

**Application Number:** DM/2020/00763

**Proposal:** Full planning application for the change of use of the water sports facility at Llandegfedd to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00317

**Address:** Llandegfedd Water Sports Centre, Croes-gweddyn Road, Coed-y-Paen

**Applicant:** Mr Mark Davies

**Plans:** Other Ecological Impact Assessment - version 5, Other Otter Report - , Location Plan Location Plan - ,

## **RECOMMENDATION: APPROVE**

Case Officer: Ms Kate Bingham  
Date Valid: 13.07.2020

### **1.0 APPLICATION DETAILS**

#### **1.1 Site Description**

1.1.1 This application has been submitted on behalf of Dwr Cymru Welsh Water (DCWW) in respect of the change of use of the visitor centre at Llandegfedd Visitor Centre to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00442. The application is submitted in order to grow the water and land-based activities at the site for all users under Dwr Cymru Welsh Water's strategy for health and well-being in conjunction with Welsh Government.

1.1.2 The site is situated on the eastern side of the Llandegfedd Reservoir. The reservoir sits at an approximate elevation of 80m and comprises approximately 174ha of standing open water. The facility serves a variety of recreational interests, including water sports, in addition to nature conservation responsibilities and its primary function as a public water supply reservoir. The reservoir itself is a SSSI of importance for its wintering bird population.

1.1.3 Due to the building's use as a water sports facility, the site is positioned adjacent to the reservoir, to the south of the existing visitor centre, with an area of hardstanding providing access down towards the reservoir along the building's western elevation.

1.1.4 The reservoir, built in the 1960s, straddles the boundary between Monmouthshire and Torfaen and is accessible from the main road network serving Usk/Pontypool/Caerleon via a network of minor roads.

1.1.5 The site is currently occupied by the two-storey water sports facility and associated landscaping. The building itself measures 320m<sup>2</sup> and sits within the wider site which was approved under outline permission. The topography slopes gradually from east-to-west down towards the reservoir.

1.1.6 The current building replaced the previous inadequate modular accommodation that served a long-established water sports school and sailing club and has been a successful addition to the area providing a number of land and water-based activities including team-building, windsurfing, dinghy sailing, stand-up paddle-boarding, canoeing, kayaking, raft building. The ground floor of the building comprises of rescue craft, equipment storage and changing room facilities while a large multifunction clubhouse room on the first floor spills out on to a generous balcony which runs along

the northern and western elevation in order to capture views out towards the reservoir. This multi-functional room is of a sufficient size and construction to allow meetings and functional gatherings to take place, however, this is not currently possible due to the planning condition imposed on the previous planning permission.

## 1.2 Value Added

1.2.1 Various additional ecological and noise surveys were requested and supplied in order to enable NRW, Environmental Health and the Council's Biodiversity Officer to accurately assess the proposal.

## 1.3 Proposal Description

1.3.1 The water sports facility currently benefits from planning permission under ref no. DC/2012/00317, approved on the 11th December 2012, comprising of changing room facilities, equipment store, shop and multipurpose function room.

1.3.2 Condition 6 of the approved permission reads as follows:

The premises shall be used solely in association with the operation of the water sports facilities at the site. For the avoidance of doubt the building shall not be available as a licensed premises for use by the general public.

1.3.3 Condition 7 of the approved permission reads as follows:

The premises shall not be used for the approved purposes outside the times of 9:00am to 9:00pm.

The above conditions were imposed on the planning decision to ensure that no alternative use is made of the premises which is likely to be a nuisance to local residents and in the interest of nature conservation and residential amenity. However, there are many days in the water sports season (1st March to 31st October) when the multi-functional room, referred to in the description of development, is not in use. During the off season (1st November to 28th February) the existing planning conditions mean the building should not be used at all. The intention of this application, therefore, is to promote flexible use of the building to reduce the periods when the building is unoccupied and to make the facility an ongoing asset to DCWW and to expand the services on offer at Llandegfedd reservoir. It is proposed under this application to increase the use of the facility so it can be used by DCWW for a wider array of uses as well as extending the operational hours of the site from 06:00 to 00:00.

