

**DC/2014/01360**

**CONSTRUCTION OF 250 RESIDENTIAL UNITS WITH ASSOCIATED DEMOLITION AND INFRASTRUCTURE WORKS**

**LAND AT DERI FARM, MARDY, ABERGAVENNY**

**RECOMMENDATION: APPROVE**

Case Officer: Kate Bingham

Date Registered: 29/04/2016

**1.0 APPLICATION DETAILS**

- 1.1 This full application relates to a site allocated for residential development in the adopted Local Development Plan (LDP).
- 1.2 The site is located in Mardy which is to the north of the town of Abergavenny. To the south, the site is bounded by existing residential development named Poplars Close, comprising linked and semi-detached former local authority housing from the 1960's and also Greystones Crescent, consisting of more recent private development with mainly detached units. Llantilio Pertholey Primary School lies to the south-west, and the small settlement of Llantilio Pertholey, including the listed St. Teilo House lies to the north-east. The land to the north of the site is within the Brecon Beacons National Park. It is proposed to provide 250 new dwellings on the site including 49 affordable homes. The proposal includes for the existing overhead electricity line that crosses part of the site to be set underground. This will result in the removal of four existing pylon towers (two of which are within the site) and the erection of one substantially smaller tower on land to the east of Hereford Road.
- 1.3 The application site measures 9.10 hectares (22.49 acres) in total, comprising of the main body of the site to the west of Hereford Road and also a small portion of land to the east of Hereford Road where the proposed new pylon is to be sited. The 8.53 hectares of land to the west of Hereford Road is greenfield in nature, comprising five identifiable areas of land on an east to west orientation. The existing use of this land is pastoral agriculture on enclosed land, with an overall classification of Grade 3b. The area to the east of Hereford Road is dominated by coniferous woodland plantation with the River Gavenny along its eastern boundary and hedgerows to the north and west. The River Gavenny is designated as a Site of Importance for Nature Conservation (SINC) due to the riparian habitats it supports. The site does not form part a Conservation Area and no Listed Buildings or Scheduled Monuments are located on the site. Neither is it within a flood plain.
- 1.4 The proposed development would be made up of a mix of 1, 2, 3 and 4 bedroom dwellings. The scheme is generally made up of an outward-looking perimeter block with a loop road network and green corridor following the route of the underground electricity cables. The design of the scheme has also used the existing landscape features to inform the design, including established hedgerows and trees. The open space includes a Local Area of Play (LAP) and a community orchard. A detailed landscape scheme (TDA.1994.05) and Green Infrastructure plans have been produced and are included as part of the application. The landscape element of the scheme also includes area that supports a Sustainable Drainage System (SUDS) which allows for surface water attenuation and ensures that the proposed development will preserve greenfield levels of surface water run-off. Detailed engineering drawings

including the detail of the road and SUDS infrastructure have also been included as part of this application.

- 1.5 Vehicular access is taken from Hereford Road and a primary access loop serves the main body of the site. Vehicular access is served from this route via a series of secondary and tertiary routes connecting to the periphery of the site. Pedestrian connections are made to local surrounding networks and include foot/cycle links to the primary school to the southwest corner of the site. Pedestrian/ cycle connections are made to the National Cycle Route that runs along the north boundary of the site, to the east and west points of the northern boundary and from the north of the east boundary, running adjacent to Hereford Road.
- 1.6 The application is supported by an Environmental Impact Assessment (EIA). Under the Town and Country Planning (Environmental Impact Assessment) (England & Wales) Regulations 1999, EIA's are required to support planning applications for developments which have the potential to significantly impact the environment. To determine whether a proposed development has the potential to significantly impact the environment the Council needs to undertake a 'screening' exercise, where they consider a number of factors with regards to environmental impacts. Where a proposed scheme is determined to require an EIA the developer can ask the Council for advice on the scope of information to be gathered during the EIA and to be covered in the Environmental Statement. In this case, during the screening exercise, the Council determined that EIA would be required because the proposed residential development would be likely to have significant effects on the environment by virtue of factors such as its nature, size and location.
- 1.7 In response to consultation with statutory bodies, the local community and advice from officers, the following revisions have been made to the proposal since it was first submitted;
  - 'Morden' house type removed as it was considered to be too small.
  - Additional woodland buffer planting on Hereford Road frontage.
  - Additional footpath link added to connect to Greystones Close.
  - Amendments to the detailed design of the proposed dwellings (eaves, fenestration, heads and cills and porches) as well as additional windows to corner plots.
  - Increased use of slate effect tiles and render on key plots
  - Addition of chimneys on key plots and vistas
  - Additional roadside tree planting.
  - Addition of a Community Orchard.

## **2.0 RELEVANT PLANNING HISTORY**

DC/2017/00375 – Erection of a steel tower (Statutory Notification). Acceptable 2017.  
DC/2014/00607 – Outline application for 250 dwellings and associated infrastructure. Withdrawn 2014 (replaced by current full application).

## **3.0 NATIONAL PLANNING POLICY**

- 3.1 National Planning Policy is contained within Planning Policy Wales (Edition 9, November 2016) and is supplemented by 22 Technical Advice Notes (TANs) providing detailed guidance on a range of topics. National planning policy and the Wales Spatial Plan provide the overall strategic direction and may be material to decisions on individual planning applications.

- 3.2 Planning Policy Wales (PPW) is the principal document of the Welsh Government which sets out the land-use policy context for the consideration and evaluation of all types of development. The main thrust of PPW is to promote sustainable development by ensuring that the planning system provides for an adequate and continuous supply available and sustainable for development to meet needs in a way that consistent with overall sustainability principles. Amongst other things, it seeks to promote resource efficient settlement patterns that minimise land take and urban sprawl, locate development so as to minimise demand for travel, ensure that all communities have good quality housing for their needs and safe neighbourhoods, promote access to employment, shopping, health, community, leisure and sports facilities and open space.
- 3.3 The Technical Advice Note on design, TAN 12, was revised in 2016 in order to update new requirements, including those for design and access statements. The TAN provides advice on design considerations.

