duty. Ancient Woodland has additional protection under planning policy which states Planning Policy Wales (section 6.4.26) states: "Ancient woodland ... are irreplaceable natural resources, and have significant landscape, biodiversity and cultural value. Such trees and woodlands should be afforded protection from development which would result in their loss or deterioration unless there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss."

The boundary of the proposed development will abut the ancient woodland boundary without an appropriate buffer. NRW advice states that a suitable "stand off zone" should be informed by surveys; Woodland Trust recommend a minimum 15m buffer between development and woodland edge. The proposed development is not appropriate for a SINC site and would result in adverse impacts on the features for which the site is designated. Development of the site is therefore not compliant with national and local planning policy.

Notwithstanding the biodiversity objection, if in planning terms the benefit of the development outweighs the nature conservation value of the site and you are minded to grant the permission, the proposal must safeguard protected and priority species and achieve a net benefit for biodiversity.

**MCC Housing** - Following a review of the demand for accommodation in Abergavenny, we are happy to proceed with the originally proposed mix for this site, as outlined below:

- 4 x 1-bed flats
- 10 x 2-bed houses
- 5 x 3-bed houses
- 1 x bungalow

**MCC Highways** - The Highway Authority have been reconsulted on the application following submission of revised details and plans. Proposed site layout drawings 'LT1917.04.02 Rev H' and LT1917.04.01 Rev J' has been submitted which are now consistent with the previously submitted engineering drawings. However, our comments with regard to the road narrowing or alternative means of speed reduction have not been considered by the applicant therefore we would maintain our objection until this issue has been addressed.

Previous comments 17/3/25: Updated plans have been submitted which demonstrates that the small turning area as referenced in the comments below under General Site Layout has been removed,

therefore the Highway Authority are satisfied that this issue has been resolved. However, with reference to the road narrowing and raised table within the development site it is noted that this has been removed. Additionally, a bridge is being proposed to span the existing watercourse in accordance with NRW requirements. The Highway Authority do not object to the principle of the proposed bridge however this will be subject to further consideration at the detailed design stage for the prospective adoption of the estate roads as public highway.

Referring to the removal of the narrowing and raised table the Highway Authority would not wish to see the complete removal of this element therefore would request the applicant to consider an alternative method of speed reduction in this area on the approach into the residential development.

Previous comments 15/11/24: Our previous comments of 19/02/2020 remain unchanged in respect of the application. It is noted that the revised layout drawing has not been amended which takes account our comments made on the general site layout. It is therefore recommended that the layout drawing is amended in accordance with those comments and resubmitted for approval.

*Note: The original report to Planning Committee considered that the aforementioned revisions can be considered further through a condition, as outlined further below.*

### **MCC Environmental Health (Noise) – No objection subject to condition.**

I have reviewed the information contained in this revised Noise Assessment for the proposed development. The report details the attenuation measures that are proposed to meet BS8233:2014 standards for both Outdoor Living Areas and Living Room/Bedrooms areas. I would recommend that appropriate attenuation be provided to ensure the lower guideline level of 50 dB is met for all outdoor areas at the proposed development.

As I understand from the information contained in the report there is a mix of attenuation proposed to meet the outdoor upper guideline level of 55dB at some plots and the outdoor lower guideline level of 50 dB at others. The following is an extract taken from the report:

6.3 The majority of the site will meet noise guideline levels with no mitigation in place.

6.4 The following mitigation is proposed to meet the required external noise guidance levels:

- 1.8m high close boarded fencing along western boundary of gardens 13-15; and
- 1.8m high close boarded fencing along the northern boundary of garden 15.

6.5 The mitigation measures proposed will ensure the upper BS8233 guideline value of 55dBLAeq is met in garden areas across the site.

6.6 To meet the lower guideline level of 50dB LAeq 16 hour the following additional mitigation is proposed:

- 1.8m high close boarded fencing along the northwestern boundary of garden 16;
- 1.8m high close boarded fencing along the northeastern boundaries of garden 16 and 17; and
- 1.8m high close boarded fencing along the northeastern boundary of garden 18.

I concur with the noise attenuation measures for internal noise sensitive rooms.

*Note: the fencing along boundaries of plots 16 & 17 has been amended to an earth bank to reduce visual impact.*

### **3.2 Further Neighbour Comments (objections)**

- The building of these houses would have a negative impact on the local community.
- The increase in traffic would cause major disruption to the local residences and to the primary school.
- Increase in air pollution which is detrimental to local people who suffer from lung difficulties

such as asthma.

- Not enough amenities as it is for the area. The increase in people leaving in the area would mean a further demand for places at the local primary school and there is already a high demand and limited places.
- Higher demand on our sewage system which is already overwhelmed and can cause flooding in people's houses as it backs up.
- Concern about flooding as there is going to be more run-off but little to no extra drainage, we have already had houses and bungalows flooded on Wern Gifford.
- The area is an area of natural outstanding beauty and building more houses is going to change this dramatically. We are in the countryside not a town.
- I have Crohns disease which is an inflammatory intestinal condition. I therefore use my toilet frequently during flare ups of the disease. This causes problems when the sewers are flooded due to sewage and excessive surface water. Every time there is heavy rain, my toilet will start to gurgle and if flushed will fill up and not drain.
- Was told that Welsh Water/Dwr Cymru did not have any official concerns logged. This is probably because people dealt with it themselves.
- DCWW checked where the storm water goes into the field to the left hand of the Wern Gifford entrance and noted that was blocked. The water from there goes under the road through a large concrete pipe and into the stream. This pipe is very overgrown where it goes into the stream and is probably blocked.
- DCWW mention that some of the drainage was not on their map of the estate.
- Although the proposed plan is that the surface water from the proposed 20 units will be directed into the nearby stream via a swale, it should be noted that this stream has been known to flood several times in the past, flooding the school grounds and school, village hall car park and into houses across the A465.
- It is still concerning to residents that this new plan for a swale etc. will not alleviate the current existing sewage and surface water overload but will only exacerbate it with the additional sewage of 20 extra households entering into an already inadequate sewerage system.
- Common sense would suggest that the whole system should be completely overhauled/replaced to accommodate properly existing houses on the system and all the additional houses that are proposed throughout the village together with those new houses that have already been built over recent years.
- The last bout of heavy rain caused the 4 cottages opposite the Pandy Hotel to flood. Unable to use toilets when this happens as the water backs up.
- Since previous objections were raised there have been further issues with backed-up sewer. The issue must be thoroughly investigated before more houses are allowed to be built.
- The Welsh word 'Wern' means 'swamp' so the clue is in the name.
- Reports of issues with the local sewerage system:

Jan 2025 - Reported to DCWW toilet unusable due to water backing up and having to scoop out the water from the toilet or the bathroom will flood. DCWW workmen came, said there was no issue other than the system was too old to cope. No further action.

Nov 2024 - Reported that drains overflowing and the water was running down the garden. Pooled at the bottom by the shed. We couldn't use the toilet / Shower as water backing up. We spent the evening scooping out water from the toilet otherwise it would have flooded the bathroom. All 4 houses use a bucket as can't use toilet and flush as it comes up our toilet. No.1 ring when weather is bad to ask if we have the toilet issue, so they know not to use the toilet. On the 24th, No.3 also had the toilet issue. 27th DCWW visit, look at drains, all clear. Asked where nearest access to mains was (in field or down the road a few yards). Both men just looked and said well you're ok now so no further action. Said they aren't checking that as they can't see then. They left with no inspection.

- Previous objections remain.

#### 4.1 Biodiversity

The proposed development is located within Werngifford SINC, designated for semi-improved neutral grassland, woodland and veteran trees. The biodiversity team maintain an objection to the proposal as inappropriate development in a SINC. The proposal will result in the loss of SINC including 1.4 ha grassland and a small area of woodland (not ancient). An existing stream will be culverted, reducing connectivity and quality. There is no buffer between gardens and retained ancient woodland habitat, resulting in degradation of woodland quality.

Development proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local Biodiversity Action Plans or Section 42\* list of species and habitats of importance for conservation of biological diversity in Wales, will only be permitted where:

- a) the need for the development clearly outweighs the nature conservation or geological importance of the site; and
- b) it can be demonstrated that the development cannot reasonably be located elsewhere.

The site is principally within an allocated main village site, site allocation SAH11(xvi) of the adopted LDP. The decision that the benefit of the development (affordable housing) would outweigh the harm to nature conservation was made at the time of allocation. Therefore parts a) and b) of the policy have been addressed.

Biodiversity colleagues have advised that if it is considered that the the benefits of the development outweigh the nature conservation value of the site and Members are minded to grant planning consent, the proposal must in any case, safeguard protected and priority species and achieve a net benefit for biodiversity.

A revised Preliminary Ecological Appraisal (produced by Soltys Brewster, dated September 2025) has been provided. The report includes an updated assessment based on the current layout and the surveys undertaken in 2019 and 2024. The site comprises semi-improved neutral grassland, with lines of trees (outgrown hedgerows) creating the boundaries, areas of scrub and water inundation, and semi-natural woodland, including ancient woodland. The site is suitable foraging habitat for bats and trees with potential for bat roosts will be directly impacted by the proposal. Woodland and scrub areas are suitable for dormouse and nesting birds. There is also suitable habitat for amphibians, reptiles, and other mammals.

The proposed mitigation includes securing management of the remaining 2.8 ha of grassland habitat to enhance its condition and secure the biodiversity value. To compensate for degradation to other habitats management must also include protecting and enhancing other features of the SINC site (woodland and hedgerows). In accordance with PPW, management should be secured for the 'long term' and in this case, a minimum period of 40 years will need to be secured via a Section 106 legal agreement.

Precautionary methods of works are also required for trees with potential for bats, clearance of areas suitable for dormouse, and other protected species including otter, nesting birds, reptiles and amphibians. Sensitive lighting is required to safeguard retained habitats.

Proposed enhancements include use of native tree and shrub species in on-site landscaping, enhancing retained species-rich hedgerows, creation of habitat piles, provision of bird and bat boxes, and using green hay from the site to seed the new attenuation pond. Further details of implementation and management will need to be secured with a condition should Members be minded to approved the application.

#### 4.2 Landscaping

In response to the comments from the Landscape Officer, the boundary feature behind plots 16, 17 & 20 has been changed from a 'hard' to a 'softer' earth bank design, as noted on the revised

engineering and planning layout attached. The further planting requested and Landscape Specification & Management Plan can all be secured via condition should Members be minded to approve the application.

#### 4.3 Green Infrastructure

Since the application was last presented to Planning Committee, Chapter 6 of Planning Policy Wales (PPW) 12 now highlights that a Green Infrastructure (GI) statement should be submitted with all planning applications and will be proportionate to the scale and nature of the development.

This statement must demonstrate a step wise approach which considers what impacts may occur as a result of development activity to any identified biodiversity, habitats and green infrastructure assets and networks that may be present on or bounding a site. The approach seeks to manage any harm that may occur by (a) avoiding (b) minimising (c) Mitigate / Restore.

A GI Statement has now been submitted in support of this application. The primary GI assets at the site are the internal areas of rough grassland and the linear tree groups that define the site boundaries. The trees, grown out from traditional field boundary hedgerows, form valuable green corridors around the site, that connect to the wider GI network via adjoining field boundary hedgerows.

One small section of trees (approx. 10m) will be removed to accommodate the access road. All remaining trees will be retained and protected in accordance with BS 5837:2012. The central area of rough grassland will be removed to accommodate the proposed development.

The soft landscape proposals for the development now include the following GI enhancements:

- 21 no. new native trees on the site edges
- 4 no. new street trees in the centre of the development
- 128 linear metres of new, species rich, native hedgerow along the site's western and northern boundaries
- 1,480 square metres of new wildflower habitat
- The remaining retained grassland will be managed, through scheduled cutting, to develop into wildflower meadow.

These are considered reasonable in the context of the site and development proposed and together with measures to be identified and secured in the proposed s106 agreement would meet the terms of Policy GI1 of the LDP.

#### 4.4 Flood Risk

The residential area of the proposed development site is predicted to be flood free during the 1 in 100 year (1%) plus an allowance for climate change (CC) (25%) and the 1 in 100 year (0.1%) flood events. However, the main access into the site has been shown to flood up to a maximum depth of 0.120m with a corresponding velocity of 0.48m/sec (Section 2.13.2 of the FCA) during the 0.1% event. The predicted depth is within the indicative tolerable conditions set out in A1.15 of TAN15 i.e. <600mm.

The amended FCA (September 2024) concludes that there will be no increase in flooding elsewhere due to the provision of compensatory flood storage within off-line storage areas. However, these storage areas have now been removed. Instead, the FCA Addendum states that the removal of the twin culverts and installing a clear span bridge over the ordinary watercourse negates the requirement for a storage area to the south of the development as the soffit of the proposed bridge will have a clearance of 600mm above the 1% CC design event flood level.

## 5.0 RECOMMENDATION: APPROVED SUBJECT TO SECTION 106

### Heads of Terms:

Section 106 Agreement requiring for a period of 40 years from the implementation date Werngifford SINC shall be managed in compliance with the approved Werngifford SINC Management Plan.

### Additional or updated conditions:

4. No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Construction methods: details of materials, how waste generated will be managed.
- b) General Site Management: details of the construction programme including timetable, details of site clearance; details of site construction drainage, containments areas, mixing and washing areas) and any watercourse or surface drain.
- c) Biodiversity Management: details of tree and hedgerow protection; invasive species management; species and habitats protection, avoidance and mitigation measures.
- d) Resource Management: details of fuel and chemical storage and containment; details of waste generation and its management; details of water consumption, wastewater and energy use.
- e) Pollution Prevention: demonstrate how relevant Guidelines for Pollution Prevention and best practice will be implemented, including details of emergency spill procedures and incident response plan.
- f) Details of the persons and bodies responsible for activities associated with the CEMP and emergency contact details.

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

Reason: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

8. Prior to the commencement of the development, a "lighting design strategy for biodiversity" for the development shall be submitted to and approved in writing by the local planning authority. The strategy shall at minimum:

- a) Identify areas/features on site that are sensitive for wildlife and must remain unlit
- b) Provide details of lighting type, position and specification, including use of cowls and appropriate light wave lengths
- c) Provide drawings showing lux levels on horizontal and vertical planes, demonstrating that dark corridors will be retained.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. 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 other than approved under this permission shall be installed within the curtilage of the development without prior written approval of the Local Planning Authority

Reason: To ensure that the development does not result in unnecessary light pollution, in the interests of safeguard foraging/commuting habitat of Species of Conservation Concern in accordance with Section 6 of the Environment Act (Wales) 2016 and protecting local amenity, biodiversity, and the character of the area, in accordance with LDP policies LC1, LC5, GI1, EP3, LC3 and NE1.



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

- a) Detailed scaled plans, showing existing and proposed levels inclusive of proposed cross section.
- b) Proposed and existing utilities/services above and below ground.
- c) Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with planting and seeding establishment, inclusive of SUDS green engineering and rainwater gardens.
- d) Hard landscape materials to include surfacing, SUDs, location of proposed lighting, fencing, gates, minor artefacts and structures (e.g. signs, bins, stores). Lighting strategy

Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan. And to safeguard foraging and commuting routes used by species protected by Conservation of Habitats and Species Regulations 2017.

11. Prior to the commencement of development, an appropriately scaled Green Infrastructure Management Plan for management of the development site shall be submitted to, and be approved in writing by, the Local Planning Authority. The content of the Management Plan as a standalone document shall include the following;

- a) Description and evaluation of Green Infrastructure assets to be identified, protected and managed in the GI management plan.
- b) Opportunities for enhancement to be incorporated, including but not limited to seeding of the attenuation pond, provision of bird and bat boxes, provision of habitat piles, and use of native species in landscaping.
- c) Trends and constraints on site that might influence management of above features.
- d) Aims and objectives of management.
- e) Appropriate management options for achieving aims and objectives.
- f) Prescriptions for management actions.
- g) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).
- h) Details of the body or organization responsible for implementation of the plan.
- i) Ongoing monitoring and remedial measures.

The Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery as appropriate. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the Green Infrastructure Management Plan are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning Green Infrastructure objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: To maintain and enhance Green Infrastructure Assets in accordance with LDP policies, DES1, S13, GI1, NE1, and to safeguard foraging and commuting routes used by species protected by Conservation of Habitats and Species Regulations 2017.

12. Prior to the commencement of the development confirmation shall be provided by the applicant to the local planning authority of the noise mitigation measures to be implemented to ensure all outdoor areas will achieve the lower guideline level of 50dB. Noise attenuation measures proposed to achieve internal guideline values of 35 dB in noise sensitive rooms and 30dB in bedrooms stated in the report shall be adhered to.

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

13. Notwithstanding the provisions of Article 3, Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development)(Amendment)(Wales) Order 1995 (or any Order

revoking and re-enacting that Order with or without modification) no gate, fence, wall or other means of enclosure other than any approved under this permission shall be erected or placed without the prior written approval of the Local Planning Authority.

Reasons: To safeguard commuting and foraging routes in accordance with Conservation of Habitats and Species Regulations 2017.

14. 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.