1.3.3 Currently the Water Sports centre operates as a base for a number of water sports activities run directly by DCWW site teams or under license to DCWW by a number of clubs and license holders. These activities include:

Sailing - run through RYA approved courses and activities by DCWW.

Paddle boarding - available for groups, individual hire or seasonal permits.

Kayaking/Canoeing - available for individual hire and also carried out as activities by user groups such as Torfaen Cadets and Newport Sea Scouts.

Activity Sessions - DCWW organises tuition and activities for school and organised groups to sample a range of the water-based activities.

Holiday Activities - DCWW runs a season long programme of activities for children during school holidays.

Birthday Parties - a range of activities are available for private hire options with tuition in water sports activities or raft building activities. Use of the upstairs function room is often included with this option for party food etc.

Corporate team building events - including a mix of all the above-named activities as well as utilising some land-based activities. (For example: Orienteering)

1.3.4 There is a portable pontoon and a number of slipways located in the "Sailing bay" area at the front of the Water Sports Centre and vessels are all launched from this location. DCWW

enforces a strict health and safety regime and all users are supervised by the Water Sports centre team who also provide sufficient safety cover on the water in conjunction with the Ranger team based out of the Visitor Centre. Changing and toilet facilities are all available in conjunction with the above uses.

1.3.5 The building also contains a multi-use room on the ground floor which is used for training and courses and is made available via a booking system for use by license holders such as the Sailing Club, Cadets etc. Currently the well-equipped function room located on the first floor of the building with its panoramic balcony is precluded from regular use due to the current planning conditions and is effectively precluded from any use at all during the winter. This is an unsustainable position for the ongoing operations of DCWW.

1.3.6 In addition to maintaining and growing all of the above specified uses in partnership with the key local stakeholders DCWW has further ambition to add additional water and land-based activities to the mix of uses on the entire site. These will include:

Open water swimming - DCWW has approved Llandegfedd as a pilot site to trial managed Open Water Swimming sessions in conjunction with local community swimming and triathlon clubs.

Further child-based activities such as "zorbing"

Laser Clay pigeon shooting - available to hire as part of a group or corporate activity

Segways

In addition to the above uses, this change of use application would also allow DCWW to use the Water Sports facility for a range of meetings, functions and similar activities such as the below;  
Meetings; DCWW employee meetings ranging from team meetings, management and project meetings to Board of Directors meetings

External groups - the spaces could be used as a hireable space for meetings and events held by a range of groups

Sporting Groups - as part of pre or post activity socialising.

General public; functions for local organisations and family occasions

Community engagement

Wildlife / environmental rambles and other specialist groups

1.3.7 It would be intended that the first-floor room could be made available at programmed times year-round to maximise its potential use by the widest possible range of users and community groups.

1.3.8 The terrace on the Water Sports centre would be used as an overspill area in conjunction with the use of meeting room. The terrace will not be accessible during functions after 11pm. The numbers will be limited by the fire regulations to the building. It is also proposed under this application to extend the opening hours from 09:00am - 9:00pm to 06:00am - midnight in order to ensure further flexibility for DCWW. The outdoor terrace area would only be used as an overspill area in conjunction with the use of the meeting room.

1.3.9 The above uses would not require any alteration to the building itself, only an extension to the use of the building. Any functions would be catered for by existing facilities i.e. on-site catering facilities, toilets and car parking areas.

1.3.10 The intention of the applicant to make better, more efficient use of DCWW's facility for meetings and gatherings and to allow local people and businesses to visit to make the facility a better asset to DCWW and to expand the services on offer at Llandegfedd reservoir.

1.3.11 There is a concurrent application to also extend the use of the visitor centre submitted under planning application no. DM/2020/00762. The visitor centre and water sports facilities will be used independently throughout the year and for the majority of events, but could be used concurrently should a larger event be required to use the entire reservoir site. However, this is likely to be infrequent.