#### **4.0 LOCAL DEVELOPMENT PLAN POLICIES**

##### Strategic Policies

- S1 – Spatial Distribution of New Housing Provision
- S4 – Affordable Housing
- S5 – Community and Recreation Facilities
- S12 – Efficient resource Use
- S13 – Landscape, Green Infrastructure and the Natural Environment
- S16 - Transport
- S17 – Place Making and Design

##### Development Management Policies

- SAH1 – This site is allocated for residential development
- DES1 – General Design Considerations
- EP1 – Amenity and Environmental Protection
- SD2 – Sustainable Construction and Energy Efficiency
- SD4 – Sustainable Drainage
- LC1 – New Built Development in the Open Countryside
- LC3 – Brecon Beacons National Park
- LC5 – Protection and Enhancement of Landscape Character
- GI1 – Green Infrastructure
- NE1 – Nature Conservation and Development
- MV1 – Proposed Developments and Highway Considerations
- MV2 - Highway Considerations and Sustainable Transport
- CRF2 - Outdoor Recreation/Public Open Space/Allotment Standards and Provision

#### **4.0 REPRESENTATIONS**

##### 4.1 Consultation Replies

- 4.1.1 Llantilio Pertholey Community Council – Recommend approval subject to the following conditions;
- That the major electrical cables on the site are buried underground prior to the commencement of any works being carried out.
  - Consideration should be given to additional accesses.

4.1.2 Natural Resources Wales (NRW) – No objection in principle subject to conditions.

1. The scheme being implemented in accordance with mitigation measures described in Volume 2, Chapter 8 of the Environmental Statement.
2. A suitable roosting resource is retained or provided for bats.
3. The submission and implementation of a mitigation planting scheme to ensure retention/provision of appropriate flight lines for bats.
4. The submission and implementation of a lighting scheme for the site to ensure lighting measures do not conflict with bat mitigation.
5. Should unsuspected contamination be found during construction no further development to take place until approval of a remediation strategy by the LPA.

4.1.3 Dwr Cymru – Welsh Water (DCWW) – No objection subject to two conditions;

1. No beneficial use of or occupation of any of the dwellings until such a time that any necessary foul sewerage infrastructure works required by the Hydraulic Modelling Assessment SE186b dated July 2014 have been completed and approved by the LPA.
2. No development shall commence until a drainage scheme for the site has been submitted to and approved by the LPA.

4.1.4 Brecon Beacons National Park – No objection subject to the retention of conditions to ensure the protection of the hedgerows and trees along the northern and north western boundary of the site during construction of the development and continued perpetual retention and maintenance. Supports the proposal to replace sections of the high voltage lines and towers with underground lines and notes that the replacement tower is significantly lower than the existing and other options put forward previously.

4.1.7 Glamorgan Gwent Archaeological Trust (GGAT) – No objections.

4.1.8 MCC Planning Policy – No objections. The principle of development is established through the site's allocation in the Monmouthshire LDP but it is essential that the proposal complies with the provisions of Site Allocation.

4.1.9 MCC Heritage Officer – No objection.

4.1.10 MCC Green Infrastructure & Landscape Officer – No objection in principle.

Do not offer any objections and feel the proposal could offer significant Green Infrastructure opportunities through; the delivery of strategic green corridors, multifunctional green space opportunities encapsulating community food growing opportunities throughout the site, informal play opportunities, connectivity across the development and the potential for permeability between the proposed site and access to the surrounding public right of way network, whilst supporting biodiversity and habitat enhancement.

The following was requested following receipt of the GI Infrastructure Plan and detailed Landscape Plan in September:

- A clear strategy for implementation of the GI plan to ensure that appropriate mitigation and GI infrastructure is provided for new residents if certain parts do not

come forward. It is not sufficient to suggest that planting will follow the phases as these need to be defined. Without this information a condition is required (see below).

- Identification of the SuDS area, the principles of its management and whether it will hold water. This remains outstanding and therefore it is suggested that the detail surrounding this area be conditioned (see below).
- Require more detail on the build out areas in the road; without this information a condition is required (see below).
- Confirmation of the access out to Poplars Close - a note could be made on the plan indicating this is an intended access subject to the local authority resolving issues; Green Infrastructure plan to be updated.
- The GI Management Plan will need to be updated to reflect the GI Management Plan criteria attached – it is suggested this be conditioned (see below).
- A boundary and surface materials plan to be provided. In the absence of the information it is recommended that this is conditioned (see below).
- Location of the lesser horseshoe night roost to be shown on GI Plan & Landscape Plan to demonstrate how it relates to the landscaping and how it shall not be in close proximity to pathways. Without this information the proposal should be conditioned as part of the GI Management Plan (see below).
- A lighting strategy will be required to reflect the design of the development and reflect the character of the setting – this will need to complement the Biodiversity considerations. Without this information a condition will be required (see below).
- Ecological enhancements with respect to nesting birds and roosting bats have not been included on GI Plan - bat & nesting bird opportunities in key new build units should be included. Without this information the proposal should be conditioned as part of the GI Management Plan (see below).
- Regarding tree protection we have not received the information requested in June 2016 i.e. Tree Retention/Removal Plan; scaled plan showing the Proposed Layout with the trees overlaid; etc. A Tree Constraints Report has been submitted however this only shows the constraints the trees pose to the development, not their protection during construction. Without this information a condition will be required (see below).
- A £10k contribution is sought for management, habitat creation and landscape planting to address the loss of 0.3ha of the SINC, to be provided throughout the Abergavenny area; this is in line with LDP Policy G11.

4.1.11 MCC Biodiversity Officer – No objection subject to conditions (see Section 6.0).

4.1.12 Public Rights of Way – No objection in principle subject to implementation of footpath links proposed.

4.1.13 MCC Highways – No objection in principle. Request the following Section 106 financial contributions:

- The sum of £40,000 to be used by the Council towards the provision of a public transport service.
- The sum of £40,000 to be used to provide a footpath link along Hereford Road between the site entrance and Greystones Close and an improved footpath link to the school.

Issues such as the footway along the site frontage, provision of bus stops, and the extension of the 30mph speed limit will be secured via the S278 Highways agreement.