### **Previous Committee Report below (3 March 2020).**

**Application Number:** DM/2019/02051

**Proposal:** Construction of 20no. affordable housing units, landscaping and associated works

**Address:** Land At Wern Gifford, Pandy, Abergavenny, NP7 8DL

**Applicant:** Mr. Tim Crooks

**Plans:** General 455 01A - , Site Plan LT1917 0402 - , All Proposed Plans LT 1917 04111 - , All Proposed Plans LT 1917 04112 - , Site Plan LT 1917 04 03 - , All Proposed Plans LT1917 04 04 - , Street Elevation LT1917 04 10 - , Site Layout LT1917 0401 , Drainage LT3070 201 - , Site Sections LT3070210 - , Site Sections LT30700211 , Drainage LT3070215 - , Drainage LT3070216 - ,

### **RECOMMENDATION: APPROVE subject to a Unilateral Undertaking agreement**

Case Officer: Ms. Kate Bingham  
Date Valid: 06.01.2020

**This application is presented to Planning Committee as there are five or more objections to the proposal.**

### **1.0 APPLICATION DETAILS**

- 1.1 The application is for the construction of 20no. affordable housing units, landscaping and associated works. The site is identified in the current Local Development Plan (LDP) as being within the Wern Gifford (Pandy) development boundary. The proposed development of 20 no. dwellings comprises; 10 no 2 person one-bedroom houses, 5 no. 5 person three-bedroom houses, 4 no. 1 person one-bedroom flats and 1 no. 3 person two-bedroom bungalow.
- 1.2 The site is principally within an allocated main village site SAH11(xvi) which highlights some on site considerations i.e. a C2 flood zone, protection and enhancement of an adjoining Scheduled Ancient Monument (SAM) and provision of community open space (play area / allotments).
- 1.3 The site is adjacent to a CADW listed SAM: Tramway embankment of Grosmont railway which also accommodates PROW 356/462/2 and ancient woodland. The field in which the proposed development is situated, and part of the SAM, also form part of a larger site of interest for nature conservation (SINC) site, a local designation valued for H4 neutral grassland & H2 veteran trees.
- 1.4 The proposed site is also immediately adjacent to a C2 Flood zone area. The principal access into the site would cross the flood zone area.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/02051	Construction of 20no. affordable housing units, landscaping and associated works.	Pending Determination	

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

#### **Strategic Policies**

S1 LDP The Spatial Distribution of New Housing Provision  
S2 LDP Housing Provision  
S4 LDP Affordable Housing Provision  
S12 LDP Efficient Resource Use and Flood Risk  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design SAH11  
LDP Main Villages

#### **Development Management Policies**

H2 LDP Residential Development in Main Villages  
H7 LDP Affordable Housing Rural Exceptions  
GI1 LDP Green Infrastructure  
LC5 LDP Protection and Enhancement of Landscape Character DES1  
LDP General Design Considerations  
EP1 LDP Amenity and Environmental Protection  
SD2 LDP Sustainable Construction and Energy Efficiency SD3  
LDP Flood Risk  
SD4 LDP Sustainable Drainage  
NE1 LDP Nature Conservation and Development  
MV1 LDP Proposed Developments and Highway Considerations  
MV2 LDP Sustainable Transport Access  
MV3 LDP Public Rights of Way  
EP3 LDP Lighting

### **4.0 NATIONAL PLANNING POLICY Planning**

#### **Policy Wales (PPW) Edition 10**

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

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

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Llanvihangel Crucorney Community Council** - object:

1. Contrary to policy already outlined by MCC, relating to its preference for mixed housing developments, it was observed that this was a development relating completely to social/affordable housing. The answer given was that this was because partial grant funding has been obtained from the Welsh Government.
2. Access to the development (both when under construction and afterwards) would have an enormous impact owing to increased traffic flow into Wern Gifford Estate especially around the Primary School entrance with the children's safety issues already a great concern. The question was raised as to whether access could be created from the Grosmont/While House Pitch road through an area owned by the existing landowner who had released the present plots south west

of Wern Gifford for development. It was observed that the land accessed from the White House Pitch Road was as yet only a candidate site and part of the review process under the 2018-2033 LDP without planning status. It was forcefully stated by local people present at the meeting that all 'traffic surveys' had taken place in holiday time when traffic flow was at its minimum because of school holidays and that the results of the computer modelling which had taken place under the auspices of the agent for the applicant following the surveys were therefore misleading and could not be trusted. It was felt that theoretical data is not enough and that local residents' every day experiences should be acknowledged, considered and taken into account in any assessment. There seems not to have been any mention of every day school traffic or other Wern Gifford site traffic at all.

3. It was observed that not all residents of Wern Gifford had been informed of the proposals at pre-application public consultation stage.
4. Residents were extremely concerned that DCWW felt that the sewerage/drainage system serving Llanvihangel Crucorney and Pandy was capable of taking a sizeable development of this nature. The planning agent informed the community council that they had received a pre-consultation letter from DCWW which had replied in a positive manner when referring to the present system's ability to cope with any extra input. The latter statement was particularly infuriating to local residents and councillors who had suffered numerous sewerage and flooding disasters over the years especially since Wern Gifford and other more recent housing developments had taken place. Ongoing at the moment there are 2 housing developments which when finished will add another 24 properties to the already overloaded system in addition to the 20 properties proposed in the current social housing application. Moreover, DCWW's latest response would seem to be in complete contradiction to its statement in a letter to the community council dated 13 September 2013 in which it stated that "the findings of the HMA indicate that our 150mm diameter gravity foul sewer serving Pandy is hydraulically overloaded at present. The HMA confirmed that there is an amount of storm flows entering the bottom end of the catchment, which exceeds the design capacity of the sewers in this area in times of heavy rainfall". In this letter it is further mentioned that "land adjacent to Wern Gifford has a separate sewer system with no discernible storm response" and that there were a number of sections that had root ingress which required scheduled maintenance and patch lining. It also mentioned that there was a lot of surface water entering the public sewerage system upstream of the Rising Sun Public House. As far as the community council is aware, no major improvements or surveys have taken place to ameliorate these findings in recent years. The applicant's agent's stance on this matter was that a separate sewerage pipe would be installed in the new development and that an 'attenuation system' for surface water drainage would be installed and the problem would be solved. Recent legal requirements that no development be allowed which would increase the risk of flooding was disputed in this case by all local people as the community had suffered serious flooding in the past and the area in the vicinity of this development was in fact on the flood plain. It is not clear either as to how extra surface water from the proposed tarmacked access road will be accommodated as the ditch which seems to run alongside it on the plans does not lead anywhere. There does not seem to be a bridge planned over the nearby stream either and there is no mention of design, levels or clearance between the stream and the underside of any bridge which may materialise. Re: all discussions about drainage and sewage, it was pointed out by the various people at the meeting that the overriding problem lay with the main sewerage pipe into which all the lateral pipes ran insofar as it was insufficient for the needs of the community. This was the most important point to be addressed but none of the authorities were taking any notice. DCWW's favoured approach to problems seems to be purely reactive in dealing with each incident as it occurs on an ad hoc basis rather than being proactive when a recurring problem manifests itself and upgrade a failing system, despite great anxiety and distress that flooding and sewage disasters cause local residents.
5. Linked to no.2 above, is the intake capacity of the local Primary School. Councillors have it on good authority that the intake capacity will never change and no further accommodation will be built by the County Council. As the school is virtually always at full capacity, this will result in any extra children from this development being transported into Abergavenny. Once again it seems that little thought has been put into this aspect of the development by the planners.
6. The full site plan suggests that the area is landlocked in very close vicinity to the flood plain.
7. It was strongly felt that until DCWW had met with the community council and local residents that no final decision should be made with regards to this application by MCC.
8. It was observed that other matters relating to these proposals include planning statements regarding transport links and other aspects of infrastructure which contain inaccuracies as follows:
  - (a) the bus service X3 is every two hours, not one and there is no direct service to Abergavenny train station and parking there is inadequate;
  - (b) information re hotel accommodation as there is no longer a hotel in Pandy.

9. The following policies/guidelines mentioned in the LDP seem to have been breached and at the very least need further clarification/action before this latest application is progressed: Policies EP1, EP2 and EP5.

Councillors feel that, as well as all the other matters commented on, it is absolutely vital that Dwr Cymru/Welsh Water is closely quizzed about its opinion that the sewerage/drainage system in the area is fit for purpose as residents' experience suggests exactly the opposite; especially as housing development after housing development seems to be nodded through despite evidence to the contrary re the above. Dwr Cymru/Welsh Water will be attending the Community Council's next meeting on the 18 February at Pandy Hall. Councillors feel that no planning permission should be progressed until the sewerage/drainage situation is fully clarified.

**Dwr Cymru-Welsh Water** - No objections:

**Sewerage Treatment** - No problems are envisaged with the Waste Water Treatment Works for the treatment of domestic discharged from this site.

**Water Supply** - A water supply can be made available to serve this proposed development.

**Cadw** - Having carefully considered the information provided with this planning application, we have no objections to the impact of the proposed development on the scheduled monuments or registered historic parks and gardens.

The consultation includes an archaeological and heritage desk-based assessment prepared by EDP. This work considers that the proposed development will not have any impact on the above designated heritage assets and their settings apart from scheduled monument MM199 Tramway Embankment of Grosmont Railway.

The assessment considers that development in the application area will have an adverse impact on the setting of the scheduled monument. However, a buffer zone alongside the scheduled monument has been incorporated into the design of the development along with the retention of existing vegetation, which will be augmented by additional planting. These measures will reduce the impact of the proposed development on the setting of the scheduled monument to slight adverse, a level of impact that will not be significant.

**Glamorgan Gwent Archaeological Trust** - The area is adjacent to the Scheduled Monument MM199 Tramway Embankment of Grosmont Railway. The supporting documentation includes an Archaeology and Heritage Assessment from EDP (reference edp5440\_r001b, December 2019). This document does not meet current professional standards and the report cannot be deposited in the Historic Environment Record by the archaeologist. The assessment is missing information on which the consideration of the impact of the proposal is based. These include:

1. It was not undertaken to an agreed methodology with the archaeological advisor and therefore no study area was agreed
2. No bilingual summary or site walkover details are in the report
3. No details of aerial sorties examined
4. No historic mapping (apart from Tithe).

As the report cannot be accepted in its current form, please could you request that these changes are made and that the report is resubmitted. (This has been requested and is pending at the time of writing this report).

**MCC Landscape/GI/Urban Design** - No objections subject to conditions.

**MCC Highways** - There are no highway grounds to sustain an objection to the application subject to conditions relating to the construction of the roads.

**MCC Biodiversity** - Holding objection. Further information received. Awaiting revised comments.

**MCC Education** - The catchment school for the proposed development is Llanvihangel Crucorney Primary School. The total school capacity is suitable for 77 children and we currently have 68 on the roll, leaving nine surplus places. Four of the seven year groups have met its capacity. Our formula advises us that approximately four children would be generated from 20 dwellings. If any children arising from the development fall within a year group that is currently at capacity, the next nearest school with capacity is likely to be Deri View Primary at 4.5 miles. The capacity for Welsh Medium provision is currently pressured although we are looking at options to relieve this pressure.

**MCC Lead Local Flood Authority** - No objections. Notes to applicant:

The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The SAB is granted a period of at least seven weeks to determine applications.

The applicant will need to apply for Ordinary Watercourse Consent for the works over the watercourse.

SEWBRc Search Results - No significant ecological record identified.

## 5.2 Neighbour Notification

Seven representations received objecting on the following grounds:

- The existing primary school, is heavily congested with school traffic. As it stands this already is hazardous because of the parking around the school by parents who pick their children up from the school.
- Traffic coming north on the A465 have to turn right into the estate on a busy main road which in itself is not without danger. There has already been one fatal accident here in the past.
- Increasing the amount of traffic coming into the estate by at least forty cars (assuming the new dwellings will probably need two vehicles), plus delivery vehicles, will make this turning more dangerous and the traffic flow around the school even worse.
- The proposed new road to be constructed through the now cul-de-sac will be no more than a single track and together with the current residents' parking will cause more congestion.
- At a time when we are being asked to cut down global warming you are encouraging development at a site where residents will have no alternative but to rely on their own cars.
- The proposed site is metres from a stream that has always been prone to flooding. In fact the whole area suffers from sudden flooding (e.g. the 26th October 2019). The residents around this area of the estate have suffered from flooding in the past.
- The sewage and drainage infrastructure is already inadequate on Wern Gifford, with reports of sewage backing up in toilets in some parts of the estate.
- Whilst we are aware of the need for new housing, because of the above points this development is in our opinion as Wern Gifford residents, totally unsuitable. However should the access to the new development be other than through Wern Gifford, it might then be more acceptable.
- The school is already full, with no ability to add more children to existing classes, or to expand the site to create further classroom space. This would likely mean any additional families moving to these new houses being forced to take or send their children to the schools in Grosmont or Abergavenny, which would increase traffic to and from the development.
- There is a lack of any local infrastructure in the form of grocery retail, or service professionals such as doctors, dentists, etc. For these services, any resident is required to travel to Abergavenny or Hereford, and this will increase traffic and general car use.
- You note the requirement from the PPW for developments to be located within existing urban areas, and to be well served by existing public transport. One bus an hour in each direction could hardly be termed 'well served', especially given that the bus is full of older children going to school in Abergavenny at the same time that any commuter wishing to brave public transport might want to use it, the buses do not go to the railway station in Abergavenny, and the last bus from Abergavenny to Hereford leaves at 5pm, which would make it unusable as a means of transport

- for anyone working in the town, or returning to the town by train from working further afield. While the PPW acknowledges that increased car use as a side-effect of a development is possible, it is disingenuous to suggest that the increased car use would be a side-effect in this case; the schedules of the various forms of public transport make it certain that car use would be preferred over public transport.
- Given the amount of land available for use in and around the proposed development, and the repeated mention in various proposal documents of the need to build within existing developed areas to concentrate around existing transport and other infrastructure, it is easy to see that this development could be used to provide justification for future development proposals within the same area; such proposals could only increase the difficulties already mentioned, and it would surely be desirable to ensure that any existing problems of access to schools or services, driven partially by public transport availability.
- The affordable housing allowed by BBNP in Llanvihangel Crucorney should be completed before any other houses or flats are considered anywhere near Wern Gifford.
- Question what steps will be taken to protect local residents during the construction phase.

### 5.3 Other Representations

**Coed Cadw Woodland Trust** - The Woodland Trust Objects to the proposals on the basis of the potential damage to the ancient woodland which is designated on NRW's Ancient Woodland Inventory (AWI) as Ancient Semi-natural Woodland (ASNW). ASNW are areas of broadleaf woodlands comprising mainly native tree and shrub species which are believed to have been in existence for over 400 years. By definition these sites are irreplaceable.

The application indicates the proposed development within 10m from the ancient woodland. Where such development is sited in close proximity to ancient woodland it is important that a buffer zone is maintained between the development and woodland to ameliorate harmful impacts. In this instance the Trust considers that the applicant should implement a buffer zone of at least 15m between the development and the ancient woodland. The buffer zone should be planted before construction commences on site and a fence should be put up in place during construction to ensure that the buffer does not suffer from encroachment of construction vehicles/stockpiles.

### 5.4 Local Member Representations

Supports the comments of the Community Council.

## **6.0 EVALUATION**

### **6.0 Strategic & Spatial Choices**

#### 6.1.1 Strategic Planning/ Development Plan context/ Principle of Development

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning application decisions should be made in accordance with the Development Plan unless material considerations indicate otherwise. The development plan for the site comprises the Monmouthshire County Council Local Development Plan (LDP), which was adopted in February 2014 and covers the period 2011-2021.

This site is allocated for residential development under policy SAH11(xvi) of the LDP for 15 dwellings. It is proposed to bring forward the remaining part of the site, which lies outside of the LDP allocation boundary as affordable housing provision under Policy H7 of the LDP, to accommodate a further 5 dwellings.

Policy H7 states that favourable consideration will be given to the siting of small affordable housing sites in rural areas adjoining the Rural Secondary Settlements, Main Villages and Minor Villages identified in Policy S1 that would not otherwise be released for residential development provided that all the following criteria are met:

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- a) The scheme would meet a genuine local need (evidenced by a properly conducted survey or by reference to alternative housing need data) which could not otherwise be met in the locality



- (housing needs sub-area);
- b) Where a registered social landlord is not involved, there are clear and adequate arrangements to ensure that the benefits of affordable housing will be secured for initial and subsequent occupiers;
  - c) The proposal would have no significant adverse impact on village form and character and surrounding landscape or create additional traffic or access problems.

In terms of the three criteria, as of January 2019 there was a waiting list of 2021 affordable homes (Bands 1-4) in the County and in allocating this site for affordable housing the Inspector's Report on the LDP agreed that the overall scale, type and distribution (of the affordable housing sites) achieves the relevant objectives of the LDP in a sustainable manner consistent with the Wales Spatial Plan and national policy. Criterion b) is not applicable as this application is being made on behalf of Monmouthshire Housing Association and will not come forward without their involvement and funding. Criterion c) will be considered below.

#### 6.1.2 Use of Best and Most Versatile (BMV) Agricultural Land

Agricultural land in England and Wales is graded between 1 and 5, depending on the extent to which physical or chemical characteristics impose long-term limitations on agricultural use. Grade 1 land is excellent quality agricultural land with very minor or no limitations to agricultural use, and Grade 5 is very poor quality land, with severe limitations. Grade 3 land is subdivided into Subgrade 3a (good quality land) and Subgrade 3b (moderate quality land). Land which is classified as Grades 1, 2 and 3a in the ALC system is defined as best and most versatile agricultural land.

There is no detailed ALC data available for the site or locality but provisional mapping shows the site as Grade 2. The soils mapped as being present are generally well drained and medium loamy or coarse loamy throughout. The limitation to agricultural land quality is likely to be slight, to Grade 2, other than in the east of the site where flood risk may represent a more severe limitation to Subgrade 3a.

Paragraph 3.55 of Planning Policy Wales outlines that Grades 1, 2 and 3a agricultural land should only be developed if there is an overriding need for the development, and either previously developed land or land in lower agricultural grades is unavailable.

In this instance there is a need for housing in the Wern Gifford area as evidenced by the LDP allocation for residential development, from which the majority of the site benefits. In addition, the surrounding area comprises similar grade land to that of the application site, and there are no alternative sites available for development. The development of the site for residential use is therefore consistent with paragraph 3.55 of Planning Policy Wales.

#### 6.1.3 Good Design/ Place making

The existing surrounding urban development is a typical low-rise housing with no structures raising higher than two storey. The school is a single storey building. The existing vernacular of the properties at Wern Gifford is consistent with a 1960's typical material palette of light facing brickwork, concrete roofing tiles and feature tile hanging dormers of gables. The majority of properties have upgraded their original windows and doors to white UPVC. The street layout is also typical of an urban housing estate road with adoptable standard roads and footways with off road parking.

It is difficult for the materials palette of the proposed development to incorporate many features of the surrounding properties as these were constructed in the 1960's and are somewhat outdated. However, a variety of different materials have been included which is similar to the surrounding area. A mix of stone, facing brickwork and render with grey reconstituted slates and uPVC windows with simple glazing patterns is proposed.