## 2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DC/2012/00317	Proposed Watersports Centre comprising changing room facilities, equipment store, shop & multipurpose function room	Approved	11.12.2012
DM/2018/00718	DCWW wish to provide a shed for use by the Angling Club to store equipment and to act as a weighing station during competitions.	Approved	25.06.2018
DM/2020/00035	Removal of condition 6 and to vary condition 7 (to extend opening hours to 6:00am to 00:00am) relating to planning application DC/2012/00317.	Withdrawn	18.06.2020
DM/2020/00036	Modification of condition no. 7 of planning permission DC/2012/00442 (hours of operation).	Withdrawn	18.06.2020
DM/2020/00762	Full planning application for the change of use of the visitor centre at Llandegfedd, to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00442.	Pending Determination	
DM/2020/00763	Full planning application for the change of use of the water sports facility at Llandegfedd to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00317	Pending Determination	
DC/2015/01039	A new boat store and ranger maintenance buildings are required to support a recently completed Water Sports and Visitor Centre for Welsh Water at Llandegfedd Reservoir. These will be two detached buildings located adjacent to the existing buildings. A new play area is also proposed that will enhance the facilities available to children. This will be located within existing amenity grassland and will be broken in to two small 'play spots'.	Approved	21.12.2015

DC/2016/00742	Discharge of condition 7 (details of play equipment) from previous application DC/2015/01039 for new boat store and ranger maintenance buildings	Approved	19.07.2016
DC/2016/01011	Minor changes to the elevations to previous application DC/2015/01039.	Approved	15.09.2016
DM/2018/01199	Variation of condition No. 6 and No. 7 of planning permission DC/2012/00317.	Withdrawn	03.06.2019
DC/2016/01355	Addition of external steel stair to the north west elevation of the building. (Relating to previous planning application DC/2012/00317).	Approved	28.11.2016
DC/2016/01011	Minor changes to the elevations to previous application DC/2015/01039.	Approved	15.09.2016

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

#### **Strategic Policies**

S8 LDP Enterprise and Economy  
S10 LDP Rural Enterprise  
S11 LDP Visitor Economy  
S13 LDP Landscape, Green Infrastructure and the Natural Environment  
S16 LDP Transport  
S17 LDP Place Making and Design

#### **Development Management Policies**

EP1 LDP Amenity and Environmental Protection  
EP3 LDP Lighting  
DES1 LDP General Design Considerations  
MV1 LDP Proposed Developments and Highway Considerations  
GI1 LDP Green Infrastructure  
NE1 LDP Nature Conservation and Development

### **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 11

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

**Torfaen County Borough Council** - The following is Torfaen County Borough Council's response to the consultation. The response relates to both applications:

The Council's Highway Officer does not object to the proposed scheme and has stated that the highway network within Torfaen County Borough Council that serves the site is satisfactory to accommodate the use.

The Council's Public Health Team have stated there is the potential for events to create noise nuisances which could have a detrimental effect on the amenity of Torfaen residents. The Officer has recommended that a Noise Impact assessment is carried out in line with TAN 11 and BS4142 2014 (2) and, if necessary, should include proposals for mitigating excessive noise. Alternatively, they have recommended that a condition could be set by the LPA to limit event noise levels at residential homes to not exceed the current L90.

The Ward Councillor has raised concerns in regard to the increased levels of traffic, noise disturbance, the over-development of the reservoir as an SSSI site and the potential safety issue of an entertainment venue with an alcohol license within proximity to the body of water. They state that the country lane is used by cyclists and pedestrians, with no available footpaths the increase in traffic would increase the risk for all users.

The Council's Ecologist wishes to register a holding objection and has requested that the applicant submits further information. The Council's Ecologist has requested further ecological survey work to appropriately assess the impact of the proposals upon the designated features of both the Llandegfedd Reservoir (SSSI) and the Severn Estuary Special Protection Area (SPA)/Ramsar Site. They have advised that the Ecology Report (Ricardo Energy and Environment 2020) does not provide sufficient detail by which to assess the impact of the proposals upon a site of national importance and another of international importance, and therefore fails to satisfy the requirements of national planning policy. Full details are included in the consultations section below.