- 4.1.14 MCC Housing Officer – As required by LDP Policy S4 and supported in adopted Supplementary Planning Guidance (SPG) 35% of residential units to be affordable and in neutral tenure. The site viability has been independently assessed by the DVS and the applicant has accepted the finding that 19.6% affordable can be provided. An affordable housing mix has been provided to meet the Council's requirements.
- 4.1.15 MCC Education - The sum of £110,400.00 (one hundred and ten thousand and four hundred pounds) to be used by the Council to provide additional capacity within the Welsh Medium School serving Abergavenny via a Section 106 Agreement.
- 4.1.16 MCC Open Space and Leisure – No objection. Require the following provisions via a Section 106 Agreement in relation to this development:
- The sum of £120,000.00 (one hundred and twenty thousand pounds) towards improving the existing Local Equipped Area for Play (“LEAP”) at Mardy Recreation Ground.
  - Provision should be made for one LAP in a central location within the site.
- 4.1.17 MCC Tree Officer – No objection in principle. Require a Tree Survey.

There are a number of mature trees, mainly Oaks, all of which are subject to tree preservation orders plus outgrown mature hedgerows at this location. It is good to see that it is the intention to retain these valuable GI assets. The developer has already submitted a certain level of arboricultural information to support this application in the form of a Tree Constraints Report. The mature Oak trees have been given a category rating of A within the report which indicates they are highly desirable for retention. A Tree Constraints Report has been submitted however this only shows the constraints the trees pose to the development, not their protection during construction (this could be conditioned if not received prior to determination).

## 4.2 Neighbour Notification

Nine representations from individual neighbours received in total.

Eight representations objecting for the following reasons:

- a) Llantilio Pertholey is a rural hamlet of few dwellings and an ancient church. To impose up to 250 dwellings into such an environment is to destroy the local character and cause harm to the setting of the Brecon Beacons National Park as well as impact on views from the Skirrid and Deri Mountains.
- b) The Planning Inspector, while endorsing the site's inclusion into the Council's LDP was aware of the potential impact and looked to the developers to recognise this in its proposals. The impact on the landscape of the development is clear from the layout proposals and confirms failure of the development to meet the Council's policies.

- c) Vehicular access to the site (opposite Cherry Tree Cottages) would be dangerous by virtue of it being situated on a bend with consequent limited visibility.
- d) Some provision appears to be proposed for a limited 'buffer zone' between the listed building and the new housing which is inadequate. In addition it is unclear as to where responsibility would lie for its subsequent maintenance.
- e) St Teilo's Church is Grade I listed and will be overshadowed by the development.
- f) There would be serious damage to habitat by virtue of removal of hedgerows.
- g) Location of the access opposite Cherry Tree Cottages will be intrusive for the residents of this property.
- h) The proposal to locate a new pylon adjacent to the Hereford Road is not in the spirit of the Council's and the Planning Inspector's commitment on removal of the overhead powerlines.
- i) I would like to see an off road cycle route through the development connecting to schools / facilities, as there is virtually no provision for child / under-confident cyclists in Abergavenny.

One representation received in support of the application for the following reasons:

- a) It is clear that the removal of the monstrous overhead power lines will be of benefit to many householders in Greystones Crescent.
- b) The junction design to enter the site will serve to slow down traffic on the approach to Greystones as the 30mph threshold will need to be pushed back along Hereford Rd.
- c) For pedestrians we would like to see walkways not directly next to roads as this is known to make them much safer. If a path cycle or pedestrian crosses a road we would like to see an appropriate crossing giving a right of way to pedestrian / cyclist.

General comments:

- Careful consideration to planting of appropriate trees on the borders between sites should not diminish light to north-facing gardens on Greystones Crescent as they grow to full height.
- In the developer's 'Design and Access Statement' it states as a 'Design Influence' the need to 'maintain and strengthen the planted boundary between the development site and St Teilo House to respect and *enhance* its setting. There is no evidence of any enhancement. To use the phrase 'maintain...the planted boundary' is somewhat curious since the existing planted boundary is in my ownership. Its retention is not a matter for the developer. The inference is that this is a conscious concession on the part of the developer. Some of the trees are subject to preservation orders.

Further objections from Mardy Against Deri Development (MADD) and 9 neighbouring occupiers following re-consultation:

- a) Issue of traffic remains unresolved.
- b) The burden of the undergrounding being met by reducing the proportion of affordable homes from 35% to 19.6%. It appears that the level of provision of affordable homes has been the victim of reconciling underlying viability of the site with expectations of the landowner.
- c) Given that the scheme is not able to meet key requirements in terms of affordable homes the development cannot be regarded as viable in any

meaningful sense. In this matter of provision of affordable homes the Council would be in breach of its own policies if it approves the planning application.

- d) Concerned that the level of out-commuting will be excessive given that a high proportion of residents on the site will be 'incomers' who will work at some distance from Abergavenny. This is a direct consequence of high housing costs and low wages. This has always been likely but this would be aggravated by the reduction in the level of affordable homes which are more likely to be occupied by those working locally.
- e) Serious concerns over the planned site access. It is located on a bend with poor visibility in both directions. It is also located immediately opposite existing properties and would intrude on their privacy and safety.
- f) Because the cost of undergrounding the powerlines has to be spread over a large number of new homes in order to cover the fixed cost and make a return for the developer. Sites not requiring such fixed costs could be viable at smaller levels with less impact on the landscape.
- g) In order to facilitate the undergrounding of the powerlines on the site Western Power will need to erect a new pylon alongside the eastern edge of the Hereford Road in Mardy. This will create a substantial new blot on the landscape opposite existing homes and on the entrance to Abergavenny.
- h) The Council's target housing needs, as set out in the LDP, can now best be met by a combination of the housing units being created on sites previously rejected and some imaginative planning for a number of smaller sites (some of which were rejected at the time of preparation of the LDP as not being of a scale to qualify as potential strategic sites).
- i) Although a buffer has been allowed for, it is inadequate to protect the setting of the listed building (St Teilio House). In part this may be due to the number of houses proposed.
- j) Appears to be no proposal to strengthen the tree line/ hedgerow currently in existence with further tree planting.
- k) Unclear whether St Teilio House will be adversely affected by the creation of attenuation ponds. There are also concerns over removal of drainage ditches.
- l) The Habitat study appears to take no account of the potential harm to wildlife on our property.
- m) The proposed footpath which would emerge from the site near the 'lay-by' on Judge's Pitch (also known as Ty Gwyn Road) would be located near a 90 degree bend on a road with a 60 mph speed limit. There is no footpath along the road. This would be very dangerous to pedestrians and would be a hazard to the growing number of vehicles using the road.
- n) The junction of Ty Gwyn Road and Hereford Road is hazardous. The increased volume of traffic which would use the Hereford Road would significantly increase the risk. This potential problem has not been addressed in the traffic study. The only reference to it relates to extending the length of the 30mph stretch. This would not solve the problem.
- o) Excessive and dangerous levels of traffic leading to increased noise pollution for existing residents and risk of accidents.
- p) Destroying protected birds and bat habitats.
- q) Removal of hedgerows and other natural areas.
- r) Houses too expensive for local people.
- s) Concerned about access to rear of nos. 14 and 15 Poplars Close required to maintain hedgerow.