The development will have a standard two-storey height with the exception of one bungalow which is compatible with the adjoining development in the area. Being affordable homes, all of the proposed dwellings have been designed to ensure that they comply with the Welsh Government's Design Quality Requirements 2016.

On balance, therefore it is considered that proposed that the development will not have an adverse impact on the existing character of the surrounding area as the proposed development reflects local context and the existing settlement pattern. The proposed housing therefore meets the requirements of LDP Policy DES1.

#### 6.1.4 Impact on Amenity/ Promoting Healthier Places

It is generally accepted that development densities of 30-50 dwellings per hectare (dph) are appropriate to make best use of identified development land and to protect the countryside from urban sprawl. The proposed development for the site of 20 units is considered to be an appropriate density (46dph) which balances the need to make the best use of the site whilst having due consideration to local densities and ensuring the provision of appropriate amenity and privacy standards.

The proposed dwellings are therefore limited to one and two storey with no additional accommodation in the roof spaces. This will ensure that they are not out of keeping with the existing properties. Furthermore, all overlooking and privacy distances (21m between habitable room windows and 11m between elevations and neighbouring boundaries) are considered to have been met in the proposed layout. In addition, boundary treatments and the general topography of the site will not only safeguard the privacy of the future occupiers of the site but also existing residents'.

On this basis, it is considered that the proposed development meets the requirements of LDP Policy EP1.

#### 6.1.5 The Welsh Language

The properties are to be affordable houses for local people. As such the relatively small development is unlikely to have any impact on the use of the Welsh language in the area.

There is some pressure on Welsh Medium school places but that is an issue that the Council's Education Department is working to address.

### **6.2 Active and Social Places**

#### 6.2.1 Sustainable transport issues

The site is accessible by walking and public transport at a local level as it is within walking distance to a number of local facilities including Llanvihangel Crucorney Primary School, Llanvihangel Crucorney convenience store and local pubs. The site is located within 500m walking distance from the nearest local public transport network on the A465. Here a bus service provides a two hourly connection to Hereford to the north and Abergavenny and Cardiff to the south. Given the infrequency of the current buses, it is likely that driving will be the preferred mode of transport, contributing to 81% of all daily movements, with walking and public transport contributing to 19% of all movements throughout the day. Notwithstanding this, existing footway facilities within the local area are generally good and provide reasonable access to local facilities. The site is also within reasonable distance from the national cycle network. The site is therefore considered to have reasonable links to promote active and sustainable travel from the site.

#### 6.2.2 Access / Highway Safety

The main access to the development for both pedestrians and vehicles will be via the existing Wern Gifford residential estate to the east of the site, which links the site with the A465 to the north of the primary school. Access to the site is proposed at the most southern part of the Wern Gifford Estate. Access will be directly from the existing turning head and lead west into the site. The access road has been designed as a continuation of the existing Wern Gifford estate road.

From the traffic data outlined in the submitted Transport Statement, prepared by Lime Transport, the proposed development of 20 dwelling units will generate approximately 145 two-way vehicular movements throughout the day with a total of 20 trips in the AM peak and 12 in the PM peak. Based on this it is accepted that the proposed daily vehicular movements from the site will have minimal impact on the local highway network, as there is sufficient capacity along the existing network and at existing junctions within the vicinity to the development site.

The access road has been designed as a conventional 5.5m wide access road with a 2m footway on the northern side which connects to the existing footway at Wern Gifford. At the entrance from Wern Gifford a road narrowing and raised table is shown to act as a traffic calming feature to reduce vehicle speeds to a required design speed of 20mph. Where the proposed access road leads into the residential area there is an additional narrowing and raised table which leads into a

4.8m wide access road with 2m wide footways and 1.5m wide marginal strips. There are two access roads which serve the residential area, one which leads northwards with a turning area suitable to accommodate the turning movements of a refuse vehicle and one which leads further west.

A small turning area is shown at the western estate road however, has not been designed to typical turning head standards. Based on this it is recommended that the small turning area be removed and the 1.5m strip be continued straight through. In addition it is recommended that the narrowing and table within the residential area be moved further east near to the proposed culvert so as to incorporate all of the residential area. The road could ramp up at this point and lead into a raised shared space area. The aforementioned revisions may be considered further through a condition, as outlined below.

Pedestrian access will be gained via an extension to Wern Gifford to the east of the site. As part of the development it is proposed to provide a 2m footway along the northern side of the proposed site access. This will form part of the existing footway at Wern Gifford, which has pedestrian footways on either one or both sides of the carriageway, connecting to the A465. The A465 itself has a 2.8m wide footway to the south of the existing Wern Gifford priority junction, providing connections to a local facilities and bus routes. Furthermore, as part of the development, it is proposed to provide a footpath to the north of the site which will provide direct connections to the A465 for pedestrians.

It is proposed to provide a total of 45 car parking spaces together with cycle parking (the latter to be within the shed of each house and bungalow and within a secure cycle storage facility within the curtilage of the proposed flats). The requirements of the Monmouthshire Parking Standards 2012 are 1 parking space per bedroom (maximum of 3). Having assessed the proposed parking provision it is accepted that each individual unit has the requisite number of parking spaces and therefore satisfies the Monmouthshire Parking Standards 2012.

### **6.3 Distinctive & Natural Places**

#### **6.3.1 Landscape/ Visual Impact**

The immediate site is identified in LANDMAP as being of various values for Visual and Sensory landscape quality: (Monnow valley) open lowlands valley of a HIGH value; Historical (East Abergavenny) irregular fieldsapes OUTSTANDING; Cultural landscape (Upper Gwent) HIGH value for Sense of Place; Landscape habitat (Llanvihangel Crucorney and surrounds ) mosaic MODERATE value and Geological (Stanton) MODERATE value.

The development proposes small pockets of landscaping comprising a buffer along the boundary and frontage of each dwelling. The site also proposes to introduce small, but intensively planted areas between the frontage of house and the road that will break up hard surfacing along the street frontage.

Additional planting on the western boundary of the site would also be secured to make the transition between the open countryside and the built up area softer. This will also protect the setting of the Scheduled Ancient Monument (SAM).

Subject to this additional landscaping, it is considered that the proposed development will not have a significantly adverse impact on the wider landscape and accords with Policy LC5 of the LDP.

#### **6.3.2 Historic Environment**

To the west of the site there is a Scheduled Ancient Monument (SAM) which is the Grosmont railway line and embankment. These stand 3m above the site. The western field boundary is dominated with a mature tree belt that rises slightly towards the embankment.

The railway embankment can be viewed from both north and westward views and is currently overgrown by mature trees and scrub on both embankments. The top of the embankment hosts the remains of the Grosmont Railway line and is considered an important monument in the progression and understanding of transportation of the 18 / 19th Century. In light of this, the siting of plots 1-8 take into consideration the topography of the embankment, the need for maintenance (of both the bank and the trees), the need for a continued view of the monument and the need to control unwanted tipping from the proposed dwellings. To this end a green buffer zone has therefore been allowed for to the rear of plots 1-8, with no development being undertaken with the tree canopy and

maintaining a 4m ecological green buffer zone between the fear fences and the embankment. This is considered acceptable in this respect and Cadw's comment offering no objection is noted.

### 6.3.3 Green Infrastructure

Under LDP Policy GI1, all development proposals will be expected to maintain, protect and enhance Monmouthshire's diverse green infrastructure network by: a) Ensuring that individual green assets are retained wherever possible and integrated into new development. Where loss of green infrastructure is unavoidable in order to secure sustainable development appropriate mitigation and/or compensation of the lost assets will be required; b) Incorporating new and /or enhanced green infrastructure of an appropriate type, standard and size. Where on-site provision of green infrastructure is not possible, contributions will be sought to make appropriate provision for green infrastructure off-site.

The tree retention and removal plan indicate approximately 25 trees to be removed. The planting plan indicates 27 new trees to be planted. The inclusion of rain gardens, swales and appropriate planting are all welcome.

A range of wider functions have been identified through the GI assets assessment, LVIA and DAS. The applicant seeks to provide further connectivity to the wider PROW network via a mown path connecting from the vicinity of plot 16. This has been agreed with the landowner and will be secured via a Unilateral Undertaking.

The GI management plan that has been submitted is broadly acceptable but may need to be updated to reflect any subsequent amendments due to changes in ecological and or landscape prescriptions. This will be a condition of any consent. The plans should also include in its appendix reference to the GI assets and opportunities assessment, landscape schedules, a chart showing timescales of activity and the location of the site.

The GI management plan should also include management prescriptions for the proposed swales and rain gardens inclusive of construction, cross section details and associated planting. Subject to the agreed GI Management Plan, the development is considered to meet the requirements of LDP Policy GI1.

### 6.3.4 Biodiversity

In accordance with PPW 10, the protection and enhancement of biodiversity must be carefully considered as part of green infrastructure provision, and LDP Policy NE1. This should be informed by relevant ecological assessments, included as GI opportunities for the site and subsequently to ensure long-term functionality detailed management prescriptions will need to be provided as part of a GI management plan.

The site that was allocated in the adopted LDP sits within a SINC (Wern Gifford SINC) which was identified & designated during the LDP process for its valuable Neutral Grassland and Veteran Tree habitats.

Development proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local Biodiversity Action Plans or Section 42\* list of species and habitats of importance for conservation of biological diversity in Wales, will only be permitted where:

- c) the need for the development clearly outweighs the nature conservation or geological importance of the site; and
- d) it can be demonstrated that the development cannot reasonably be located elsewhere.

The decision that the benefit of the development (affordable housing) would outweigh the harm to nature conservation was made at the time of allocation. Therefore parts a) and b) of the policy have been addressed. The policy goes on to state that:

Where development is permitted, it will be expected that any unavoidable harm is minimised by effective avoidance measures and mitigation. Where this is not feasible appropriate provision for compensatory habitats and features of equal or greater quality and quantity must be provided.

In this instance, two areas of land have been secured for management by the applicant adjacent to the site. The hedgerows around the site and wider field boundaries have also been secured as part of a Dormice Conservation Strategy. It is important to note that Policy NE1 requires compensatory habitats to be of equal or greater quality and quantity. Notwithstanding this requirement, in terms of quantity, the proposed development is providing mitigation habitat for both the loss of priority habitat and in respect of Dormice, this equates to a total area which is in excess of the area required to facilitate the proposed development. In addition, in terms of quality, the management of these areas through a structured management plan will support and promote the long-term resilience of the habitat and secure its future use.

Further to the management of these areas, the proposed development also incorporates a comprehensive SuDS scheme, including the use of swales and other green features, which will in turn promote biodiversity. The water within SuDS components is vital for the growth and development of plants and animals to provide food and breeding opportunities. In addition SuDS features can provide shelter and foraging opportunities. SuDS also promote water quality by treating water runoff, which is also beneficial in terms of biodiversity, preventing harm from chemicals.

Finally the proposed layout also includes a comprehensive planting scheme, including hedgerows and tree planting around the periphery of the site, this provides additional habitat creation over and above the offsite areas. As such, the proposed development is considered to accord with the provisions of PPW and Policy NE1 of the LDP.

The future management of areas both within and outside the site will be secured through a Unilateral Undertaking.

#### 6.3.5 Flooding

The issue of flood risk is a valid material consideration in determining planning applications. The access to the site lies partially within a Zone C2 flood plain which is identified as being at a high risk of either tidal or fluvial (rivers/streams) flooding. As such a Flood Consequence Assessment (FCA) has been submitted which includes a levels survey (related to Ordnance Datum) to demonstrate the current extent of flood risk. This is necessary in order to determine what degree of mitigation measures would be required to meet the required standard of protection, and that suitable access can still be achieved in an extreme flood event.

The flood map (taken from NRW flood maps) has been considered within the site layout design, to ensure all dwellings are located outside of the areas that are likely to flood. The FCA concludes that the proposed development site is at low risk from all sources of flooding, including rivers, groundwater, surface water, reservoirs, sewers and overland flows as according to the calculated flood levels, there is more than 600mm freeboard provided between the 1 in 1000yr flood level and the finished floor level of the proposed houses. However, the proposed access road will pass through the floodplain as indicated by the NRW Flood Map. The results of the proposed flood modelling have the eastern part of the access road past the eastern bank of the stream as being in the floodplain and according to the calculated velocity and depth of flow, the Hazard Rating is 'Danger to Most' but not 'Danger for the Emergency Services'. In conclusion therefore, most of the access road is not going to be liable to flooding and the remainder of the site is not at risk of flooding at all. The Hazard Rating as calculated allows for access to the Emergency Services making the new access road a safe access and egress in the case of an emergency even when flooding is taking place.

Given the above, it is considered likely that planning consent should not be withheld on flood risk grounds. NRW are currently considering the flood modelling provided and will respond once this work has been completed. No issues that would preclude development are however anticipated and it is proposed that an 'in principle' decision on the application can be made by Members of Planning Committee subject to the final comments from NRW.

#### 6.3.6 Water (including foul drainage / SuDS) and Air Quality

Following implementation of Schedule 3 of the Flood and Water Management Act which came into full effect on 7th January 2019, all construction works with drainage implications with a construction area greater than 100 m<sup>2</sup> must be drained using sustainable drainage systems (SuDS) designed in accordance with the Statutory Standards for Sustainable Drainage in Wales. In addition to planning approval such works will require a separate SuDS approval from the SuDS Approving Body (SAB) which is also administered by Monmouthshire County Council.

In light of the above, sustainable drainage measures are proposed within the design. These include rainwater gardens fronting houses to take roof drainage linking into overall above ground drainage routes with all new surface water drainage will discharge into the existing stream, with filtration ponds en-route. Furthermore, private drives, car parking bays and other non-adoptable areas will be constructed in permeable paving systems to ensure surface water drainage is taken back into the ground water table system.

The Community Council and some local residents have raised concerns regarding the existing sewerage system in the area. As part of the consultation process Dwr Cymru/Welsh Water have been consulted on the application and have offered no objection to the application, nor raised any concerns in relation to the existing sewerage system. It should also be noted that this issue would have been considered when the site was designated in the Local Development Plan. On this basis it would be unreasonable to refuse the application on the grounds of inadequate foul drainage. All drainage including surface water from the proposed new roads will be subject to SuDS regulations which would look to ensure no surface water enters the public sewerage system.

In terms of air quality, as the development anticipates daily vehicle trips to be well under 500 (145) then an air quality impact assessment would not be necessary.

#### **6.3.7 Contaminated Land**

Our Contaminated Land database and historical mapping identified the presence of a former tramway or mineral railway crossing the site from north east to south west, as well as some unknown filled ground to west of the site. Both of these have the potential for land contamination. As such the applicant has already undertaken a Phase 1 site investigation of the site, including a desktop study, conceptual site model and soil sampling.

This sampling did not identify any contamination above the residential guideline values. However, the site is in an area where Basic Radon protection measures will be necessary in each property. Furthermore, imported materials must be validated as suitable for their end use, and any unidentified contamination found or suspected during site works would require further site investigation prior to continuation of works.

The trail pit locations for the phase 1 site investigation were spread evenly over the site and included the unknown filled ground, and either side of the tramline. However, no sampling was taken on the route of the former tramline, possibly due to access issues with the trees that have grown over it. It is therefore recommended that a condition for land contamination is included on any approval which stipulates that if contamination is identified upon further sampling then remediation would be required.

### **6.4 Response to the Representations of Third Parties and the Community Council**

Concerns regarding sustainability, flooding and foul drainage have been considered in paragraphs 6.1.1, 6.4.5 and 6.4.6 respectively.

Further to previous assessment of highway issues in paragraph 6.2.2, it is noted the local community have expressed specific concerns over the development proposal and the potential increase in traffic. In this regard, the role of the Highway Authority in response to planning consultations is to provide advice and only to recommend refusal of an application where it can demonstrate real harm. Refusal is only recommended where shortfalls in highway standards would lead to a real deterioration in highway safety or capacity or where there is a clear conflict with transportation policy. Taking into consideration the potential impact of this development, the Highway Authority have advised that the traffic generated from the site would be negligible and would not exacerbate the current situation to the detriment of highway safety or capacity.

The capacity of the Llanvihangel Crucorney Primary School was considered to be adequate enough for the site to be designated for development in the LDP in 2006 and was not raised as an issue by the Inspector in his report. The total school capacity is suitable for 77 children and there are currently have 68 on roll, leaving nine surplus places. However, at present, four of the seven year groups have met its capacity. The Council's formula advises that approximately four children would be generated from 20 dwellings. If any children arising from the development fall within a year group that is currently at capacity, the next nearest school with capacity is Deri View Primary at 4.5 miles away. Given the surplus places available (and the relatively close proximity of the nearest

school should the school year be full at the time of occupation of the development) it is considered that over time, the Llanvihangel Crucorney Primary school will be able to cope with the additional pupils generated by the proposed new houses.

With reference to other affordable housing allowed by BBNP in Llanvihangel Crucorney, there is a genuine need for affordable housing in the area and the units already consented have been taken into account when calculating this need.

A Construction Environmental Management Plan (CEMP) has been submitted with the application. This states that site-working hours will be from 8.00 until 17.00 hrs Monday to Friday and 8:00 and 13:00 hrs on Saturdays but the manager and operatives will arrive approximately 20 minutes before these times to prepare for works; there would be no commencement of noisy operations until the above times. This will ensure every operative is at the site early enough so as not to add to the congestion around the adjacent school. A condition to ensure that the development is implemented in accordance with the CEMP is included below.

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

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

## **7.0 RECOMMENDATION: APPROVE**

Subject to a Unilateral Undertaking agreement requiring the following:

### Heads of Terms

Off site financial contribution for improvement to grassland (amount to be agreed).

The affordable homes to be retained as such in perpetuity.

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

### Conditions:

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

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

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

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

- 3 No development shall take place, including ground works and vegetation clearance, until a dormouse conservation plan has been submitted to, and approved in writing by, the local planning authority. The purpose of the strategy shall be to identify likely impacts upon dormice and the mitigation and compensation measures that will be implemented to off-set these impacts. The strategy shall:

- a) detail the impacts of the scheme, both during and post-construction,
- b) how these will be mitigated or compensated for, including habitats to be retained, replaced, and/or enhanced for dormice including measures to minimise the impact of the development on dormice, and proposals to maintain connectivity of the retained habitats to the wider landscape.