An objection is raised to the development due the lack of information in relation to the ecological survey as per the comments from the Council's Ecology Officer.

In summary, it is considered that the Ecological assessment carried out does not provide sufficient detail to assess the impact of the proposals upon the sites of national and international importance. There is also concern that no formal noise assessment has been carried out in accordance with TAN 11 and BS4142 2014 (2). Alternatively, we would request a condition to limit event noise levels at residential homes to not exceed the current L90.

**Llanbadoc Community Council** - The application was discussed at the extraordinary meeting of the council on 15th July 2020. No objections were raised to the application and therefore the Community Council recommends that the application be approved.

**Llangybi Fawr Community Council** - Objects. The Community Council has grave concerns regarding these applications as have been outlined several times before when similar applications have been submitted. This application to vary the use and opening times of the Visitor Centre from that granted in earlier application DC/2012/00442, and seeks to achieve the same effect as the earlier withdrawn application DM/2020/00036. This application mirrors application DM/2020/00763, which seeks to achieve the same variation in use and hours of opening for the adjacent Water Sports Centre, and our objections to this application are the same as those we are raising with regard to that application. Therefore we attach copies of our earlier objections to the Water Sports Centre applications which apply equally to the present application:

Llandegfedd Reservoir is a unique site of special scientific interest (SSSI) in the counties of Monmouthshire and Torfaen, and to propose to use the centre for large public events with accompanying loud music during long hours of darkness is to have scant regard for its special status as a tranquil refuge for a variety of wildlife.

The applicants seek to justify their proposals for events with loud musical accompaniment by submitting a supposedly independent noise impact assessment that suggests a very limited impact on wildlife. This assessment appears to us to be deficient in a number of aspects. For example, it only considers noise generated inside the centre, whereas the applicants state that their intention is to erect a marquee nearer the water for larger events. It is very probable that this will be a significant source of noise, especially if the music is relocated or relayed to it. Moreover, their assumption regarding the attenuation of noise generated inside the centre is not valid if, as might be expected, the doors and windows will be open. We suspect that the noise (and other intrusions from light and movement of people) will have a greater impact on the wildlife than is implied. Better qualified representatives than us, from Natural Resources Wales, Gwent Wildlife Trust and Gwent Ornithological Society will no doubt express their views on this.

We are particularly concerned about the safety aspects of this proposal. Locating alcohol-fuelled events in close proximity to a large and deep expanse of water seems to be inviting disaster, especially during the hours of darkness. Personal experience suggests that staff at the reservoir are not able to keep dogs and even people out of the water in daylight hours, so it isn't clear how they would manage it in darkness with a large and noisy event taking place.

The reservoir and the watersports centre provide a unique facility in the area for a variety of water-based activities. On the other hand, there is no shortage of venues locally for the kind of event that Welsh Water is now contemplating for the centre, and in far safer locations. They should be using the centre to build on its primary use of water-based activities.

For these reasons we oppose the application to vary the conditions. We also request that the application be considered by the full Planning Committee and that the Community Council be afforded the opportunity to speak at that meeting.

#### **Natural Resources Wales (NRW) - 9/9/20**

We have significant concerns with the proposed development as submitted. We recommend you should only grant planning permission if the following requirement is met and you attach the following condition to the permission. Otherwise, we would object to this planning application. Requirement: Further information to demonstrate potential adverse impacts on designated features of the Llandegfedd Reservoir Site of Special Scientific Interest (SSSI) can be avoided or mitigated.

Condition: Secure implementation of mitigation measures for bats under 5.1.1 of the submitted Ecological Impact Assessment.

#### **Impacts on Llandegfedd Reservoir Site of Special Scientific Interest (SSSI)**

The Llandegfedd Reservoir SSSI is designated for overwintering wildfowl, particularly wigeon, pochard and mallard. The area around the reservoir includes grassland, important for feeding and roosting wildfowl, woodland and scrub.