#### 4.3 Other Representations

##### 4.3.1 Abergavenny Town Council – No comment.



4.3.2 Abergavenny and District Civic Society – Object in principle. Further comments following re-consultation:

Loss of affordable housing is unfortunate.  
Overall design still lacks local distinctiveness  
Welcome limited palette of materials and addition of chimneys and lean-to (rather than gable) porches.  
Welcome more grid-like layout.  
Cars will dominate the street scene.  
Limited scope for residents to personalise space in front of their houses.  
Would prefer more brick wall boundaries.  
Hope that the GI is implemented including the community orchard.

4.3.3 Gwent Police – No objections.

4.3.4 National Trust – Concerned about the proposed development as originally submitted. No further comments on amendments received to date.

The National Trust owns land at Skirrid Fawr and Sugar Loaf in proximity to the proposed development. The site is a key boundary to the Brecon Beacons National Park and is visible from National Trust land ownership to the north east at Skirrid Fawr and from the extensive land ownership to the west at Deri and Sugar Loaf. Both areas are important tourist assets and outstanding landscape features. The landscape boundary is influenced considerably by the presence of the overhead power lines, substation and associated infrastructure.

National Trust recognises the need for a scheme which brings forward sufficient income to enable the wider benefits of undergrounding the power lines. National Trust would see public benefit of a more open book approach to the undergrounding issue to inform any positions with regard to replacement of housing plots with greater strategic landscaping. A modified scheme bringing forward lower density to 220 dwellings and a more proactive approach to internal strategic and boundary landscaping combined with full undergrounding on and adjacent to the site, is considered an appropriate way forward.

4.4 Local Member Representations

Former Cllr Chapman – No formal comments received while Councillor Chapman was the elected Member for this Ward, although concern was expressed regarding the level of affordable housing.

Cllr Lane advises that the feeling in the surrounding community seems to be generally positive, although significant concerns exist in relation to the proposed access and traffic speeds, as the speed limit is currently 60mph outside the site.

## 5.0 EVALUATION

### 5.1 Principle of Development

5.1.1 The Council's overall strategy for new housing development, as stated in the LDP, is for the allocation of larger strategic sites within the main towns. Deri Farm is the only strategic site that is put forward for the settlement of Abergavenny and as such its development is important in supporting population growth and economic prosperity in the region moving forward. Subject to gaining all necessary consents, the developer would hope to commence construction activities by March 2018 and the first sales by

August 2018, anticipating 20 units to be completed by December 2018, with 50 completions per annum thereafter (split 40 private and 10 affordable reflecting the 20% affordable mix).

5.1.2 Whilst the principle of development is established through the site's allocation the Monmouthshire LDP, it is essential that the proposal complies with the provisions of Site Allocation Policy SAH1 Deri Farm, Abergavenny. In this regard, the proposal must:

- a) Provide a strong landscape buffer along the northern edge of the site in order to minimise the impacts of the development on the landscape character of the adjacent BBNP.

The importance of this was recognised by the LDP Inspector who noted in her report (paragraph 6.11) that the landscape buffer 'recognises its proximity to the BBNP and is necessary to minimise the effect of the development upon it'. It is noted that the illustrative masterplan (drawing number 13132/3010/c) shows a 'green corridor' along the northern boundary of the site.

- b) Provide for sustainable travel contributions to mitigate any adverse implications for the highway network linking the site to the centre of Abergavenny.

The Transport Assessment (TA) submitted in support of the application and this has been updated to reflect the additional impact of the recently approved Morrisons supermarket in the town centre and associated works to the road network around that area. A contribution has been agreed towards bus services and pedestrian connections.

- c) Provide for the undergrounding of the overhead electricity cables on the site.

The undergrounding of the overhead electricity cables has been agreed with Western Power and will be secured as part of any consent for housing via a Section 106 Agreement.

The proposal must also satisfy the provision of Strategic Policy S3 which requires the detailed application for the site to include a feasibility assessment for suitable renewable energy and low or zero technologies that could be incorporated into the development proposals.

5.1.3 Criterion i) of DES1 requires a minimum net density of 30 dwellings per hectare in order to ensure the most efficient use of land. The net developable area of the site is 2.81 hectares, giving a net density of 24 dwellings per hectare. This is below the required density but is considered to be justified, given the sensitive setting of the site, close to the National Park boundary.

## 5.2. Visual Impact

5.2.1 The site is adjoined to the south by an area of late 20th Century housing based around Greystones Avenue and Poplars Road. To the north-east along Hereford Road lies the recent housing development at Coed Y Brenin. This area has a generally suburban character, comprising medium density, two storey housing set around an engineered highway layout. The housing along and off Greystones Avenue is set back behind relatively large front gardens (c.5–15m) and there is a variety of plot sizes. There is little incidental open space, with the public realm largely comprising the street network, while Coed Y Brenin includes verges through which flows a retained watercourse

enhanced by retained hedgerow network. Properties are generally well maintained and the relatively large plots allow for significant planting.