The development shall be carried out in accordance with the agreed details.

REASON: To safeguard breeding sites and resting places of Species of Conservation Concern and in accordance with The Conservation of Habitats and Species Regulations 2017 & LDP policy NE1.

4 No development shall take place (including ground works, vegetation clearance) until an updated Contractor's Construction Environmental Management plan has been submitted to and approved in writing by the local planning authority. The CEMP shall include the following as a minimum:

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

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

REASON: To safeguard species protected under the Conservation of Habitats and Species Regulations 2017 and the Wildlife and Countryside Act 1981 (as amended) and the Integrity of the watercourse and vegetation at the site.

5. No development shall commence until full engineering, drainage, street lighting and construction details of the streets proposed for adoption have been submitted to and approved in writing by the Local Planning Authority. The development shall, thereafter, be constructed in accordance with the approved details, unless otherwise agreed in writing with the Local Planning Authority.

REASON: In the interest of highway safety and to safeguard the visual amenities of the locality and users of the highway in accordance with LDP Policies MV1 and DES1.

6. No part of the development hereby permitted shall commence until:

- a) An appropriate Desk-Study of the site has been carried out, to include a conceptual model and a preliminary risk assessment, and the results of that study have been submitted to and approved in writing by the Local Planning Authority.
- b) If potential contamination is identified then an appropriate intrusive site investigation shall be undertaken and a Site Investigation Report to BS 10175:2011+A2:2017, containing the results of any
- c) intrusive investigation, shall be submitted and approved in writing by the Local Planning Authority.
- d) Unless otherwise agreed in writing by the Local Planning Authority as unnecessary, a Remediation Strategy, including Method statement and full Risk Assessment shall be submitted to and approved in writing by the Local Planning Authority.

No part of the development hereby permitted shall be occupied until:



- e) Following remediation 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.
- f) Any additional or unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable. Suitable revision of the remediation strategy shall be submitted to and approved in writing by the Local Planning Authority and the revised strategy shall be fully implemented prior to further works continuing.

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

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

8. Prior to occupation, a "lighting design strategy for biodiversity" for the scheme approved shall be submitted to and approved in writing by the local planning authority. The strategy shall:

- a) identify those areas/features on site that are particularly sensitive for bats and dormice and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory, for example, for foraging; and
- b) show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory or having access to their breeding sites and resting places.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy. Under no circumstances should any other external lighting be installed without prior consent from the local planning authority.

REASON: To safeguard foraging and commuting routes used by light sensitive species in accordance with Environment (Wales) Act 2016 and Conservation of Habitats and Species Regulations 2017.

9. No removal of hedgerows, trees or shrubs brambles, ivy and other climbing plants or works to or demolition of buildings or structures that may be used by breeding birds shall take place during the bird nesting season, unless a competent ecologist has undertaken a careful, detailed check for active birds' nests immediately before the works commence and provided written confirmation that no birds will be harmed and/or that there are appropriate measures in place to protect nesting bird interest on site. Any such written confirmation should be submitted to the local planning authority.

REASON: To ensure that breeding birds are protected. All British birds, their nests and eggs (with certain limited exceptions) are protected by law under Section 1 of the Wildlife and Countryside Act 1981 (as amended) and to accord with LDP Policy NE1.

## INFORMATIVES

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.

watercourse. Further details are available from <https://www.monmouthshire.gov.uk/what-is-ordinary-watercourse-consent/>

The applicant will require a sustainable drainage system designed in accordance with the Welsh Government Standards for sustainable drainage. The scheme will require approval by the SuDS Approving Body (SAB) prior to any construction work commencing. The SAB is granted a period of at least seven weeks to determine applications. If for any reason you believe your works are exempt from the requirement for SAB approval, we would be grateful if you would inform us so we can update our records accordingly.

The Naming & Numbering of streets and properties in Monmouthshire is controlled by Monmouthshire County Council under the Public Health Act 1925 - Sections 17 to 19, the purpose of which is to ensure that any new or converted properties are allocated names or numbers logically and in a consistent manner. To register a new or converted property please view Monmouthshire Street Naming and Numbering Policy and complete the application form which can be viewed on the Street Naming & Numbering page at [www.monmouthshire.gov.uk](http://www.monmouthshire.gov.uk)

This facilitates a registered address with the Royal Mail and effective service delivery from both Public and Private Sector bodies and in particular ensures that Emergency Services are able to locate any address to which they may be summoned. It cannot be guaranteed that the name you specify in the planning application documents for the address of the site will be the name that would be formally agreed by the Council's Street Naming and Numbering Officer because it could conflict with the name of a property within the locality of the site that is already in use.

**Application Number:** DM/2023/01198

**Proposal:** Erection of 2 No. additional poultry units and associated infrastructure on established poultry farm

**Address:** Coombe Farm, Cwm Mill To Shirenewton, Shirenewton, Chepstow

**Applicant:** Mr. Gareth Adams

**Plans:** Location Plan Drawing 2 Rev B - , Site Plan Drawing 3 Rev B - Proposed Site Plan, Site Sections Drawing 8 - Pond Sections, Other GI Statement - , Flood Consequence Assessment Surface Water Management - Lidar Ligic, Ecology Report PEA V3 - , Elevations - Proposed Drawing 4 - , Drainage Drawing 5 - Site Drainage, Section Plans (Building) Existing Drawing 6 - , Landscaping Plan Drawing 7 - , Site Plan Existing Site Plan - , Other Planning Statement - , Landscape Visual Impact Assessment LVIA - , Other Noise Impact - , Other Ammonia Report - , Other Manure and Dirty Water Management Plan - Ian Pick Ass., Other Odour Impact - , Other Pollution Prevention Plan - ,

## **RECOMMENDATION: REFUSE**

Case Officer: Kate Young Date  
Valid: 27.09.2023

**This application was presented to Planning Committee in October 2024 and was subsequently approved subject to conditions. The application was then the subject of a Judicial Review and it was decided that the proposal was EIA development under Schedule 2 criterion 1(c) of the EIA Regulations and that an Environmental Statement should have been submitted. The decision was therefore quashed and returned to the local planning authority to determine. The applicant has now submitted an Environmental Statement, all interested parties were reconsulted and the application was advertised accordingly. The previous report (October 2024) is attached below.**

### 1. Proposal Description

The applicants have submitted a planning application for the erection of 2 No. additional poultry buildings and associated infrastructure at Coombe Farm, Shirenewton. The existing poultry unit at Coombe Farm extends to four poultry sheds, and currently accommodates 220,000 birds in total. The two additional sheds will each accommodate 42,000 birds. As part of the proposals, the whole site (existing and proposed poultry houses) are to permanently adopt the new higher welfare, lower stocking density. As a result of this, the existing sheds will reduce from their current capacity of 220,000 birds, down to 168,000 birds. Following the development, the overall capacity of the site will be 252,000 birds.

## **2.0 REPRESENTATIONS received since the submission of the Environmental Statement.**

### 2.1 Consultation Replies

#### **MCC Ecology - Holding Objection**

Insufficient information has been provided for the Local Planning Authority to appropriately fulfil our duties under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and Environment (Wales) Act 2016. The proposals are not compliant with

### Scoping

A formal scoping opinion was not sought from the LPA. The ES does not identify aspects of the environment which could be affected by the proposal, hereafter referred to as key receptors. The ES has scoped in 'Ecology and Ammonia', and 'Amenity Issues', and has scoped out 'landscape and visual impacts' and 'manure and dirty water management'. These comments relate only to issues which impact on ecology and environmentally sensitive features.

The Biodiversity Officer disagrees it is appropriate to scope out impacts from mature and dirty water management. EIAs need to consider the potential likely significant effects regardless of location, local planning boundaries, or indeed national boundaries. There is potential for significant impacts on key receptors as a result of waste management and therefore it is necessary to consider these potential impacts, and how they will be mitigated as part of the EIA process.

Other key receptors which have not been identified in the scoping include impacts on ground water (the site is within the source protection zone), surface water features, air quality, and particulate matter. The impacts of climate change have not been identified. Scoping should also be used to consider alternatives to the project; the ES has stated that no other alternatives have been considered and offered no justification for this.

The forecasting methods identified in Section 2.10 have identified the survey methods used for habitat surveys, but has not identified how impacts have been assessed. A statement of the relevant expertise and qualifications of the consultants that have produced the report has not been provided with the application. The ES does not meet the requirements of Regulation 18 (5, a and b).

### Potential Environmental Effects

The potential environmental effects have not been adequately identified or assessed. The ES does not meet the requirements of Schedule 4 of the regulations. An ES is required to provide:

- A description of baseline scenario of the current status of the environment in and around the development, and evaluation of trends within the environment to consider how the environment would change without any development
- A description of key receptors likely to be impacted by the proposals
- A description of likely significant effects on key receptors as a result of construction, pollutants, etc. including direct effects and any indirect, secondary, cumulative, transboundary, short-term, medium-term and long-term, permanent and temporary, positive and negative effects of the development.

The ES refers to the original phase 1 habitat survey and ammonia report that were submitted with the application and are also included as appendices to the ES. As per the first biodiversity officer comments (dated May 2023), Preliminary Ecological Appraisal reports are not appropriate to inform planning applications unless it can be determined that the project would have no significant ecological effects. The PEA report only considers impacts on site and does not identify protected sites and environmentally sensitive areas within an appropriate buffer zone of the application. The ammonia report has identified receptors in protected sites but does not provide any impact assessment. The Environmental Statement does not include any additional assessment to rectify this issue.

CIEEM guidelines for Ecological Impact Assessment identify how potential ecological impacts should be considered for both EIA and non-EIA developments. These standards have not been met in any of the documents submitted.

### Mitigation

One of the key requirements of an EIA is that potential impacts, where identified, are avoided or reduced if at all possible. The application must demonstrate that it follows the mitigation hierarchy to avoid, reduce and abate impacts at source, abate impacts at receptor, followed by repairing impacts and finally compensation.

A revised Environmental Statement is required which demonstrates that a rigorous and systematic methodology has been followed in accordance with Regulation 18 and Schedule 4 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

## Phosphates

The proposal will generate phosphates in the form of solid waste and dirty water arising from shed cleaning. The proposed manure management plan is to transport solid waste to an anaerobic digester plant near Lydney, and wastewater will be disposed of via a licensed WwTW (not specified). Natural Resources Wales are the statutory consultee for nutrient impacts and has the proper expertise to comment on whether this is satisfactory; it is out of the Biodiversity Officer's field of expertise which is not to say it is not an area of potential concern. NRW have raised concerns regarding control over the fate of phosphorus waste and the impact it might have on riverine habitats. As this has now been confirmed as EIA development, all likely significant impacts must be considered and further consideration of the onward fate of waste products is required.

## Ammonia

The proposal will generate ammonia from aerial emissions. Atmospheric ammonia and nitrogen deposition results in direct loss of species, habitat degradation and decrease in habitat resilience. The proposal includes heat exchangers on new buildings and retrofitting heat exchangers to the four existing broiler houses. The ammonia report states that heat exchangers can reduce ammonia emissions by up to 35% based on retrofitting to older style buildings. There is no data on how much difference they make to newer, more efficient style buildings.

There are five internationally designated Special Areas of Conservation within 10km and ten nationally designated Sites of Special Scientific Interest within 5km of the proposed development. Coombe Farm Woodland SSSI is less than 250m from the proposed development at its nearest point. Dinham Meadows SSSI is less than 750m away. There are 95 Sites of Importance for Nature Conservation (SINCs) and 1462 ha of ancient woodland (including ancient semi-natural woodland, restored ancient woodland, and plantation on ancient woodland) within 2km of the proposal.

The ammonia modelling report used seventy-three receptor locations in SACs, SSSIs, ammonia sensitive woodland and ancient woodland parcels in the site. Receptor locations in Coombe Valley Woodland SSSI indicate existing ammonia levels are already exceeding the upper threshold of critical load (>8%). Receptors at the other six SSSIs and ammonia sensitive woodlands are within significant critical load range (1-8%). The modelling shows a slight betterment as a result of the installation of heat exchangers, but all receptors either exceed the upper threshold or are within the significant critical load post development.

Following the NRW Guidance Note 20i (Assessing the impact of ammonia and nitrogen on designated sites from new and expanding intensive livestock units), where ammonia thresholds are between 1-8% or exceeds 8%, and existing background ammonia is exceeded, applications should look for control measures that can reduce levels to avoid exceedance. Where control measures are not available, the application could potentially be refused (G20, Table 1).

Woodland Trust have objected to the proposal and suggested that further control measures to reduce the ammonia emissions should be included in the proposal. However, NRW have not objected to the proposal on the basis of aerial emissions, citing the slight betterment in current conditions for their reasons.

The Council's Biodiversity Officer agrees with the comments from Woodland Trust that in accordance with PPW12 ancient and semi-natural woodland "are to be afforded protection from development which would result in their loss or deterioration unless very exceptionally there are significant and clearly defined public benefits; this protection should prevent potentially damaging operations and their unnecessary loss".

Further assessment of potential impacts is required and additional mitigation measures should be provided to reduce ammonia levels further, in accordance with NRW guidance.

The site is not within a nutrient sensitive catchment area for SAC rivers. The site does not fall within the Zone of Influence for major agricultural developments for any of the river or estuary SAC interest features (identified by MCC Review of Consents, JBA 2013). Should the onward fate of waste products form a consideration of the planning application, a Habitats Regulations Assessment may be required where those products enter nutrient sensitive SAC catchment. A zone of influence was not identified through the RoC for woodland habitat interest features (associated with Wye Valley Woodlands SAC). Hazards associated with this consent type are instead related to the specific development and would be assessed on a case by case basis. Pierce, Alcove And Piercefield Woods SSSI is the only component woodland of the Wye

Valley Woodlands SAC within 10km of the proposed development site. It is not an ammonia sensitive woodland listed by NRW. It was identified as a receptor in the submitted ammonia report which suggests that there would be no change between existing and proposed ammonia concentration at this receptor. Therefore, based on the information provided with the application, no pathway to affect the Wye Valley Woodlands SAC is identified and a Habitat Regulations Assessment is not required for this feature.

**Cadw** - The reports on odour and noise impacts referred to in our previous advice are now included in the environmental statement. Consequently, the submission of the environmental statement and the application area do not alter our previous advice.

**Highway Authority** - No Objection.

**MCC Public Rights of Way** - I have no further comment to make and refer to my original response dated 17th October 2023.

**Lead Local Flood Authority and SuDS Approval Body** - No Objection. SAB will be required.

### 3.1 Neighbour Notification

None Received

### 3.2 Other Representations

None Received

### 3.3 Local Member Representations

Councillor Brown – Made the following comments:

The original decision was made by the planning committee and in the light of the further information provided in the EIA then it would seem appropriate for this to go back to the committee. I have replied within the 14 day consultation for an amendment as instructed on the 15th of January but note that information on line shows that the consultation period has been subsequently extended.

In view of case law on the importance of the EIA for the consideration of planning matters in relation to poultry units, it would seem appropriate for all statutory consultees to be reconsulted prior to it going back to the planning committee in order to obtain an independent view of the EIA. Hence, this is a ward Councillor referral to the planning committee.

Also the Guide for Poultry Farms GN021 for both LPAs and NRW can be found at the following link which I mentioned when the application was being considered at the Planning Committee.

It is not just the River Wye area but includes ancient woodlands. It is important to note that this guide is not just for NRW but for Local Planning Authorities to consider as well. The consideration of a need for an EIA is listed as point 17 in the Appendix.

In addition, it would be helpful if both the Shirenewton Community Council were formally consulted as well as the Caerwent Community Council. Whilst the poultry units are in the Shirenewton ward, the other ward impacted by properties nearby are in the Caerwent ward area.

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

## 4.0 RECOMMENDATION: REFUSE

### Reason for Refusal:

Insufficient information has been provided for the Local Planning Authority to appropriately fulfil its duties under the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 and Environment (Wales) Act 2016. The proposals are not compliant with

Planning Policy Wales 12, in that the application does not demonstrate that wider ecosystem resilience will be maintained and enhanced as a result of the proposal.

Previous Report (October 2024)

**This application is presented to Planning Committee at the request of the local member, Councillor Louise Brown and because there are a number of unresolved objections.**

## **1.0 APPLICATION DETAILS**

### 1.1 Site Description

Coombe Farm an existing, established poultry unit is located approximately 1.7 km to the west of the village of Shirenewton and 1.4km to the north east of the village of Llanvair Discoed. The farm is approximately 400 metres to the west of the Cwm Valley. There is a Scheduled Ancient Monument to the south of the farm. The site is within a designated Source Protection Zone and a Minerals Safeguarding Area. The predicted Land Use classification of the site is 2.

The existing poultry units were granted planning permission on 2nd June 2016 under application reference DC/16/00094 and were developed during the course of 2016, they became operational in the summer of 2017. The existing poultry unit holds an Environmental Permit, issued by Natural Resources Wales to operate with up to 220,000 birds per flock.

### 1.2 Proposal Description

The applicants propose to expand their poultry farming operations on the site and this application seeks the erection of 2 additional poultry sheds, to be located adjacent to the existing poultry units on the south-eastern side. The proposed development will increase the capacity of the site from the existing 220,000 birds up to 300,000 birds (an increase of 80,000 birds). An Environmental Permit for this proposed expansion was granted by Natural Resources Wales on 21st October 2021

This application seeks full planning permission for the erection of 2 No. additional poultry houses and associated infrastructure at Coombe Farm. The proposed poultry houses each measure 102m x 24.69m the roofs and walls would all be clad juniper green profile sheeting. Each building would have a control room attached to the southwest elevation measuring 14.345m x 4m. Additional infrastructure proposed includes 4 feed bins, a feed blending room, heat exchangers, a concrete apron adjacent to the southwest elevation of the buildings, an underground dirty water tank, a drainage infiltration basin, an access road to link the development to the existing internal farm access and a new attenuation pond.