The application seeks additional uses of the visitor centre to allow for meetings, functions and events; as well as extending the opening hours from 6:00am to midnight. It proposes the change of use will allow for exclusive hire of the current waterside café outside of its normal hours (9:00am - 6:00pm). The application details also state the balcony of the visitor centre could be used as an overspill area in conjunction with the new uses; however, this will not be accessible after 11pm.

We have concerns that these changes could have the potential to increase noise levels and disturbances to the bird population in the area. This could adversely affect the designated bird population during the closed season, especially when considered alongside application DM/2020/00763.

On this basis, we require further information similar to what we have advised for DM/2020/00763. This should focus on providing information/justification which demonstrates the noise assessment uses the worst-case scenario in terms noise impacts to assess outdoor event noise. Further explanation of how noise from multiple events being held at the same time around the reservoir should also be provided. We can then advise whether the noise assessment and its methodology are appropriate to demonstrate the potential impacts on the designated bird population. If further information addresses our outstanding concerns, we are likely to request avoidance/mitigation measures are controlled and secured through the planning permission, if granted.

#### European Protected Species (Bats)

We note from the EclA that bats are present at the application site. The results of the bat surveys show an effect on a night roost for lesser horseshoe under the roof of the utility room door of the visitor centre. The EclA states the increase in lighting for an extra 3 hours (in the evening) at the visitor centre has the potential to disturb bats and reduce suitability of a night roost.

We note mitigation under 5.1.1 proposes planting adjacent to the north elevation of the visitor centre. Subject to the implementation of these measures, we do not consider the proposed development will result in a detriment to the maintenance of favourable conservation status of the bat species concerned. Therefore, should planning permission be granted, the following submitted document should be included within the scope of the condition, identifying the approved plans and documents on the decision notice:

Ecological Impact Assessment (EclA), prepared by Ricardo Ecology & Environment ED12587100, Issue Number 5, Date 11 June 2020 section 5.1.1 (Bats)

In this case, the proposed development is unlikely to give rise to the need for a European Protected Species Licence application from us. We advise recipients of planning consent who are unsure about the need for a licence to submit a licence application to us.

**Glamorgan Gwent Archaeological Trust (GGAT)** - No objections. The proposed development would not have a significant impact on any buried archaeological resource and therefore we have no objection to the positive determination of this application.

**MCC Highways** - No objection. The highway authority does not consider that the proposed amendments to the hours of opening will be detrimental to highway safety or capacity of the immediate local highway network.

Llandegfedd Water Sports Centre is located in what can be considered a sustainable travel location and access to and from the reservoir is generally by motor vehicle. Extending the hours of opening is likely to increase vehicle traffic overall with more vehicles using the local highways for an extended period of time rather than increasing vehicle numbers at peak periods.

**MCC Biodiversity** - 18/12/20 The Biodiversity & Ecology objection is based upon the unmitigated potential for disturbance on birds in the SSSI, insufficient survey and assessment and the lack of information relating to protected and priority species.

Planning Policy Wales 10, par. 6.4.17 states: SSSIs are of national importance. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies, including planning authorities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest.... There is a presumption against development likely to damage a SSSI and this presumption should be appropriately reflected in development plans and development management decision

We do not have enough evidence to be certain that the proposals will not damage the SSSI and therefore, we should not approve the applications.

**MCC Environmental Health** - I have reviewed the above application and the additional information supplied. I can see that the applicant has now submitted two separate Noise Impact Assessments for both the Watersports Centre and the Visitors Centre. They have also included

separate site management plans for both sites. These amended documents have addressed all my previous comments.

I also note that the applicant has added a fourth receptor as discussed and has increased the monitoring time later into the evening. I also note that reference to construction noise has been removed from the documents as there is no longer any construction planned at the site.