- 5.2.2 The traditional heart of Mardy itself is set around Hereford Road and includes local facilities and residential areas that were constructed in the late 19<sup>th</sup> and 20<sup>th</sup> Century. The area immediately to the south of the site is more recent mid-20<sup>th</sup> Century building. This results in development that follows an organic layout with an eclectic character with a mix of architectural styles. The public realm includes a variety of trees and hedgerows with occasional elements of stone walling and in general the older the development the more green and relaxed the public realm becomes, with many mature trees and hedges, both as plot boundaries and around undeveloped areas.
- 5.2.3 The character of the proposed new housing area has tried to include a mix of the existing character of Mardy and proposes a mix of two storey brick houses with concrete tiled roofs towards the centre and south west of the site adjacent to Greystones Crescent and Poplars Close, with render and slate effect tiles on the Hereford Road frontage, along the main route into the site and on the northern boundary with the Brecon Beacons National Park together with occasional stone on key plots. It will have a greener character than the existing housing immediately to the south of the site with significant levels of public open space and planting within these areas, along the streets and within private gardens with views to the surrounding hills and mountains.
- 5.2.4 The layout of the development has been designed with properties at the entrance of the site being orientated and detailed so as to provide a gateway to the rest of the housing with lower densities along Hereford Road as well as along the northern boundary onto the open countryside. When entering the site the road will then open out onto a central area of open space. There will be avenue tree planting along the main access to provide a green corridor as well as trees located on build-outs into the highway elsewhere which help soften the appearance of the new housing as well as to act as traffic calming.
- 5.2.5 The houses around the open space have been orientated so as to face onto the open spaces to help create a sense of community and encourage safe use of the green areas. The houses within the centre of the site will be at a higher density although there will be a green space running through the middle of the site containing the undergrounded electricity wires and attenuation. Chimneys have been included on plots where there are key vistas to add variety.
- 5.2.6 All existing hedge field boundaries are to be retained as part of the development and strengthened where necessary with additional planting on the northern and western boundaries and the provision of a new woodland buffer along Hereford Road.
- 5.2.7 Taking into account layout, landscaping, provision of open space and the detailing of the houses now proposed it is considered that the development will provide a pleasant environment for people to live in without harming the wider landscape or the character of this part of Abergavenny.

### 5.3 Landscape Impact (including upon the BBNP) and Green Infrastructure

- 5.3.1 The site adjoins the Brecon Beacons National Park and its development should provide a sensitive response to the location. New and retained planting should be used to create a framework to soften the impact of development. The powerlines and particularly pylons which cross the site have a negative visual impact and the site's

development offers an opportunity for removal of a stretch of this route. This would also significantly improve the outlook from surrounding properties.

- 5.3.2 Much of the site boundary is marked by hedgerows and trees. The site is crossed by two internal field boundary hedgerows. The hedgerows are mature and contain native species and are therefore to be retained and incorporated into the Green Infrastructure of the development.
- 5.3.3 The site is crossed by small drainage ditches, serving as land drains for the existing fields, which outfall into two culverts along the southern boundary. The watercourses which flow within the western boundary and central hedgerows will form part of the site's drainage strategy. On-site attenuation (ponds which offer potential ecological benefits) will be required within the western part of the site to slow the release of rainfall into the watercourse. Off-site attenuation will be below ground and also in the form of a swale.
- 5.3.4 Although the proposed development site at Deri Farm is adjacent to the boundary of the Brecon Beacons National Park, the visual separation from the Park is considerable along the length of a contiguous boundary, as a consequence of dense mixed woodland and mature field boundary hedgerow vegetation. There are very few close views into the site from publicly accessible parts of the nearby areas of the National Park. Medium and long distance views into the site do exist, often from elevated ground, but the visual impact would be lessened by virtue of the separation distance, narrow horizontal angle of view in very wide views, and perspective in some cases, as well as by visual screening provided by intervening landform or vegetation and the use of traditional roof materials on the periphery of the site. It is therefore considered that the proposed development site's location and its landscape character are such the proposed residential development at Deri Farm, as designed, would not be detrimental to the landscape character of the Brecon Beacons National Park, nor to the enjoyment of its stated special qualities. Indeed, the undergrounding of the powerlines would be beneficial. The application is therefore considered to comply with Local Development Plan Policies LC1, LC3 and LC5 relating to landscape character.
- 5.3.5 In terms of Green Infrastructure, it is recognised that the proposal could offer significant opportunities through the delivery of strategic green corridors, multifunctional green space opportunities encapsulating community food growing opportunities, informal play spaces, connectivity across the development and the potential for permeability between the proposed site and access to the surrounding public right of way network, whilst supporting biodiversity and habitat enhancement.
- 5.3.6 The site layout has been designed to be permeable for pedestrians resulting in easy access to the green spaces both within and outside the site from all dwellings. The link to the footpath proposed by the developer on the south of the site onto Greystones Crescent/Poplars Close is yet to be resolved in terms of ownership outside the site, but it has been agreed that this can be secured by way of financial contribution from the developer secured via the Section 106 Agreement providing the Highway Authority with the opportunity to acquire land if necessary. The same will apply to the footway along Hereford Road where a Compulsory Purchase Order may be required.

#### 5.4 Access and Traffic

- 5.4.1 A single vehicular access point is proposed to serve the development from Hereford Road, approximately 90m north of the southern boundary of the site. The proposed access will be a simple priority junction with a 'ghost-island' right turn lane, providing a secure waiting area for right-turning traffic. As part of the access design, a pedestrian

refuge will be included. This will provide an informal pedestrian crossing on Hereford Road to access the footway on the eastern edge of the carriageway. The proposed access has been designed in accordance with the standards set out in the Design Manual for Roads and Bridges Volume 6, Section 2, Part 6, TD 42/95. As part of the access proposals, the existing 30mph speed limit will be extended along the entire site frontage, to the crossroads serving St Teilo's Church. This will reduce vehicle speeds past the site, enabling easier and safer access and egress. Traffic speed and the safety of the access has been a key issue arising from consultation responses and also was raised in public feedback during recent election-related public engagement. The proposed changes are therefore welcomed.