This is a major application and has been advertise as such. The application is supported by the following reports:

Pre Application Consultation Report (PAC)  
Design and Access Statement  
Ecological Report  
Landscape and Visual Impact Assessment  
Noise Impact Statement  
Ammonia Report  
Odour Impact Assessment  
Manure and Dirty Water Management Plan  
Pollution Prevention Report  
GI Statement  
FCA and Surface Water management Plan

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2023/00578	Erection of 2 No. additional poultry units and associated infrastructure on established poultry farm.	Pending Consideration	

DM/2023/01198	Erection of 2 No. additional poultry units and associated infrastructure on established poultry farm	Pending Determination	
DC/2012/00531	Agricultural building for storage of machinery	Approved	31.01.2014
DC/2010/00131	Hedgerow removal	Approved	19.04.2010
DC/2016/00094	Erection of 4 no. agricultural buildings for broiler rearing together with associated feed bins, hard standings, access and attenuation pond. (accompanying Environmental Statement).	Approved	02.06.2016
DC/2012/00384	Erection of 1no wind turbine and associated works		25.01.2013

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

#### **Strategic Policies**



S10 LDP Rural Enterprise  
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**

RE4 LDP New Agricultural and Forestry Buildings  
RE5 LDP Intensive Livestock/Free Range Poultry Units  
SD4 LDP Sustainable Drainage  
LC1 LDP New Built Development in the Open Countryside  
LC5 LDP Protection and Enhancement of Landscape Character  
NE1 LDP Nature Conservation and Development  
EP1 LDP Amenity and Environmental Protection  
M2 LDP Minerals Safeguarding Areas  
DES1 LDP General Design Considerations

### **Supplementary Planning Guidance**

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

#### National Planning Policies (If Any)

Technical Advice Note 6 - Planning for Sustainable Rural Communities (2010):  
<http://gov.wales/docs/desh/policy/100722tan6en.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

#### Shirenewton Community Council - Object

The Councillors' concerns expressed in their response to the pre planning application have not been fully met by the application as the Councillors seek reassurance by ongoing monitoring that ground and water sources are not being contaminated, and that a reduction in the escape of toxic chemicals and gases (particularly phosphates nitrates and ammonia) and noise and odour from the site as a whole will be addressed. Compliance with the Manure and Dirty Water Management Plan should be made a condition were MCC minded to grant consent together with ongoing regular monitoring of the stream water and aquifers, and of air pollution, and a condition limiting lorry movements to the working week both for construction works and operation of the facility.

#### Highway Authority - No objection

#### MCC Environmental Health No objection

Confirms that this department has received no complaints of noise or odour from the operation of the farm in recent years.

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

#### GGAT -

The application is located within 160m of the Scheduled Monument of Llanmelin Wood Hillfort (Cadw reference MM024) of Iron Age date. There is potential for encountering archaeologically significant remains during the proposal, which will require mitigation.

Suggests a condition requiring the applicant to submit a detailed written scheme of investigation for the implementation of a programme of archaeological work to protect the archaeological resource.

#### NRW -

Concerns regarding the intention for all manure and contaminated water to be taken off site.

While the proposal to export manure to an AD facility and contaminated water to a licensed WwTW provides you with immediate details of the intended destinations for these materials, there does not appear to be any certainty about whether these arrangements can be secured for the lifetime of the development.

The inputs of manure from the proposed development will contribute to the phosphorus content of the digestate, as the phosphorus load from the manure will be retained in the resulting digestate, the onward fate of the digestate should be considered by your Authority as a material consideration.

We are not in a position to comment on the Regulations which govern spreading of digestate in England. However, with regard to the Control of Agricultural Pollution (Wales) Regulations 2021 (CoAPR), we are not satisfied that

the CoAPR currently have adequate controls to protect rivers (either within or outside river SAC catchments) from the risk of phosphorus loss from land spreading of manures / slurries or agricultural digestate.

As such, we remain concerned with the application as submitted. In our opinion, the regulatory controls which are relevant to the manures and contaminated water that would be generated by the proposed development are not sufficient to prevent inappropriate discharges of phosphorus to the river environment. To address these concerns, we would expect the applicant to demonstrate that a robust and enforceable chain of custody was in place for the fate of manures and contaminated water from the site, controlling the location, beneficial use and method of land spreading.

Ultimately, however, we acknowledge this is a matter for your Authority to address as the decision maker.

#### MCC Landscape and GI - No objection subject to conditions

The application is supported by a LVIA guided by the GLVIA ed 3.

The proposed built form will not significantly adversely change the underlying landscape character of the area or have a significant adverse visual impact.

#### Welsh Government- Agricultural Land Quality Department

The Department does not hold any information on detailed ALC field surveys for the site.

According to the Predictive ALC Map for Wales, part of site is at best Subgrade 3a, with the remainder of redline boundary within the existing farmyard.

Exceptionally in this case, due to the small size of the site, the Department does not recommend an ALC field survey is undertaken. It will be for the determining authority to take a view on this application in respect of BMV policy

#### Public Rights of Way - No objection

Public Footpath 72 in the community of Shirenewton which runs adjacent to the site.

#### MCC Ecology -

The biodiversity officer recommends that further detail on management of phosphorus waste is provided in accordance with NRW recommendations and additional control measures are required to reduce ammonia emissions.

The biodiversity officer maintains that the proposal as is submitted will result in a negative impact on ecosystem resilience and is therefore contrary to PPW12 and LDP Policy NE1. However, if you are minded to proceed with the application conditions will be required for:

- Construction Environmental Management Plan
- Lighting Strategy
- Ecological Enhancement Plan
- Green Infrastructure Management Plan

#### Lead Local Flood Authority and SuDS Approval Body -

The current design is unlikely to gain SAB approval, but I am confident that a design could gain SAB approval. This might however mean significant changes to the blue/green element of the site plan. The place to work this detailed design out is probably through the SAB approval process.

We have previously recommended that the applicant takes SAB pre-application advice.

#### 5.2 Neighbour Notification

Letters of objection received from seven addresses

Increase in odour for residents, walkers, cyclists and riders

It is in an area surrounded by SSSI, Ancient Woodland and a CADW site

Run off could end up in the nearby Castrogi Brook.

It is not possible to time the operation to coincide with winds blowing in a favourable direction.

Neighbours were not consulted.

It is unlikely that the installation of heat exchangers at Coombe Farm will result in a 35% reduction in the emission factor.

I object to the manure/waste water plan

Intensive farming is detrimental to the waters, flora and fauna due to the way the waste is disposed of.

Discharges will exceed thresholds set by NRW this will no doubt also spread further afield and affect other areas negatively.

Ground water may be being compromised due to disposal of waste and the build-up of nitrates and antibiotic residue.

The four existing sheds already exceed the threshold guidelines

The proposals are not consistent with Local Development Plan policies which are to protect nature, the extra chickens will have an unacceptable adverse impact on biodiversity.

Intensive farming has a detrimental effect to the waters and environment in general.

Ammonia is a pollutant with adverse environmental impacts

Even with heat exchangers, it seems likely that the discharges from the four sheds alone will exceed NRW's tolerances

Although water and waste from the new sheds will be removed there are risks from spillage and the continued use and disposal of the manure and waste water produced by the existing sheds. Any run-off risks polluting the aquifers used by neighbours' bore holes and causes more general environmental harm.

Contrary to Local Development Plan policies EP1

The Background details to the ammonia report is incorrect there are more properties affected than specified

Pollution prevention methods should also be applied to the existing facility

Should the application be for 100,000 birds in addition to the existing permission for

200,000 Has any environmental monitoring been carried out and, if so, what is the result?

The size of the poultry facility is already as big as the local environment can reasonably be expected to bear.

A lot of surface water and seepage disappears into local sinkholes, and into the Chepstow Aquifer which is a source of drinking water

We have noted the amount of weed build up in Castroggi Brook has increased considerably since the chicken barns. We are convinced this is due to nitrate and other chemical build up in the ground water.

We object for our health, the health of the local land and the health of our planet.

### 5.3 Other Representations

Woodlands Trust-Objects

Potential deterioration of a number of ancient woods designated on Natural Resources Wales'

Ancient Woodland Inventory (AWI). We consider that an application must be able to demonstrate that any resulting increase in the levels of ammonia and nitrogen deposition will be insignificant (less than 1% of the critical level and load) at all ancient woodland sites.

### 5.4 Local Member

Representations Councillor

Louise Brown

The community council responded to the pre-application consultation and their concerns have not been fully met The management of manure and water only relates to the proposed new two additional units not the existing ones.

Public objectors have mentioned the smell and odour of the 4 existing units.

The modelling in the Ammonia report is contradictory in that it assumes a 35% reduction based on heat exchanges and does not take account of comments about this not being the case for modern housing.

There is concern about the local Brooks with the need for ongoing monitoring that ground and water sources are not being contaminated to stop the escape of toxic chemicals and gases.

The issue of the pollution of the River Wye with phosphates due to chicken manure poultry farming can be easily found by an internet search. Whilst this is not in that immediate area, the Brook is showing signs of increased weed build up in Cas Toggi Brook since the Chicken Barns.

In view of the number of objections, I wish the application to be considered by the planning committee.

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

Paragraph 5.6.8 says Planning authorities should adopt a constructive approach towards agricultural development proposals, especially those which are designed to meet the needs of changing farming practices or are necessary to achieve compliance with new environmental, hygiene or welfare legislation.

Paragraph 5.6.9 says Care should be exercised when considering intensive livestock developments when these are proposed in close proximity to sensitive land uses such as homes, schools, hospitals, office development or sensitive environmental areas. In particular, the cumulative impacts (including noise and air pollution) resulting from similar developments in the same area should be taken into account.

#### MCC Local Development Plan Policy

Policy S10 of the Local Development Plan refers Rural Enterprise and supports development that enables the diversification of the rural economy, provided that its scale and type are compatible with the surrounding area and it will cause no unacceptable harm to the surrounding landscape. The existing poultry unit has been operating from the site for many years, so the principle of a poultry unit in this location is already established.

Policy RE4 of the LDP refers to new agricultural and forestry buildings and says they will be permitted where they are reasonably required for agricultural purposes, where waste can be suitably disposed of and where they comply with policy LC1 (landscape). On the first point, it can be seen that the buildings are reasonably required to expand an existing agricultural enterprise. The effective management of the waste will be discussed in greater detail, later in the report. The principle of two new poultry sheds adjacent to the existing sheds on an established enterprise, is acceptable in policy terms.

Policy RE5 of the Local Development Plan seeks to achieve a balance between the economic production of food and the protection of amenity and the environment. The policy permits the principle of intensive poultry units providing the following criteria is met.:

Intensive livestock or free range poultry production units will be permitted subject to the following criteria:

- a) new livestock units and associated slurry tanks and lagoons are sited so as not cause unacceptable nuisance to any non agricultural dwelling or building;
- b) new units are sited so as to minimise their visual impact by avoiding exposed locations and, where practicable, locating them within or adjoining existing groups of buildings;
- c) units that have serious implications for the surrounding highway systems network will be resisted;
- d) the unit is designed, and uses appropriate technology, to minimise the nuisance of smell, noise and water pollution;
- e) if the operational requirements of the proposed enterprise require that a specialist agricultural worker be accommodated in close proximity to the livestock building, then the development should, where possible, be located to make use

of existing and available dwelling accommodation. If, exceptionally, new dwelling accommodation is required then

the acceptability of a new agricultural dwelling shall be material to the planning consideration for the unit.

f) the proposal complies with Policy LC1

The proposed development has been designed to comply with the requirements of the Environmental Permitting Regime which imposes strict standards for the protection of the environment. The Environmental Permit for this development has already been granted by Natural Resources Wales.

Coombe farm is an isolated unit with no nearby neighbours. The nearest neighbours are over 400m away and therefore the proposal is not considered to cause unacceptable noise nuisance nor have an unacceptable impact on neighbours properties in terms of foul smells. The Councils environmental health officers have been consulted and offered no objection.

Although the footprint of the buildings are large the heights are low. The maximum ridge height of the buildings is only 6.5 metres. The two new buildings will be located next to the existing ones which will help to reduce their visual impact in the wider landscape. The proposed buildings will be set at a lower level than the existing ones with the land level of the application site being about 4.5m lower than the finished floor levels of the existing poultry units. The proposed units are sited so as to minimise their visual impact and are sited adjoining existing groups of buildings. The Highway Authority has no objection to the proposal. The highway impacts of the existing and proposed developments are managed through a routing strategy which enables HGV vehicles to access the site following the applicants internal farm roads which link to Crick Road. The design of the unit includes Best Available Techniques (BAT) to minimise nuisance, including high speed roof fans and heat exchangers. The site is designed with a sealed dirty water containment system to avoid the potential for water pollution. The proposed new units will form part of an established poultry unit and will not result in the need for a new Rural Enterprise Dwelling.

The above demonstrated that the proposal is compliant with the requirements of policy RE5 of the LDP.

## **6.2 Sustainability**

The proposed development incorporates sustainable technology in the form of heat exchanger units which reduce the heating demands of the building using heat recovery techniques and are also accredited for emissions reductions.

### **6.2.1 Good Design**

The proposed buildings are of very similar scale and design to the existing poultry buildings on the site. Each poultry building measures 102m x 24.69m with an eaves height of 3m and a ridge height of 6.437m. The attached control rooms on the southwest elevations measuring 14.345m x 4m. The total floor area of each building is 2485 sq m. The development also includes an additional building being a small feed blending room which measures 16 sq m. The design of the buildings reflects their function and are not visually prominent in the wider landscape. The sheds will be constructed in juniper green profile sheeting which is considered acceptable in this location and will match the colour of the existing sheds on the site. The proposal accords with policy DES1 of the LDP as the design is acceptable in this case.

## **6.3 Landscape**

The site and context is located in the open countryside and currently consists of an existing poultry farm complex and associated outbuildings, access and infrastructure set within a rural agricultural setting of fields, hedge and woodland. To the south of the site lies a PROW, to the east a buried gas main and within the site is an existing mature hedge. Further to the west the site lies NRW ancient semi natural woodland SSSI coombe valley wood, to the south of the site lies Llanmelin hillfort SINC and to the north further woodland with fields, mature trees and hedge to immediate site boundaries and to the east. The proposal seeks to include a replacement hedge. The application site is adjacent to existing similar structures in terms of architectural form, function size and colour. The application is supported by a LVIA and landscape plan.

The structures, although large are adjacent to an existing cluster of similar structures of similar architectural form, size and colour. The proposal is set at a floor level 4.5m below that of existing. This broadly reflects the changes in the landscape topography. The proposed structures although set a lower level to the existing will appear at ground / field level as seen from the south and southeast looking north within the context of a gently undulating foreground topography and

backdrop of existing structures creating a perceived taller elevation of overall development. A replacement native species hedge is welcome but would be considered to be insufficient to fully mitigate for the cumulative visual impact. Additional planting and detail are required to support the proposal to demonstrate a more effective integration of structures and feed bins into the landscape. It is suggested that a revision to the landscape plan should include new native species broadleaf trees such as oak within both the hedge and within the immediate area of the adjacent field with appropriate stock protection. This will add height and depth to the mitigation proposals as well as reflect both existing hedgelines within the local landscape and that of the existing former field boundary trees to the south and east of the site which are a characteristic of this localised landscape. This will be requested by condition.

From a policy perspective LC5 Protection and Enhancement of Landscape character highlights that development will be permitted provided it would not have an unacceptable adverse effect on the special character or quality of Monmouthshire's landscape in terms of its visual, historic, geological, ecological or cultural aspects.

It is considered from a Landscape and GI perspective that the proposed built form will not significantly adversely change the underlying landscape character of the area or have a significant adverse visual impact as assessed by the submitted LVIA and on-site assessment.

Policy LC1 allows for new build in the open countryside if it is justified for agricultural purposes. The two new buildings will be located close to an existing group of farm buildings and are of a form, bulk and size that respects the rural character of the area. The new buildings will satisfactorily assimilate into the landscape and will, with mitigation, not adversely impact on the landscape. The proposal therefore accords with the objectives of policy LC1 of the LDP.

The two new buildings will not cause a significant visual intrusion in the wider landscape due to their relatively low height and close proximity to existing poultry units on the site. The character of the natural landscape- will not be adversely altered and the proposal is to expand an existing enterprise and the new sheds will be located within the farm complex. The two new poultry shed and associated structures will accord with the objectives of policy LC5 of the LDP in that they will protect the landscape character of the area.

PPW12 (paragraph 6.2.12) requires a Green Infrastructure Statement (GI) to be provided with all planning applications. In this case a GI Statement has been submitted this concluded that

The development has been designed to maintain existing green corridors present around and within the site where possible and existing connectivity opportunities to the wider landscape are enhanced, negative impacts have been kept to a minimum and measures have been identified to compensate those which have been identified as unavoidable to deliver the necessary improvements at Coombe Farm.

The loss of 170m of hedgerow and a small area of dense, continuous scrub will be compensated through the planting of 270m of new native species-rich hedgerow. The new hedgerow has been positioned so that it will enhance the retained features and the species have been selected to provide increased benefits for biodiversity at the site.

The proposal involves a new attenuation pond which will be formed by building a earth embankment over 8 metres high on sloping ground. The pond is some distance from the main publicly access area i.e. on the road and has some trees in the foreground and undulating ground as viewed for the south however further along the lane there are clearer views across the undulating ground and a earth bund may provide an opportunity with additional planting to integrate structures set back within the cluster of buildings to be screened.

## **6.4 Historic Environment**

Scheduled Monuments MM001

Caerwent Roman City

MM024 Llanmelin Wood Camps

MM031 Grey Hill Stone Circle MM047

Llanvair Castle

MM152 Whitewall Brake Roman Site

MM153 Dinham Castle

MM179 Round Barrow 250m North East of Five Lanes MM289

Cewere Quarry and Limekiln, Llanvair-Discoed

MM341 Royal Naval Propellant Factory Guided Weapons Scheme Static Firing Bay

MM350 Five Lanes Roman Site

MM352 Royal Naval Propellant Factory Caerwent Nitro-glycerine Hill PGW(Gt)46(MON)

The above designated historic assets are located inside 3km of the proposed development, but intervening topography, buildings and vegetation block all views between them except for scheduled monument MM024 Llanemelin Wood Camps. Consequently, the proposed development will have no impact on the settings of these designated historic assets other than MM024.

The proposal is located some 100m north of scheduled monument MM024 Llanemelin Wood Camps at its nearest point: the annexe (see below).

MM024 Llanemelin Wood Camps comprises the remains of a hillfort, which probably dates to the Iron Age period (c. 800 BC - AD 74, the Roman conquest of Wales).

Situated near Caerwent (Venta Silurum), the site is a small multi-ramparted hillfort and was excavated in the early 1930s by VE Nash Williams. It is made up of two features: the main camp, an elliptical enclosure defined by multiple earthwork ramparts following the 100-metre contour and covering approx. 2.2 hectares, and a narrow rectangular 'annexe' butting onto the main camp and measuring approximately 120 metres by 70 metres. There is no direct communication between the two. The main camp has a single narrow in-turned entrance in the inner of the two angles formed by the junction of the camp and annexe. Entry into the annexe is via a gap in the bank furthest from the camp with no evident defensive features. The annexe is bounded by a multi-bank and ditch system on its longer side and by a single bank and ditch on the other. Inside it are a series of transverse banks and ditches that divide it into three separate bays, with the central one being twice the length of the others. The outermost is bisected by another bank and incorporates the entrance into the annexe. There are no obvious entry points into the other two bays. A track leads up to the annexe and a nearby earthwork enclosure that also shows evidence of Iron Age occupation.

Nash-Williams' excavation of the main camp entrance demonstrated two structural phases: the first in which the inturned bank was strengthened with timberwork with the addition of a timber revetment or possibly a defensive platform, and the second in which the timberwork was demolished, the bank heightened and revetting both sides around the inner end with dry-stone walling and the butt end of the opposite bank also revetted. A layer of trodden occupation soil and a few potsherds in the passageway suggest these alterations post-date the original creation of the entrance. It has been suggested that the restructuring may have occurred around AD 50 in possible response to threats from the Roman army at Caerleon.

The excavations in the annexe indicate that it was constructed slightly later than the main camp, and that the original settlement probably consisted of the camp and the separate 'outpost'. Occupation within the annexe shows two phases, with the transverse banks overlying hearths in two places. The apparently abrupt end of occupation circa AD 75 may indicate forcible relocation of the native population to establish the new Roman town of Venta Silurum (Caerwent), which under Roman control served as the administrative capital of the Silures. The remains of stone buildings within the camp with finds dating from the late 12th to the early 13th centuries point to a short-lived period of reoccupation during the Middle Ages.

The main camp was located to commanded wide ranging views in all directions. Significant views were to and from the main camp in a southward arc east to west over the Seven estuary coastal plain of the to the north linking the main camp with the annexe.

The proposal is for the erection of two additional poultry sheds to be located on the south-eastern side of four adjacent existing poultry units. The two proposed poultry houses will each measure 102m x 24.69m each also having an additional control room attached to the southwest elevation measuring 14.345m x 4m. Additional infrastructure also proposed includes; four feed bins, a feed blending room, two heat exchangers, a concrete apron adjacent to the southwest elevation of the buildings, an underground dirty water tank, a drainage infiltration basin, and an access road to link the development to the existing internal farm access.

The proposal lies within an identified significant view and will introduce additional and substantial built form closer to the monument than is currently present. However woodland cover on both the slopes of the main camp and within the annexe will significantly screen views of the proposed development which will also be seen set against the existing substantial complex of agricultural buildings. The pre-application is accompanied by an Odour Impact Assessment produced by AS Modelling & Data Ltd that concludes that odour exposure in the vicinity of the annexe at the nearest point



would be below accepted levels. The pre-application is also accompanied by a Noise Impact assessment produced by Matrix Acoustic Design Consultants which concludes noise levels modelled at a point close to the annexe will be negligible. As such whilst there may be a slight change in the view from the scheduled monument this and the modelled acceptable levels of odour and noise means the proposed development will not have any effect on the way that the monument is experienced, understood, and appreciated. Consequently, Cadw finds that the proposed development will have no impact on the setting of scheduled monument MG024.

GGAT consider that there is potential for encountering archaeologically significant remains during the proposal, which will require mitigation, they recommend that a condition requiring the applicant to submit a detailed written scheme of investigation for the implementation of a programme of archaeological work to protect the archaeological resource should be attached to any consent granted.

## 6.5 Waste Disposal

The proposed buildings will be used for the rearing of broiler chickens from day old chicks through to finished table weight. Chicks are delivered on day 1 of the flock cycle and reared within the building for up to 38 days, following which they are removed from the site for processing. At the end of the flock cycle, the buildings are empty for 10 days for cleaning and preparation for the next flock of birds. The site operates with 7.6 flocks per annum. The whole site of 6 poultry buildings (4 existing and 2 proposed) will operate on the same production cycle and will be filled and emptied at the same time.

At the end of each flock cycle, the buildings are cleaned out and prepared for the next batch of birds. The cleaning process involves the removal of the manure with a mechanical loader and the manure will be loaded into sheeted trailers and removed from the site for disposal via the Anaerobic Digester Plant at Plusterwine Farm, Woolaston, Lydney. A copy of the Manure Management Strategy has been submitted with the planning application. Following the removal of the manure, the buildings are power washed. The inside of the buildings have a smooth floated concrete floor, which is drained into a dirty water containment tank which will be located to the southwest of the concrete apron. The dirty water tank will be emptied by vacuum tanker following the cleanout process and disposed of via formal waste contract at a waste water treatment works. The poultry farm is a permitted installation by NRW. The site has a fully sealed dirty water containment system which is part of the Environmental Permit requirements. The site is also regularly inspected by NRW. The design of the site is such that there is no potential for contaminated materials to escape from the site.

NRW say in their consultation response of the 22nd March 2024 that they are satisfied with the proposal set out in the Management Plan stating that the method of disposing of dirty water is via a WwTW and the solid waste to a AD facility in England, but NRW have concerns about whether these arrangements can be secured for the lifetime of the development. Planning officers acknowledge that the current/proposed method of disposing of the waste from the sheds at the end of the flock cycle is considered to be acceptable by NRW but do not think that it is reasonable to require this for the lifetime of the development which could be many decades in an ever changing world. Instead planning officers are suggesting a condition which says the disposal of waste shall be carried out in accordance with the Management Plan and if at some time in the future the content of the plan changes the changes shall be approved by the LPA. This gives assurance that the management of waste is controlled by the existing management plan and allows for any unforeseen changes while still maintaining control over the disposal of waste.

NRW also have concerns with regards to the onward fate of the waste and downstream emissions once it has left the AD. Planning officers consider that it is within their remit to consider the waste process within the redline of the planning application but that once the waste has left the farm it is controlled by other regulations and permits, it is not appropriate for the planning system to consider it as a material planning consideration. The major concern from NRW- related to the fate of the solid waste once it has left the digester because they are aware that the Control of Agricultural Pollution (Wales) Regulations 2021 (CoAPR), are not adequate controls to protect rivers (either within or outside river SAC catchments) from the risk of phosphorus loss from land spreading of manures / slurries or agricultural digestate. However in this case the solid waste is going to a permitted AD in England and as NRW say in their letter of the 22nd March they acknowledge that they are not in a position to comment on the Regulations which govern spreading of digestate in England. That is for the Environment Agency in England to consider and

is controlled by its own permitting regulations. NRW would like the applicant to demonstrate that a robust and enforceable chain of custody was in place for the fate of waste but ultimately, they acknowledge this is a matter for the LPA to address. The LPA does not consider this to be a material planning consideration that should be addressed by this planning application.

The AD facility in Lydney is existing and has a permit to process a certain amount of waste per year. If the additional waste from Coombe Farm was not brought to the Lydney digester, presumably the equivalent amount of waste would be brought to the plant from other farms therefore by refusing this application, we would not be reducing the waste processed at the facility. The AD plant is a separate licensed waste facility with an Environmental Permit and is allowed to take up to 36,500 tonnes of waste per annum. The digestate that will be produced will not be produced as a consequence of the proposed development; digestate will be produced as a consequence of the operation of the AD Plant, with, or without, the proposed development. The manure from this development will simply be part of their permitted processing tonnage, and in the absence of this development, the AD plant will simply acquire their waste from elsewhere and produce the same amount of digestate. Planning Officers are of the opinion that consideration should only be given to the disposal of waste until it leaves the farm and not its ongoing destination, from there it is controlled by other regulations both in England and in Wales.

## **6.5 Biodiversity**

The application is supported by a Preliminary Ecological Appraisal (produced by Craig Emms and Dr Linda Barnett Consultant Ecologists, dated April 2023), the PEA is not informed by a biodiversity data search in accordance with best practice. An addendum to the PEA report has been provided to include further justification for the position on dormouse surveys. The habitat is considered suboptimal and unconnected. The biodiversity officer is satisfied that considering the type and scale of habitat affected which is suitable for dormouse, risks can be managed with a non-licensed method statement.

The proposal has included replacement hedgerow and some trees to provide net benefit. For this type of proposal we would expect more habitat creation and enhancement to be proportionate to the scale and nature of development. Part of delivering net benefit is securing long-term management, details of which should be provided in a Green Infrastructure Management Plan (or Landscape and Ecology Management Plan) which identifies retained and created features to be managed, supported by appropriate plans, and include appropriate management prescriptions that are site specific and achievable.

No additional information has been submitted to address concerns on wider ecosystem resilience as a result of phosphate and ammonia. The proposed application is located within the Nedern Brook catchment and a Drinking Water Protected Area (Source Protection Zone). NRW have raised concerns regarding control over the fate of phosphorus waste and the impact it might have on riverine habitats however all waste from the site, which is bio secure, will be removed from the site in sealed vehicles and will not be able to enter the local water course.

In October 2021 NRW granted a variation to Coombe Farm Environmental Permit to add two additional houses to increase the number of broilers by 80,000 to a total of 300,000. A copy of that permit, EPR/EP3232AD, has been submitted as part of this application in the Design Access and Planning Statement.

### **Aerial Emissions (Ammonia)**

An ammonia report was submitted in support of this application. NRW advise that in the absence of mitigation, there may be nutrient enrichment which could affect the surrounding SSSI' causing habitat degradation. As the report was published in 2021, NRW would normally advise that the air quality modelling is revised to include the most up-to-date data for background ammonia concentrations.

However in this case NRW say they are aware that the background ammonia concentrations have decreased since 2021. The ammonia report states that the background ammonia concentration is 1.64 µg-NH<sub>3</sub>/m<sup>3</sup>; the data now available on the APIS website states that the background ammonia concentration is 1.48 µg-NH<sub>3</sub>/m<sup>3</sup>. NRW conclude that, in this instance, in view of the reduction in background concentrations, they are satisfied that there is no need to update the modelling report.

The current poultry units are contributing to almost 25% of the Critical Levels for Coombe Valley Woods SSSI and Dinham Meadows SSSI. As concluded within the ammonia report (first bullet point, page 35), the exceedances of the Critical Levels for the SSSIs will be reduced only if heat exchangers are fitted across the farm in all poultry units. The EPR permit variation EPR/EP3232AD/V004, which was granted in 2021, stipulates that 'heat exchangers are installed to all six houses to mitigate emissions from the increase in bird numbers'. On this basis, NRW recognise that this will result in a slight betterment in terms of the existing air quality and therefore provided the heat exchangers are installed in accordance with the EPR permit, they raise no further concerns with regard to air quality matters.

## **6.6 Impact on Amenity**

There are ten residential properties within 1km of the site, the closest of these being The Cwm and the Cwm Annex approximately 440metres from the site.

### **Odour**

The odour impact study models data on emissions, meteorological conditions and topography, and predicts the impact at the nearest residential properties. The nearest property is approximately 340m away from the location of the proposed units. It indicates that the odour impact from the operation of the proposed poultry units will fall below the Environment Agency's H4 Odour Management guidance benchmark for odour exposure levels for odour producing activities such as poultry rearing. Furthermore, the operation will be subject to ongoing regulation including odour pollution controls under an Environmental Permit by Natural Resources Wales. Whilst some odour from the increased operation at the site may be discernible at the nearest residential properties from time to time, MCC Environmental Health Officers are not in a position to substantiate a level of problems on which to base an objection.

### **Noise**

The Acoustics Report predicts the noise impact at the nearest residential properties from plant, including the additional ventilation fans and heat exchangers, and transport noise from HGV's delivery/collection and loading/unloading using a diesel forklift. The report predicts that in a worst case scenario with all fans and heat exchangers operating at once on all sheds, and a stock/collection delivery occurring (considered an unlikely scenario) the noise impact during the day will be no more than 1dB above the typical background noise levels and 5dB below the typical background noise level in the evening. A 1dB change in noise level is considered to be imperceptible. Noise impact during the night-time is predicted to be significantly below the typical background noise level and significantly below the WHO guidelines for community noise, which recommend 30dB(A) in bedrooms during the night for a sleep of good quality. Noise from the increased operation is not predicted to result in an adverse impact. Whilst some noise may be audible from the site at the most impactful times of operation MCC Environmental Health Officer do not anticipate a level of problems on which to base an objection and they confirm that their department has received no complaints of noise or odour from the operation of the farm in recent years.

## **6.7 Access / Highway Safety**

The farm is accessed via a private track and joins the public highway along the unclassified C62.4. Under DC/2016/00094 permission was granted for the initial four sheds with a condition regarding the movement of HGVs in relation to the site, namely these being routed through a series of private tracks to bypass the nearby settlement of Shirenewton. The application has been considered as a continuation of this condition (7), which the applicant has considered as part of their access statement. The proposal represents an increase in the number of sheds from 4 to 6, a 50% increase, and an increase in the number of birds from 220,000 to 300,000, a 37% increase. The application includes a transport forecast to consider the impact of the proposal and concludes that annual movements generated will increase by 35%, 1276 to 1722, which represents ~1 additional movement per day per year. However, there will be peaks in the number of movements in relation to the flock cycle. All HGVs associated with the operation of the existing and proposed poultry units will be routed as per the approved routing plan. HGVs are routed to / from the site via the public highway and the applicants existing network of internal farm roads which link to Crick

Road, approximately 400m to the southeast of Shirenewton.

The development will result in an increase of 31 vehicles (62 movements) per flock cycle, with 7.6 flock cycles per annum, totalling an increase of 236 visits (472 movements) per annum. This represents an average increase in traffic of 0.65 visits (1.3 movements) per day which is not significant. During the normal operation of the flock, the site generates between 2 and 4 movements per day associated with feed delivery, carcass collection, gas delivery and shavings delivery. Peak movements are generated at certain times during the flock cycle, being day 1 for chick delivery, and for bird removal. Bird removal is done over 3 days, with a third at around day 30 for thinning (12 lorries/26 movements), and the remaining two thirds removed during days 37 and 38 for the flock (13 lorries per day / 26 movements). A further peak is generated when the manure is removed from the site.

The development has been designed to facilitate movement of HGVs within the site. HGVs can enter the site, turn around on the concrete apron in front of the proposed units and leave the site in a forward gear.

The highway Authority offer no objection to the proposal saying that, while the proposal does represent an increase in the number of traffic movement, the generated traffic is still directed away from the nearby residential areas. There are no highway grounds for an objection provided all HGV movements to and from the site are made in accordance with the approved HGV routing plan. That will be imposed by condition.

## **6.9 Flooding**

The site is not in a designated flood zone identified in the DAM maps of TAN 15 or the Flood Maps for Planning in the emerging TAN 15.

## **6.10 Drainage**

### **6.10.1 Foul Drainage**

At the end of each flock cycle, the buildings are cleaned out and power washed the water is drained into a dirty water containment tank which will be located to the southwest of the concrete apron. The dirty water tank will be emptied by vacuum tanker following the cleanout process and disposed of via formal waste contract at a waste water treatment works. Coome Farm has a contract with Biffa Waste Services Limited to remove poultry washing waste from site and transport to Nash Welsh Water Treatment facility, Newport.

There is also a contingency written into the Management Plan which reads as follows:

"Natural Resources Wales require a Manure Contingency Plan to demonstrate that there is contingency for storing any manure, slurry or dirty water produced at times when spreading may not be possible. Due to the proposed manure and dirty water management strategy, this issue is not relevant to this development, as the manure and dirty water are to be transported off site to licensed waste facilities. In the unlikely event that the manure cannot be moved immediately, the applicant has a concrete floor manure store on the site at Coombe Farm which can be used for temporary storage of the manure."

### **6.10.2 Surface Water Drainage**

The proposed development results in a need to remove the existing surface water drainage system (infiltration basins) for the existing development, and as a result, the proposed development includes a new drainage system for the whole site.

## **6.11 Source Protection Zone**

The site is located within Zone 1 of the Great Spring Source Protection Zone. Source Protection Zones (SPZ) are designated by Natural Resources Wales to identify the catchment areas of sources of potable water (that is high quality water supplies usable for human consumption) and show where they may be at particular risk from polluting activities on or below the land surface. All roof water down-pipes will be sealed against pollutants entering the system from surface run-off, effluent disposal or other forms of discharge. Drainage from the permit installation boundary will be regulated by NRW.

## **6.12 Public Right of Way**

Public Footpath 72 in the community of Shirenewton runs adjacent to the site of the proposed development. The footpath must be kept open and free for use by the public at all times. No barriers, structures or any other obstructions should be placed across the legal alignment of the path, and any damage to its surface as a result of works or private vehicular use must be made good. If the path needs to be temporarily closed to allow works, the applicant should apply for a temporary traffic prohibition order. The public foot path is outside the red line development boundary and the public Rights of Way officer offers no objection to the proposal.