- 5.4.2 In addition to the pedestrian access onto Hereford Road, it is proposed to provide a new pedestrian footway alongside the Hereford Road site frontage to the north of the site to the existing bus stops on Hereford Road, two pedestrian/cycle links to the unnamed lane to the north of the site, providing connection to the existing local cycle network and the Brecon Beacons National Park, a pedestrian/cycle link to the residential area to the south-west of the site, to Hillgrove Avenue, including Llantilio Pertholey Church in Wales Primary School and the existing bus stops along Poplars Road and a pedestrian link through Greystones Crescent via land currently owned and controlled by Monmouthshire Housing Association. As indicated above, this off-site link has not yet been secured but the layout includes a link to the edge of the site so that this can be opened up as soon as possible.
- 5.4.3 The Traffic Assessment submitted with the planning application calculates that the development site could generate up to 161 vehicles movements in the am peak period and 189 vehicles movements in the pm peak period. The results of the analysis also show that the Hereford Road/site access priority junction has sufficient capacity to accommodate the proposed development, with a mean maximum queue of less than 1 pcu (passenger car unit) in all peak periods. The report also looked at the impact of the development on other key junctions around the site. It was found that the Hereford Road/A465 priority junction and the B4521 Hereford Road/B4521 Grosvenor Road priority junctions have sufficient capacity to accommodate the additional traffic generated up to at least 2025. The signalised junction at the A40 Park Road/B4521 Hereford Road operates close to capacity in 2025, particularly in the evening peak period, for both the 'with' and 'without development' scenarios. The A40 Park Road/Pen-y-Pound Road junction operates over capacity in the morning peak period in 2025 (without development). Development traffic comprises 7 out of 917 vehicle movements on Pen-y-Pound Road in the morning and, therefore, has only a minimal effect on the operation of the junction.
- 5.4.4 As such, it is considered that the existing highway network has sufficient capacity to accommodate the proposed development, with minimal increases in existing queues and delays for road users. It is considered that the impact of the development can be further reduced through the provision of links to the existing pedestrian and cycle network and to public transport facilities. The adoption of an effective Travel Plan will also increase the attractiveness of travelling by more sustainable modes and minimise any adverse impact of travel on the local environment.
- 5.4.5 There is sufficient parking on site to meet the requirements of the Monmouthshire adopted Parking Guidelines. Garages meet the Council's size standards. So far as is possible, parking is on-plot and seeks to avoid large areas of parking to the frontages. Officers have negotiated with the developers to seek to create the best possible street frontage, and while it is recognised that an area of frontage parking remains in the south-west part of the site, the optimum solution is considered to have been reached

factoring in the central open spaces, density and viability, as well as the Council's housing supply requirements.

## 5.5 Impact on Heritage Assets

5.5.1 There are no listed buildings or other heritage assets on the site itself. However, St Teilo's Church and St Teilo House are within close proximity of the site. As listed buildings (Grade I and II respectively), these have high significance in heritage terms.

5.5.2 St Teilo's Church and graveyard are separated from the site by rising topography, together with the tree-lined Gavenny River, a line of fields and also Hereford Road. The extent to which the proposed development site can be regarded as part of the setting of those assets is therefore considered to be very limited. Nonetheless, deliberate steps have been taken to avoid any negative impact on the rural character of the church and its churchyard through the sensitive layout and detailing of houses on the eastern edge of the site. As a result, it is not considered that there will be a significant negative impact on the Church or its setting.

5.5.3 St. Teilo House is set within its own grounds and is visually separated from the application site by a large number of mature trees. The proposed development will improve the setting of this building by removing overhead power lines and will provide a buffer of open space and strengthened boundary planting. On balance therefore, it is not considered that the proposed development would harm the character or setting of any listed buildings or their historic or architectural importance, as required by the relevant legislation.

## 5.6 Biodiversity Considerations

5.6.1 The hedgerows on site provide valuable ecological habitats including foraging opportunities for bats and birds. Night roosting bats have been recorded within the existing agricultural barns on site, alternative roosting opportunities are to be provided as part of the proposed development. The undergrounding of electricity cables and surface water outfall are to be located within the vicinity of the River Gavenny which is a SINC. There are also two Special Areas of Conservation (SACs) that have to be considered.

5.6.2 The River Usk SAC lies approximately 2.7km south of the development site and is hydrologically connected to the site. Due to potential for effect on the Interest Features of the SAC; a Habitats Regulations Assessment has been undertaken. This assessment is required by Regulation 61 of the Conservation of Habitats and Species Regulations 2010, in accordance with the EC Habitats Directive (Council Directive 92/43/EDC) before the Council as the 'Competent Authority' under the Regulations can grant permission for the project. The assessment includes consideration of the potential effects of habitat loss (indirect), disturbance (physical), entrapment, toxic contamination, siltation / sedimentation turbidity, change in surface water flooding, change in flow / velocity regime, competition from non-native species. Standard conditions will be used to secure a Construction Environmental Management Plan, detail of SuDS and a method statement to control invasive species which have been embedded into the scheme submission. With the adoption of these measures, there will not be a Significant Effect on the Interest Features of the River Usk SAC.

5.6.3 The Deri Management Unit of the Sugarloaf Woodlands SAC is approximately 600m away from the development site. A Habitats Regulations Assessment has been undertaken and the potential hazards of air pollution (during construction and operation

of the site) and disturbance – recreation have been considered. The development is not considered likely to have a significant effect on the Interest Feature of the SAC.

- 5.6.4 The River Gavenny SINC is designated for its riparian habitat and key species including otter, white clawed crayfish and dipper. No 'in channel' works are proposed. Many of the measures identified through the Habitats Regulation Assessment process will also safeguard the SINC interests i.e. implementation of the Construction Environmental Management Plan (CEMP). An area of 0.30ha of SINC habitat dominated by plantation woodland will be lost during the works associated with the electricity lines and the water outfall. The plantation woodland has value as riparian habitat and its permanent loss will need to be compensated in line with LDP policy NE1. A GI bond has been recommended for £10k to be provided in the Abergavenny area.
- 5.6.5 In terms of priority habitats, 154m of hedgerow will be lost to facilitate the development including degradation of the hedgerow running east west across the site. This loss is regrettable but large areas will be retained and 821m of native mix species rich hedgerow and tree planting will be delivered as part of the scheme. A management plan will be required to ensure the appropriate management of these. Retention and protection of the remaining hedgerows would be secured via a planning condition for a CEMP (Construction Environmental Management Plan).
- 5.6.6 In 2014 the grassland was identified as agriculturally improved, however, the 2017 walkover survey has increased the ecological value of the grassland to *semi-improved*. Approximately 21213m<sup>2</sup> of this habitat will be lost under the footprint of Phase One of the development. The ecological addendum states that 2891m<sup>2</sup> of wildflower grassland planting (which included wildflower margins and proposed grass seeded areas) will be carried out. Prior to approval, detail of the wildflower margin mix should be added to the Detailed Soft Landscaping Proposals. It will be vital to secure appropriate management of these areas through the GI Management Plan.
- 5.6.7 Bats have been found to be using the site for the proposed housing and others the area where the proposed new pylon would be located. Matters relating to otter are covered by the Habitats Regulations Assessment. The potential effects of entrapment, disturbance and toxic contamination have been considered. A CEMP will be secured via planning condition.
- 5.6.8 In 2013 a night roost for lesser horseshoe bats was identified. It has not been possible to confirm its presence during 2017 surveys but due to survey constraints, a precautionary approach has been taken and mitigation and compensation has been proposed. However, the detail of this has not yet been provided. It is noted that NRW have suggested using a planning condition to secure this information however, it would be more appropriate to secure this before determination. If minded to approve without the information then the planning conditions as suggested by NRW will be used (see section 6.0).
- 5.6.9 An updated bat survey has also been undertaken. Whilst the survey level is considered to be acceptable, the assessment of the 2017 findings has shortcomings: there is no evaluation of the importance of the site for foraging/ commuting bats. Based on the information provided and reference to the CIEEM EclA guidelines it is considered that for individual species the site value is 'Local to County Importance' for commuting habitat and 'Local to Regional' importance for foraging habitat. Considering all nine species recorded it is reasonable to evaluate the site as of at least County importance for both commuting and foraging. The protection, retention, augmentation and future management of the hedgerows, tree planting and grassland margins together with

Careful lighting design will be crucial in maintaining and improving the value of the site for bats. It has therefore been requested that roosting opportunities are incorporated into new builds and this is shown on the green infrastructure plan prior to determination. This is considered reasonable based on the importance of the site and the presence of priority species for conservation (Section 7 Environment (Wales) Act 2016).

5.6.10 Habitats likely to be used by nesting birds will be removed, damaged and disturbed during the works. All such works would need to occur outside of the bird nesting season unless habitat is checked immediately prior to the commencement of works by an appropriately experienced ecologist. This is covered by the draft CEMP: Biodiversity.

## 5.7 Residential Amenity

5.7.1 The individual houses on the proposed development have been designed and oriented so that there is no unacceptable overlooking between habitable rooms between dwellings.

5.7.2 In terms of existing neighbouring occupiers, these are limited mainly to the properties on the northern side of Poplars Road and Greystone Close whose rear gardens back onto the site. There will be a minimum distance of 21 metres between the rear elevations of these existing dwellings and those of the proposed new houses on Poplars Close and Greystones Crescent but generally up to 26 metres, which is considered to be large enough to protect the privacy of both existing and new occupiers.

5.7.3 The new access is proposed onto Hereford Road and will be opposite two existing dwellings known as 1 & 2 Cherry Tree Cottage and the issue of additional disturbance, especially during the hours of darkness due to vehicle headlights, has been raised. It is acknowledged that headlights will face towards the front windows of the two existing dwellings. However, this will be primarily into ground floor windows only in the hours of darkness when curtains are likely to have been drawn which should minimise any nuisance caused. The benefit of the extension of the 30mph zone to include the stretch of highway running past and to the north of these dwellings is also of benefit to the occupiers.

5.7.4 Consideration has been given to the impacts of the proposed pedestrian linkages on the amenities of existing residents and the impact is considered to be acceptable. Additional disturbance from footfall would be unlikely to have a significant impact, and the benefits of providing connectivity to the new development make these links important.

## 5.8 Section 106 Requirements

5.8.1 As well as the affordable housing provision covered in Section 5.9 below, the Council will be seeking financial contributions for open space and local play provision, green transport, highway improvements and education.

5.8.2 In terms of open space and play, provision should be made for one LAP (local area for play) in a central location within the site, consisting of five or six pieces of play equipment for children in the 0 – 5 year's age range. It is understood that the applicant would like this to be a natural play area and is agreeable to providing this on the open space already allocated in the Masterplan. A commuted sum from the developer to maintain the LAP for the first 20 years of its life would also be required if it is to be adopted by the Council.



5.8.3 The Abergavenny area is projected to have 227 surplus places in September 2017 and 247 in September 2021 so there is capacity within the area to accommodate additional pupils. However, this does not include Welsh Medium schools which 15% of pupils are expected to attend. As such £110,400 will be sought for Welsh Medium school provision.

5.8.4 A contribution of £40,000 for a bus service into the site will be sought together with an additional £10,000 to secure pedestrian links to Poplars Close, £30,000 for a footpath link along Hereford Road and £20,000 to improve the link to the school where there is currently no footway.

## 5.9 Affordable Housing

5.9.1 The price of housing in Monmouthshire has risen to a level beyond that which many local people can afford. In 1999 the price of an average property in Monmouthshire was 4.6 times the average earnings of someone working in the County. This has now risen to over 9 times the average earnings (Source: Hometrack LQ house price - income ratio 03/01/17). The greatest need in the County is for social rent (there are currently 1028 households on the Council's Register requiring a home in the Abergavenny area). The Council therefore has had a neutral tenure policy for all affordable housing.

5.9.2 The Affordable Housing Supplementary Planning Guidance was adopted in March 2016 and contains a specific section relating to departure applications in the open countryside (Section 4.4 E). This states that there is a requirement for 35% of the total number of dwellings on the site to be affordable. In this case, however, there are substantial abnormal costs involved in undergrounding the electricity line. These costs have almost doubled since the initial estimates by WPD at the time of the LDP Examination. As such the application has been assessed by the District Valuer as an independent body to gauge a viability tipping point level of affordable housing. They determined that a hypothetical 20% Affordable mix (52 units) results in a residual land value. This is higher than the 5% initially offered by the developer but is obviously below the 35% that the LDP seeks as a starting point but on the evidence presented and tested is considered to be acceptable in this case.

5.9.3 The affordable housing mix would comprise of 16 x one bed walk up flats, 3 x two bed bungalows, 21 x two bed houses, 7 x 3 bed houses, 2 x four bed houses. It should also be noted that the cost to buy of the private houses proposed on this site will start at around £140,000 and the vast majority will also be within the threshold for the Government's Help to Buy scheme.

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

5.10.1 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.