## **6.13 Phosphates**

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

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

The Local Member and Shirenewton Community Council have concerns that their representations made during the Pre application Consultation were not taken into account. Both are concerned about noise, odour and the escape of toxic chemicals. As have been explained in the main body of the report NRW have issued a permit for the proposed development to increase the capacity of the site from the existing 220,000 birds up to 300,000 birds (an increase of 80,000 birds). An Environmental Permit for this proposed expansion was granted by Natural Resources Wales on 21st October 2021. NRW are the appropriate body to control and monitor the emissions from the chicken shed. In addition, MCC Environmental Officers have reviewed the proposal and offer no objection. A robust Manure and Dirty Water Management Plan has been submitted as part of the application which shows that the solid waste is removed from the site at the end of each flock cycle by way of sealed lorries, it is then taken to an AD in England. The Dirty Water tank will be emptied by vacuum tanker following the cleanout process and disposed of via formal waste contract at a waste water treatment works. NRW have stated that they are satisfied that the Management plan is acceptable and compliance with the plan will be enforced by condition.

Local residents have also objected on the grounds of noise and odour and these concerns have been addressed in the main body of the report. The statutory authorities are satisfied that sufficient measures are in place. If the NRW thresholds were to be exceeded NRW could alter or revoke their permits.

Local residents have said that they were not consulted on the application. Letters were sent to .... Local residents and site notices were put up at the entrance to the site this complies with the statutory consultation requirements.

There have also been objections relating to the potential contamination of the ground water, aquifer and Castroggi Brook. The Management Plan in Place ensures that all waste products are removed from site in sealed vehicles there would be no possibility of the manure or dirty water entering the local water system.

Local residents have said that the proposal to expand the poultry business at Coombe Farm is contrary of policy EP1 and NE1 of the LDP, this has been discussed in the main body of the report. The proposal has included replacement hedgerow and trees to provide net benefit, in addition a condition has been imposed requesting a landscape plan which will ensure sufficient net benefit for ecology. There is no evidence to suggest that the build up of weed in the Castroggi Brook is related to the activities at Coombe Farm. There are strong environmental restrictions in place and the development is subject to an Environmental Permit therefore the proposal should not adversely affect the nearby SSSI and Ancient Woodland. One resident considers that the poultry sheds are too large. While their footprint is quite large their height is limited and they will be viewed in the context of existing farm buildings therefore their impact on the wider landscape is limited.

6.15.1 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.

## 6.16 Conclusion

The existing poultry unit has been operating from the site for many years, so the principle of a poultry units in this location is already established. Policy RE4 of the LDP allows for new agricultural buildings where they are reasonably required for agricultural purposes, and where waste can be suitably be disposed of. The principle of two new poultry sheds adjacent to the existing sheds on an established enterprise, is acceptable in policy terms. The proposal complies with all of the criteria outlined in policy RE5 that relates to Intensive Livestock Units. The proposed development has been designed to comply with the requirements of the Environmental Permitting Regime which imposes strict standards for the protection of the environment. The design of the buildings reflects their function and are not visually prominent in the wider landscape. The finishing materials are acceptable in this location and will match the colour of the existing sheds on the site. The proposal accords with policy DES1 of the LDP as the design is acceptable. Policy LC1 allows for new build in the open countryside if it is justified for agricultural purposes. The two new buildings will be located close to an existing group of farm buildings and are of a form, bulk and size that respects the rural character of the area. The two new poultry shed and associated structures will accord with the objectives of policy LC5 of the LDP in that they will protect the landscape character of the area. A GI Statement has been submitted with the application.

A Manure and Dirty Water Management Plan has been submitted as part of the application. NRW are satisfied that this is adequate to control the waste at the present time. A condition will be imposed that the development complies with the Management plan and if circumstance change in the future an amended management plan will have to be approved by the LPA, this gives assurance that the management of waste is controlled by the existing management plan and allows for any unforeseen changes while still maintaining control over the disposal of waste.

Preliminary Ecological Appraisal was submitted with the applicant and amended in include dormice. Ecological net benefits are being provided in the form of additional plants a condition will be imposed to ensure that the landscaping plan contains sufficient planting of appropriate species. The proposal therefore accords with policy ME1 of the LDP.

Environmental Health Officers have consider the noise and odour assessments submitted as part of the application and offer no objection, the proposal complies with policy EP1 of the LDP.

The development has been designed to facilitate movement of HGVs within the site. HGVs can enter the site, turn around on the concrete apron in front of the proposed units and leave the site in a forward gear. The highway Authority offer no objection to the proposal saying that , while the proposal does represent an increase in the number of traffic movement, the generated traffic is still directed away from the nearby residential areas. All HGV movements to and from the site will be made in accordance with the approved HGV routing plan.

## 7.0 RECOMMENDATION: APPROVE

### Conditions:

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

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

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

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

- 3 All solid waste generated by the development hereby approved shall be exported to an appropriately licensed anaerobic digester facility, and all dirty waters to a licensed waste water treatment works. No solid waste or waste water, treated or untreated, shall be spread directly onto

any land. Documentary records demonstrating receipt of all exported material by the anaerobic digester facility shall be maintained by the operator of the development hereby approved and be made available to the LPA on request. The development shall comply at all times with the Manure and Dirty Water Plan submitted by Ian Pick Associated Ltd dated June 2023. If any elements of the Manure and Dirty Water Plan change in the future, in particular the final destination of any solid or water waste, a new manure and dirty water management plan must be submitted to the local planning authority and operations in sheds 5 and 6, hereby approved, shall cease until the new management plan is approved in writing by the local planning authority.

REASON: To ensure that the waste from the farm is properly disposed of both now and in the future so as to avoid pollution to the environment.

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

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

5 All HGV movements to and from the site shall be made in accordance with the approved HGV routing plan

REASON: To ensure highway safety in accordance with policy MV1 of the LDP

6 Prior to the commencement of development full and comprehensive details of soft landscape works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include: Detailed scaled plans, showing existing and proposed levels inclusive of proposed cross section. Proposed and existing utilities/services above and below ground.

Soft landscape details for landscaping to include planting plans, specifications including species, size, density, number and location, cultivation and other operations associated with hedge and tree planting and seeding establishment, inclusive of SUDS green engineering. Lighting strategy  
Reason: In the interests of visual and landscape amenity; in accordance with Policies DES1 & LC1/5 of the Local Development Plan

7 All soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. Planting of Trees shall be in accordance with BS8545:2014 Trees: from nursery to independence in the landscape. The works shall be carried out prior to the occupation of any part of the development or in accordance with the timetable agreed with the Local Planning Authority. Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs and ensure the provision afforded by appropriate Landscape Design and Green Infrastructure LC5, DES 1, S13, and GI 1 and NE1.

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

Reason: To ensure the provision of amenity afforded by the proper maintenance of existing and / or new landscape features.

9 Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification) no lighting or lighting fixtures shall be attached to or be positioned in the curtilage so as to illuminate the elevations of the building.

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

10 No development shall take place (including demolition, ground works, vegetation clearance) until a Construction Environmental Management Plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of "biodiversity protection zones";
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

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

Reason: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

11 No development shall take place until an Ecological Management Plan (EMP) providing ecological net benefit has been submitted to and approved in writing by the local planning authority. The EMP shall include the following.

1. Detailed design(s) and/or working method(s) to achieve stated objectives.
2. Extent and location/area of proposed works on appropriate scale maps and plans.
3. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
4. Persons responsible for implementing the works.
5. Details of initial aftercare and long-term maintenance.

The EMP shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To provide net benefit in accordance with LDP policy NE1, Planning Policy Wales and Section 7 of the Environment (Wales) Act 2016.

12 The new poultry sheds hereby approved shall not become operational by housing any birds for any part of their life cycle until the proposed heat exchangers are fitted and are fully functional and operating across all six poultry sheds.

Reason: To safeguard habitats and species protected under the Conservation of Habitats and Species Regulations 2017, the Wildlife and Countryside Act 1981 (as amended), and Environment (Wales) Act 2016.

## **INFORMATIVES**

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

**NESTING BIRDS** - Please note that all birds are protected by the Wildlife and Countryside Act 1981 (as amended).

The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most bird species is between March and September.



**Application Number:** DM/2025/01100

**Proposal:** Retention of boundary fence and entrance gate.

**Address:** Marchwood, St Lawrence Road, Chepstow, NP16 5BJ

**Applicant:** Sophie Daly

**Plans:** Photography 1, Photography 2, Photography 3, Location Plan, Other Supporting statement, Green Infrastructure Appraisal/ Statement, Block Plan

## **RECOMMENDATION: Refuse**

Case Officer: Ryan Bentley

Date Valid: 28.08.2025

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

### **1.0 APPLICATION DETAILS**

#### 1.1 Site Description

This application relates to a detached two-storey dwelling located on the edge of the town of Chepstow. The site is located within the defined settlement boundary as shown on the Proposals Map of the Monmouthshire Local Development Plan (LDP). The vehicular access to the property is via the unclassified highway, C255.9 which then joins onto the A48 Trunk Road. The property is also located within an air quality management zone.

#### 1.2 Value Added

The applicant has submitted a GI statement that details that a hedge has been removed to allow for the erection of the fence. To provide net biodiversity enhancement, the applicant has detailed that a bird box and bug hotel will be located within the front garden.

#### 1.3 Proposal Description

Retrospective planning permission is sought for the retention of the boundary fence and entrance gate. Works began in February 2025 and were completed in April 2025. The fence and gate are located around the front garden.

The fence has a minimum height of 1.53m and a maximum height of 1.98m. It is located above a dwarf wall.

The gate has a minimum height of 1.6m and a maximum height of 1.78m.

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

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2025/01100	Retention of boundary fence and entrance gate.	Pending Determination	
DC/1985/00632	Erection Of Boundary Wall.	Approved	06.09.1985

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

#### **Strategic Policies**

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

#### **Development Management Policies**

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

### **4.0 NATIONAL PLANNING POLICY**

#### **Future Wales - the national plan 2040**

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

#### **Planning Policy Wales (PPW) Edition 12**

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

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

#### **Dear CPO Letter**

## 5.0 REPRESENTATIONS

### 5.1 Consultation Replies

**Chepstow Town Council** - Recommends approval.

**MCC Highways** - No objection. The Highway Authority are satisfied that the boundary fence and entrance gates have been erected within the property boundary, therefore no part of the fence or gate encroaches on the adjacent public highway. There are no highway grounds to object to the application.

**Welsh Government Transport** - I refer to your consultation of 29/08/2025 regarding the above planning application and advise that the Welsh Government as highway authority for the A48 trunk road does not issue a direction in respect of this application.

**MCC Biodiversity** - Holding objection. The application is a retrospective application for change of boundary from hedgerow to fencing. The hedgerow lost is a single-species non-native hedgerow, approximately 47m in length. Although not a native hedgerow, it would have provided ecosystem benefits including shelter for birds and filtering pollutants.

The first priority of the stepwise approach is "to avoid damage to biodiversity in its widest sense (i.e. the variety of species and habitats and their abundance) and ecosystem functioning" (PPW12, Paragraph 6.4.15). This includes all species and habitats that support biodiversity, and is not restricted to priority habitats or habitats of high conservation value. Following the step-wise approach impacts on biodiversity must be avoided, minimised, mitigated and be compensated for. As the impacts can't be avoided, if you are minded to grant this application further detail of compensation is required to ensure the development meets net benefit for biodiversity.

Compensation must be of significant magnitude to compensate for loss; this should be shown on detailed plans to include retained and existing vegetation, planting plans noting species, sizes, numbers and densities. Ideally compensation should be on-site, to meet PPW goals that developments leave biodiversity in a significantly improved state than before development. If that is not possible, off-site compensation must be provided.

**MCC Environmental Health** - No response to date.

**Dwr Cymru Welsh Water** - The site is crossed by a private sewer as shown on the attached Statutory Public Sewer Record. We recommend that the developer speaks with the riparian owner of this asset at the earliest opportunity.

The proposal is also close to a watermain and public sewer located in the main road adjacent to the site. Please note that it is the homeowner's responsibility to ensure that any proposed works within their curtilage do not conflict with any underground services. For Sewers or Watermains that may be present and affected by your proposals, you are advised to contact Dwr Cymru Welsh Water who will be able to explain whether any consent is required for your proposed works. Prior to commencing works, we recommend you review the information and guidance on Building Over Sewers available on Welsh Water's website at

<https://developers.dwrcymru.com/en/applications/planning/build-over-or-near-tosewers>

In light of the above, we request that advisory notes are included in any subsequent grant of planning consent.

SEWBRc Search Results - Red alert and priority species of Bird and Moth within 300m of the site.

### 5.2 Neighbour Notification

The application has been advertised by direct neighbour notification and the erection of a site notice. One comment has been received to date in support of the application:

"As a local resident I enjoy seeing the new well-kept addition. It's one of the first things you see when entering our town and it looks modern but respectable. The light colours and natural wood are easy on the eye without being intrusive on the landscape."

### **5.3 Local Member Representations**

Cllr P Pavia - As the local ward member, I wish to formally request that this application is considered by the Planning Committee rather than determined under delegated officer powers.

My primary reasons are as follows:

Level of Public Interest - Given the enforcement background, the proposed retrospective nature of the application, and the potential implications for other households in the area, this application is of wider public interest. A transparent decision in the public forum of Committee would give greater assurance to residents that all material considerations and precedents have been fully taken into account and that MCC's approach is consistent. I believe this application raises broader issues of policy interpretation, consistency, and proportionality that should be determined by elected members rather than through delegated authority.

## **6.0 EVALUATION**

### **6.1 Good Design/ Place making**

6.1.1 This application seeks retrospective planning consent to erect a new boundary fence and gate at the property. The property is visually prominent and is located at an important visual junction between the rural and urban environment as it forms part of one of the main entranceways to the town of Chepstow. To the west of the site is open space which features mature trees and green space. It was noted during the site visit that properties along St Lawrence Road are set back from the highway and have large front gardens. The boundary treatments at these properties are a mix of hedgerows, shrubs and low walls, with few examples of timber fences. The low walls provide a fixed boundary at these properties and it is common for shrubs, hedgerows or trees to provide privacy behind these boundary walls. The gates at nearby properties are also generally lower in nature. The neighbouring properties are in keeping with the fringe of an urban environment that seeks to transition into the rural countryside. It is noted that the boundary at Marchwood previously consisted of a mature hedge above a dwarf wall which was in keeping with the wider streetscene. When travelling along Newport Road into Chepstow, the nearby front boundaries are characterised with dwarf walls, mature hedgerows and trees. It is also recognised that there are timber fences along Fair View but the fences here serve the rear gardens of these properties and there is a greater need for privacy. In addition, their impact has previously been softened with shrubs, trees and hedgerow.

6.1.2 It is noted that a boundary wall was sought at the site in 1985 and a condition (#3) was attached to the decision notice ensuring the height of the wall to the front of the property did not exceed 1m.

6.1.3 The applicant has provided a supporting statement outlining why they believe that the gate and fence is acceptable in this location. It mentions that the fence is to provide safety, privacy and security at the property, with it forming a secure perimeter to the heavily trafficked A48 Trunk Road. They mention that it reduces litter accumulation which affected the hedge and also that the trellis softens the upper portion of the fence.

6.1.4 Policy DES1 of the adopted Development Plan sets out that all development should be of a high-quality, sustainable design and respect the local character and distinctiveness of Monmouthshire's built, historic and natural environment. Of particular relevance to the proposal here are criteria b), c), e) and g) of Policy DES1, as set out below.

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;

e) respect built and natural views and panoramas where they include historical features and / or attractive or distinctive built environment or landscape;

g) incorporate and, where possible enhance existing features that are of historical, visual or nature conservation value and use the vernacular tradition where appropriate;

6.1.5 In this instance there is a clear sense of place in the locality, with neighbouring properties characterised by hedgerows, shrubs and low walls as a form of boundary treatment and long access driveways. The use of a fence and gate does not allow visibility into the site which creates a hard and tall enclosure directly onto the adjacent road. Within their context at the entranceway into Chepstow, the high boundary fence and gate appear alien within this setting. They would also appear overly defensive and jar with the softer front garden character which has been well retained in the surrounding streetscene. Due to the level change at the site, the corner of the front garden is set higher so there is also an increased visual impact at this part of the boundary. It is noted that the trellis does soften the upper profile of the fence but this does not overcome the visual harm that has been identified.

6.1.6 The area as noted contributes to a strong sense of place and results in an attractive and distinctive environment. The provision of a solid boundary treatment in this setting would cause unacceptable harm to the visual amenity and character of the area. It is noted that the previous boundary treatment was a low stone wall and mature hedge that was of a higher height than the fence and gate. However, its visual impact was softer, in keeping with the nearby properties and was considered to make a positive contribution to its setting.

6.1.7 It is recognised that the fence and gate will provide increased privacy and may assist with reducing the noise from A48. Officers are sympathetic to the applicant's need for the fence, but this does not outweigh the detrimental visual impact, bearing in mind that alternative enclosure arrangements can be made and full permitted development rights are available at the site. Any benefits of the proposal in this regard would not overcome the identified harm. Whilst it is recognised that a fence is a form of boundary treatment in an urban area, it is not commonplace in the nearby vicinity so it does not integrate well in this context. This well-defined layout as noted contributes to a strong sense of place and results in an attractive and distinctive environment. The provision of a solid, high fence and gate in this setting would cause unacceptable harm to the visual amenity and character of the area.

6.1.8 For the reasons listed above, the development fails to satisfy Policy DES1 of the adopted Local Development Plan.

## **6.2 Impact on Residential Amenity**

6.2.1 Due to the nature and location of the development, it is not considered that it will cause of loss of privacy. The fence and garden will run along the existing vehicular highway. Due to the location of the fence and gate, no loss of light is predicted. The proposal is therefore considered to adhere to the relevant criteria within policies DES1 and EP1 of the adopted LDP.

## **6.3 Access / Highway Safety**

6.3.1 The dwelling is adjacent to both the A48 Trunk Road and the unclassified highway, C255.9. The MCC Highways Officer has commented that they are satisfied that the boundary fence and entrance gates have been erected within the property boundary and therefore no part of the fence or gate encroaches on the adjacent public highway. There are no highway grounds to object to the application. The Welsh Government Transport officer has also stated that they do not issue a

direction in respect of this application. On this basis, the application is considered to adhere with Policy MV1 of the Adopted LDP.