**6.0 RECOMMENDATION: APPROVE subject to a s106 agreement (Heads of Terms set out in sections 5.8 and 5.9 above)**

Conditions:

1	This development shall be begun within 5 years from the date of this permission.
2	The development shall be carried out in accordance with the list of approved plans set out in the table below.
3	Prior to the commencement of the development hereby approved a notice shall be given to the local planning authority. (a) stating the date on which the development is to begin; (b) giving details of the planning permission and of such other matters as is required by Schedule 5A to the Town and Country Planning (Development Management Procedure) (Wales) Order 2012 as amended ("the Order").
4	Prior to commencement of development, a final version of the Construction Environmental Management Plan (CEMP): Biodiversity shall be submitted to the Local Planning Authority for approval. This CEMP shall build upon the principles outlined in the submitted draft CEMP: Biodiversity prepared by Soltysbrewster ecology dated 24 August 2017. The construction of the development shall be in accordance with the approved CEMP: Biodiversity.
5	No development shall take place until full details of the sustainable drainage system for the site has been submitted to and approved in writing by the local planning authority. These details shall reflect the guidelines set out in the GI Infrastructure plan and detailed landscape plan. Details shall include [for example]:- 1. proposed finished levels or contours showing the relationship of the proposal to existing vegetation and surrounding landform; 2. means of enclosure if required; 3. Soft landscape details shall include: planting plans, specifications including cultivation and other operations associated with plant and grass establishment, schedules of plants, noting species, sizes, numbers and densities. 4. Water levels and flow rates. The development shall be carried out in accordance with the approved details.
6	No development shall take place until full details of the build out areas and proposed tree planting proposals has been submitted to and approved in writing by the local planning authority. These details shall reflect the guidelines set out in the GI Infrastructure plan and detailed landscape plan. Details shall include hard and soft planting details i.e surface materials and plants species, sizes and numbers where relevant. The development shall be carried out in accordance with the approved details.
7	A "lighting design strategy" shall be submitted for approval in writing by the local planning authority. The strategy shall: a) identify those areas/features on site that are particularly sensitive for biodiversity 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 retained thereafter in accordance with the strategy.

8	The structure planting as shown on the Green Infrastructure Plan no.TDA.1994.06 shall be implemented on the completion of each phase of development as also identified on plan no. TDA.1194.06 and prior to the commencement of the following phases.
9	All hard and soft landscape works shall be carried out in accordance with the approved details and to a reasonable standard in accordance with the relevant recommendations of appropriate British Standards or other recognised Codes of Good Practice. The works shall be carried out prior to the occupation of any part of the development. Any trees or plants that, within a period of five years after planting, are removed, die or become, in the opinion of the Local Planning Authority, seriously damaged or defective, shall be replaced as soon as is reasonably practicable with others of species, size and number as originally approved.
10	<p>A Green Infrastructure Management Plan shall be submitted to, and be approved in writing by, the Local Planning Authority prior to the occupation of the development. The content of the Management Plan shall include the following ;</p> <ul style="list-style-type: none"> <li>a) Description and evaluation of Green Infrastructure assets to be managed. <ul style="list-style-type: none"> <li>" Existing vegetation to be incorporated - hedgerows and trees</li> <li>" Public open spaces</li> <li>" Informal play</li> <li>" Community growing areas</li> <li>" Habitat and species enhancement and management</li> <li>" Access arrangements across the whole site</li> <li>" Street trees and verges</li> </ul> </li> <li>b) Trends and constraints on site that might influence management.</li> <li>c) Aims and objectives of management.</li> <li>d) Appropriate management options for achieving aims and objectives.</li> <li>e) Prescriptions for management actions.</li> <li>f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a twenty-year period).</li> <li>g) Details of the body or organization responsible for implementation of the plan.</li> <li>h) Ongoing monitoring and remedial measures.</li> <li>i) A Plan setting out the ecological enhancements with respect to nesting birds and roosting bats should be clearly set out and overlaid upon the GI plan - bat &amp; nesting bird opportunities in key new build units should be included on the plan.</li> <li>J) Location of the lesser horseshoe night roost to be shown on a plan overlaid upon the GI plan &amp; landscape plan to demonstrate how it relates to the landscaping and how it shall not be in close proximity to pathways.</li> </ul> <p>The development shall be carried out in accordance with the approved details.</p>
11	There shall be no occupation of any dwelling hereby approved until the necessary foul sewerage infrastructure works required by the Hydraulic Modelling Assessment SE186b dated July 2014 have been completed.
12	No development shall commence until a drainage scheme for the site for foul water has been submitted to and approved in writing by the Local Planning Authority. Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby approved.
13	No development shall commence until a drainage scheme for the site for surface and land water has been submitted to and approved in writing by the Local Planning Authority The scheme shall include an assessment of the potential to dispose of surface and land water by sustainable means.

	Thereafter the scheme shall be implemented in accordance with the approved details prior to the occupation of the dwellings hereby approved.
14	The development shall be implemented in accordance with the mitigation measure described in Volume 2, Chapter 8 of the Environmental Statement submitted in support of this application.
15	The development shall be implemented in accordance with the Protection of Tree Statement received September 2017.
16	Any unforeseen contamination encountered during the development shall be notified to the Local Planning Authority as soon as is practicable and a remediation strategy submitted to and approved by the Local Planning Authority. The agreed mitigation shall be fully implemented prior to further works continuing.

Informatives:

Please note that this consent is subject to a Section 106 legal agreement.	
<p>Street Naming/Numbering - The Naming &amp; 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 &amp; Numbering page at <a href="http://www.monmouthshire.gov.uk">www.monmouthshire.gov.uk</a></p> <p>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.</p>	
<p>Please note that Bats are protected under The Conservation of Habitats and Species (as amended) Regulations 2010 and the Wildlife and Countryside Act 1981 (as amended). This protection includes bats and places used as bat roosts, whether a bat is present at the time or not. We advise that the applicant seeks a European Protected Species licence from NRW under Regulation 53(2) e of The Conservation of Habitats and Species (Amendment) Regulations 2012 before any works on site commence that may impact upon bats [amend if another species is involved]. Please note that the granting of planning permission does not negate the need to obtain a licence.</p>	
<p>All birds are protected by the Wildlife and Countryside Act 1981. The protection also covers their nests and eggs. To avoid breaking the law, do not carry out work on trees, hedgerows or buildings where birds are nesting. The nesting season for most birds is between March and September</p>	
<p>Please note that otters are protected under The Conservation of Habitats and Species Regulations 2010 (as amended) and the Wildlife and Countryside Act 1981 (as amended). This protection includes otters and places used for resting up, breeding, etc. whether an otter is present at the time or not. If otters are disturbed during the course of works, all works must cease and Natural Resources Wales contacted immediately.</p>	