## **6.4 Biodiversity**

6.4.1 Having regard to PPW 12 and the Dear CPO letter (23/10/19) this application must demonstrate a net benefit for biodiversity. Accordingly, the applicant has submitted a green infrastructure statement that details the addition of a Bird-box and Bug hotel within the front garden. However, following consultation with the Council's Biodiversity Officer, this is not considered to be sufficient to mitigate the loss of the hedgerow and to ensure that there has been biodiversity enhancement at the site. It is therefore considered that the proposal does not accord with Policy NE1 of the adopted LDP as the loss of the hedgerow has not been satisfactorily mitigated. As the development is not supported by the Local Planning Authority, a form of enhancement has not been conditioned.

6.4.2 Under the Conservation of Habitats and Species Regulations 2017 it is necessary to consider whether the development should be subject to a Habitat Regulations Assessment. This is in particular reference to the impact of increased concentrations of Phosphates on designated SAC's. NRW has set new phosphate standards for the riverine 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.

This application is outside of the SAC catchment and so will not have a detrimental impact on any protected SAC, and as a result no further assessment is required.

## **6.5 Green Infrastructure**

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

6.5.2 The applicant has provided a Green Infrastructure Statement to support the application and it states that a Bird-box and Bug hotel will be fitted within the garden. However, a large section of hedgerow has been removed at the property to allow for the construction of the fence. The MCC Biodiversity Officer has commented that the hedgerow lost is a single-species non-native hedgerow. Following the step-wise approach impacts on biodiversity must be avoided, minimised, mitigated and the compensated for. Compensation must be of significant magnitude to compensate for loss. In this case the application is not considered to follow the step-wise approach as the loss of the hedgerow has not been appropriately compensated for. Therefore, the proposal is not considered to adhere with Section 6.4.15 of Planning Policy Wales 12.

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

6.6.1 It is noted that Chepstow Town Council recommend approval and there has been one comment received in support of the application.

6.6.2 It is noted that the Local Member, Cllr P Pavia, has requested that the application is assessed at the Planning Committee as it should be determined by elected members rather than through delegated authority.

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

6.7.1 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.

## **6.8 Conclusion**

6.8.1 For the reasons detailed in the preceding sections of this report, it is considered that the proposed development would cause unacceptable demonstrable harm to the character and appearance of the area. Therefore, the proposal does not comply with criteria b), c), e) and g) of Policy DES1 of Monmouthshire County Council's LDP. It is also considered to be contrary to the step-wise approach as detailed within section 6.4.15 of PPW12, Dear CPO letter (23/10/19) and Policy NE1 of the Adopted LDP. Therefore, the application is recommended for refusal on these grounds.

## **7.0 RECOMMENDATION: REFUSE**

### **Reasons for Refusal:**

1 The proposed gate and fence, by virtue of its design and prominent location, would cause unacceptable harm to the visual amenity and open character of the area. The proposal would fail to respect the existing layout and character of the surrounding built environment and therefore is contrary to criteria b), c), e) and g) of Policy DES1 of the Adopted Monmouthshire Local Development Plan.

2 In the absence of appropriate ecological mitigation or compensation, the proposal has failed to demonstrate that it complies with the step-wise approach and thus the proposal would fail to comply with section 6.4.15 of Planning Policy Wales (Edition 12, 2024), Dear CPO letter (23/10/19) and Policy NE1 of the adopted LDP.

## **INFORMATIVES**

1 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 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. The presence of such assets may affect the proposal. In order to assist us in dealing with the proposal the applicant may contact Dwr Cymru Welsh Water on 0800 085 3968 to establish the location and status of the apparatus. Under the Water Industry Act 1991 Dwr Cymru Welsh Water has rights of access to its apparatus at all times.

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## Appeal Decision

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by G Hall BSc (Hons) DipTP MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 19/10/2025

Appeal reference: CAS-04269-K0S6S4

Site address: Land At Cobbs Tump, Duffields Lane, Upper Redbrook, Redbrook, Monmouth, NP25 4LU

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- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
  - The appeal is made by Mr & Mrs Scott against Monmouthshire County Council.
  - The application Ref DM/2023/01123 is dated 9 August 2023.
  - The development is Proposed new dwelling house incorporating garage.
  - A site visit was made on 7 October 2025.
- 

### Decision

1. The appeal is dismissed, and planning permission is refused.

### Procedural Matters

2. I have taken the address from the Appeal Form, as it provides a more accurate description of the appeal site's location.
3. The appeal arises from the Council's failure to determine the application within the prescribed period. The Council has submitted a statement outlining its reasons for considering the proposal unacceptable. The appellants were given an opportunity to comment on these reasons, and I have taken those representations into account in reaching my decision.
4. The Welsh Government published a new Technical Advice Note (TAN) 15: Development, Flooding and Coastal Erosion (2025) in March 2025. That document confirms that it should be read in conjunction with Planning Policy Wales (PPW) and the Welsh National Marine Plan, and that it replaces TAN 14: Coastal Planning (1998) and the previous TAN 15: Development and Flood Risk (2004). However, the Ministerial Written Statement dated 31 March 2025, which accompanied the publication of the new TAN, confirms that there will be a transitional period for its implementation. Specifically, planning applications that were submitted and registered before the publication of the new TAN, such as that subject to this appeal, shall continue to be assessed against the previous version. I shall consider the appeal accordingly.

### Main Issues

5. The main issues are:

- whether the proposal would accord with local and national policies designed to protect the countryside, with particular regard to sustainable development;
- the effect of the proposal on the character and appearance of the area, including any effect on the Wye Valley Area of Outstanding Natural Beauty (AONB); and
- the effect of the proposal on biodiversity interests, including any effect on the Wye Valley Woodlands Special Area of Conservation (SAC).

## **Reasons**

### *Sustainable development*

6. The appeal site lies in open countryside, outside any defined settlement boundary as set out in the Monmouthshire Local Development Plan (LDP). The LDP's spatial strategy seeks to direct development to locations that offer the best opportunities for achieving sustainable development.
7. Within this framework, LDP Policy S1 permits residential development in the open countryside only in limited circumstances, including the conversion or subdivision of existing buildings, or where a dwelling is required for agricultural, forestry, or other appropriate rural enterprises. Policy LC1 reinforces this approach by establishing a presumption against new built development in the open countryside unless justified under national planning policy or specific LDP provisions, including those relating to agriculture, forestry, one planet development, rural enterprise, rural / agricultural diversification schemes or recreation, leisure or tourism.
8. This restrictive approach is supported by Planning Policy Wales (PPW), which states that new buildings in the open countryside, away from existing settlements or land allocated for development, must continue to be strictly controlled (paragraph 3.60).
9. The appellants contend that the appeal site was formerly part of a domestic garden and is surrounded by other dwellings that form Upper Redbrook village. On this basis, they argue that its classification as open countryside is inaccurate and that the site should be considered part of an established settlement.
10. While I note the appellants' comments, the appeal site is clearly identified as open countryside within the LDP policy framework, and it is on this basis that the proposal must be assessed. The development involves the construction of a new detached dwelling, and no substantive evidence has been provided to demonstrate that it meets any of the exceptions to the strict controls set out in local or national policy. The presence of nearby dwellings does not alter the site's policy designation or justify a departure from the spatial strategy.
11. I therefore conclude that the proposed development does not fall within any category of residential development supported by local or national policy in the open countryside. It would conflict with LDP Policies S1 and LC1, and with PPW.

### *Character and appearance*

12. Properties in Upper Redbrook comprise a mix of dwelling types and materials, including render and stone. The local topography varies, with dwellings to the west of the main road generally positioned on rising ground, while those to the east lie more level with the road.
13. The appellants explain that the proposed dwelling, comprising three staggered storeys aligned with the steep hillside, has been designed to respond to the site's unique conditions and to minimise ecological and visual impact. They argue that the building

would recede into the hillside, reducing its perceived height and bulk, and that the use of larch cladding would help it blend into the landscape.

14. While the proposal responds to the site's topography, its three-tiered, staggered form would be markedly different from the prevailing built form in Upper Redbrook. The contemporary design, featuring extensive glazing and timber cladding, would contrast sharply with the simpler, more traditional forms and materials of nearby dwellings, which typically use stone or render finishes. Most existing dwellings have roof ridges aligned perpendicular to the road, contributing to a coherent streetscape. In contrast, the proposed dwelling would be oriented at a right angle to the road, with extensive fenestration facing it. This orientation, combined with its tiered massing and modern appearance, would result in a development that stands out rather than integrates with its surroundings.
15. Although timber cladding may reflect the wooded character of the wider landscape, the overall scale, form, and detailing of the building would make it visually prominent. Rather than receding into the hillside, the dwelling would appear as a conspicuous and incongruous addition, particularly when viewed from the main road and surrounding vantage points. In this sensitive AONB location, where landscape quality and visual harmony are paramount, the introduction of such a distinctively different building would cause harm to the character and appearance of the area.
16. The siting of the dwelling would also harm the wider setting of the village. Positioned beyond the established built form of Upper Redbrook, the proposal would extend development into the surrounding countryside. Its separation from the nearest adjoining dwelling would exacerbate the sense of intrusion into the rural landscape. The creation of a new access and driveway, along with associated clearance and engineering works, would further erode the soft, rural edge of the village.
17. Taken together, the design and siting of the proposed dwelling would result in a development that fails to respect the character and appearance of the area. It would not be satisfactorily assimilated into the landscape and would have an unacceptable adverse impact on the Wye Valley AONB. The proposal would therefore conflict with LDP Policies DES1, LC1 and LC4, which collectively seek to ensure that development is of high-quality design, respects local character and distinctiveness, and harmonises with the surrounding landscape and built heritage, particularly within designated areas such as the AONB.

*Biodiversity interests including the effect on the Wye Valley Woodlands SAC*

18. PPW requires a stepwise approach to avoiding, minimising, mitigating, and, as a last resort, compensating for adverse environmental effects. It also requires that all development must deliver a net biodiversity and ecosystem resilience benefit from the baseline state, determined through pre-application ecological surveys. LDP Policy NE1 states, amongst other things, that where nature conservation interests are likely to be disturbed or harmed by development proposals, applications must be accompanied by an ecological survey and assessment of the likely impact of the proposal on species and/or habitats.
19. The appellants state that the appeal site, together with two adjoining parcels of land, forms a contiguous green corridor between two major Wye Valley woodland SAC/SSSI sites. They argue that the site facilitates species movement and provides habitat for bats, beetles, and other wildlife, acting as a stepping stone between designated areas. They also refer to a long-standing family connection with the site and its historic management.

20. Natural Resources Wales (NRW) has noted that no ecological information has been submitted in support of the appeal or planning application. They consider that due to the proximity to the Wye Valley Woodlands SAC, which is designated for bats, and the presence of trees on the proposed development site, there is a possibility that bats could be affected by the proposals. In the absence of bat surveys, they are unable to assess the potential impacts of the proposal on bats, and cannot confirm that the proposal is not likely to be detrimental to the maintenance of the favourable conservation status of bats.
21. While I acknowledge the appellants' personal connection to the site and their assertions regarding its ecological role, these do not constitute a substitute for formal ecological evidence. Without baseline information, it is not possible to determine the site's ecological value, the presence or absence of protected species, or the extent to which the development would disrupt habitat connectivity. Given the site's proximity to the SAC and the potential for adverse effects on protected species, the absence of ecological evidence is a significant and unacceptable omission.
22. I have considered whether pre-commencement conditions could address these concerns. However, the presence or absence of protected species and the likely ecological impact must be established before permission is granted. Otherwise, not all relevant material considerations would be addressed at the decision-making stage, and the precautionary principle embedded in national policy would be undermined.
23. I have considered the Tree Report (December 2023) submitted in support of the proposed development. Whilst I acknowledge the appellants' intention to not remove or interfere with existing vegetation, and that the siting of the proposed dwelling has been influenced by the need to protect the root zone and crown spread of a significant central oak tree, the Tree Survey does not consider the effect of the proposed development on wider ecological issues.
24. In the absence of adequate baseline data, it cannot be determined whether the proposed enhancement measures, such as bird and bat boxes, would be sufficient to mitigate harm or deliver a net biodiversity benefit, or whether the proposed development would have an unacceptable impact upon ecological interests, including the Wye Valley Woodlands SAC. I therefore conclude that the proposal would be contrary to LDP Policy NE1 and the requirements of PPW.

## **Other Matters**

25. The Council's Highways Development Control Team advised that the proposal would not significantly affect the capacity or safety of the local highway network. While they raised no objection in principle, they requested further information on visibility splays to enable full consideration of the access arrangements. In response, the appellants submitted an 'Applicant's Comments and Clarifications' document (October 2024), including a plan partially showing visibility distances and with limited detail of the surrounding road layout. Consequently, it remained unclear whether adequate sightlines could be achieved.
26. During my site visit, I observed that the main road is well used, with vehicles travelling at speed. Its narrow width and bends require careful manoeuvring and good visibility between drivers and pedestrians. In this context, the absence of reliable visibility information prevents me from being satisfied that the access would provide safe and suitable arrangements for all users.
27. A further plan showing fuller visibility was submitted during the appeal. However, the appeal process cannot be used to evolve a scheme, and my decision must be based on the plans considered by the Council.

28. In the absence of adequate information on access and visibility, I cannot reach a definitive conclusion on highway safety. However, as I have already found the proposal to be unacceptable for a number of reasons, including its effects on the character and appearance of the area, and as the access works would themselves contribute to that harm, this is not a matter I need to examine any further.
29. The appeal site lies within the catchment of the River Wye SAC. I have considered the available evidence regarding foul and surface water drainage. Dŵr Cymru Welsh Water confirms that capacity exists within the public sewerage network to accommodate domestic foul flows from the development, following recent improvements to ensure compliance with phosphorus limits at the Monmouth (Wyesham) Wastewater Treatment Works. In respect of surface water drainage, the appellants maintain that sufficient information has been provided, whereas the Council considers these matters outstanding.
30. As I have already found the development to be unacceptable in principle and harmful in other respects, this is not a matter I need to examine any further, as it would not affect the outcome of the appeal. Given that I am dismissing the appeal, it has not been necessary for me to undertake an Appropriate Assessment under the Habitats Regulations.
31. In its initial response, NRW identified that a small part of the site adjacent to the road lies within Zone C2 of the Development Advice Map (DAM) in TAN 15 (2004). National planning policy makes clear that 'highly vulnerable development', including residential development, should not be permitted in Zone C2. The appellants contend that, when examined more closely, the site lies outside the identified flood zone and that NRW's comments may have been based on incorrect mapping on the Planning Portal.
32. While both the risk of flooding, and the safe egress from properties surrounded by but outside of areas at risk of flooding, are important considerations, it appears that only a very small area at the site frontage, where the access would meet the highway, may fall within Zone C2, if at all. Given my findings on the main issues, this is not a matter I need to examine any further, as it would not alter the outcome of the appeal.
33. The appellants have raised several other matters. They contend that the Planning Portal contained mapping errors that exaggerated the extent of the appeal site, potentially influencing consultee responses. They also dispute the Council's Rights of Way Officer's reference to a footpath crossing the site, noting that the proposed development would not affect Footpath 375/5/1 and that the official map may be inaccurate. I have taken these points into account, but they do not alter my overall assessment or outweigh the substantial harm identified in relation to the main issues.

## Conclusion

34. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.
35. 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.

*G Hall*

INSPECTOR

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## Appeal Decision

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by J de-Courcey BSc LLB MTPI MRTPI

an Inspector appointed by the Welsh Ministers

Decision date: 01/10/2025

Appeal reference: CAS-04281-N9X1B9

Site address: Land at Millers Arms Pub, Mathern Road, Mathern, Monmouthshire, NP16 6JD

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- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 (the Act).
  - The appeal is made by Shaun Barnsley against an enforcement notice issued by Monmouthshire County Council.
  - The enforcement notice was issued on 28 April 2025.
  - The breach of planning control as alleged in the notice is: Large timber outbuilding erected within grounds of Pub without consent.
  - The requirements of the notice are:
    1. Remove the outbuilding as shown in Appendix A enclosed, in its entirety from the land shown edged in red.
    2. Remove all resulting material from the land shown edged in red.
  - The period for compliance is three months from the date that this Notice takes effect.
  - The appeal is proceeding on the ground set out in section 174(2)(c) of the Act.
  - A site visit was made on 23 September 2025.
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### Decision

1. The appeal is dismissed, and the enforcement notice is upheld.

### Background

2. A planning application (DM/2024/00526) for retention of the timber building subject of this enforcement notice was refused by the Local Planning Authority (LPA) on 13 June 2024.
3. A subsequent appeal (CAS-03747-T5M5P5) was dismissed on 6 February 2025.

### The appeal on ground (c)

4. An appeal on ground (c) is that the matters alleged do not constitute a breach of planning control.
5. There is no contention that the building subject of the enforcement notice does not constitute development for which express planning permission is required. I am satisfied that its erection constitutes development in accordance with section 55(1) of the Act.

6. The appellant's evidence largely relates to the perceived planning merits of the case.
7. In accordance with s174(2D) of the Act an appeal may not be brought on the ground that planning permission ought to be granted in respect of the alleged breach of planning control, i.e. an appeal on ground (a), as the enforcement notice was issued after a decision to refuse planning permission for a related development was upheld on an appeal under s78 of the Act. Consequently, the planning merits of the alleged unauthorised development cannot be considered in the context of this appeal.
8. The appellant also expresses discontent with how the LPA handled the planning application subject of the previous appeal. That matter is not germane to my consideration of his appeal on ground (c).
9. In so far as it is relevant to the appeal on ground (c), account has been taken of CADW's submission.
10. Ground (c) is one of the 'legal' grounds of appeal whereby the onus is on the appellant to make his case to the standard of the balance of probabilities. Taking account of the evidence and for all the foregoing reasons, on the balance of probabilities, there is no persuasive evidence that the erection of the timber building does not constitute a breach of planning control. Accordingly, the appeal on ground (c) fails.

### **Conclusion**

11. For the reasons given above and having regard to all other matters raised in so far as they are material to the appeal on ground (c), I conclude that the appeal should be dismissed and the enforcement notice upheld.
12. In reaching my decision, account has been taken of 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.

*J de-Courcey*

INSPECTOR