Based on the new information supplied I have no objections to this application. Although as agreed by the applicant and detailed in both their noise impact assessments and site management plans, I would suggest that if planning permission is granted, the following conditions be included:

1. Outdoor events are limited to 12 per year and must finish, including the use of amplified recorded music and PA systems no later than 5pm.
2. All outdoor events be subject to a noise management plan submitted by the applicant to be approved by the Local Planning Authority.
3. All indoor events at both the visitors centre and the watersports centre, including any amplified recorded/live music should finish no later than 11pm.

Please also note that the applicant will need to apply for a Premises License if planning permission is approved.

SEWBRc Search Results - Various protected species identified within the vicinity of the site - bats, otters, badgers.

## 5.2 Neighbour Notification

Twenty-two representations received, objecting on the following grounds:

Impacts on biodiversity, specifically concerns on impact on SSSI status as a result of increased activity, lighting and noise;  
Future management of site from environmental perspective;  
Increase traffic and insufficient parking provision;  
Noise pollution and general increased public nuisance (opening hours etc.) from an environmental health perspective;  
Displacement of sailing club and type/duration of events proposed - negative impact for water sports users;  
Public safety concerns - danger of licensed venue next to open water;  
Security concerns (i.e. managing events on site);  
Negative impact on rural economy (i.e. other venues in close proximity); and  
Negative impact on well-being of local residents.  
Lack of public transport and increase in traffic  
Any limits on hours of operation and noise-levels are in practice unenforceable.

A petition has also been received signed by 180 individuals. Signatures were collected at approx. 2-3 hour sessions over 8 days in summer 2020.

One representation in support of the application:

Upon reading there seems to be a lot of mention of 'we'. I can assure you that not all Coed-y-Paen residents are against the application. I, along with others, are in favour of the application.

## 5.3 Other Representations

Gwent Wildlife Trust - GWT objects to these applications on the following grounds:

Environmental Impact Assessment (EIA).  
Survey deficiencies.  
Noise and light-related disturbance to wildlife arising from the proposals.  
Human-related disturbance to wildlife arising from the proposals.

Permitted Development Rights.

Lack of detail over proposed planning conditions, including the establishment of a steering group or similar to oversee their implementation.

The development plan context.

Welsh planning policy context.

Legislative context

Conclusion: We urge the local planning authority to:

- refuse the applications until such time as a fit for purpose, two year bird survey to approved methodologies has been carried out by the developer, and,
- screen in the applications for the need for a statutory EIA.

Notwithstanding the above, we further urge the developer to comply with its statutory duties, and withdraw the applications.

Gwent Ornithological Society - Object. Conclusion:

We believe that the change of use to an all-purpose function venue with internal and external music would be incompatible with the SSSI. The resultant increase in noise and activity would obviously cause a high level of disturbance. The site is designated due to its importance for over-wintering wildfowl generally, but particularly for Wigeon, Pochard and Mallard, with Goosander, Teal and Goldeneye also listed as being 'notable'. The surrounding area, particularly the grassland is noted as being important for feeding and roosting wildfowl. All of these species require quiet for feeding and roosting and the changes applied for will negate this.

In conclusion, we object to the application because we believe it would result in significant disturbance of wildfowl, and put the SSSI status of the site at risk. We ask Monmouthshire County Council to please reject this application by applying paragraph 6.4.17 of Planning Policy Wales (Dec 2018).

Torfaen Friends of the Earth - Objects to the above planning applications on the following grounds:

1 Further to my submissions in relation to previous applications, the latter being DM/2020/0035 in relation to extending opening hours at this location and the use of music and alcohol, we see no further evidence in the Noise Impact Report to support the current applications. The report gives no evidence of a vibration impact being undertaken, and only references noise levels, and in this respect pays no attention to night time music pollution when most birds sleep.

2 The Welsh Government Policy document "Building Better Places: The Planning System Delivering Resilient and Brighter Futures, refers to the Green Infrastructure and the drive towards building resilient ecological networks. It also highlights the importance of improved soundscapes in the built up environment, acknowledging the need for noise reduction in our lives as an important element in healthy living, not least our mental as well as physical health.

3 The building, in which these planning applications seek to allow music, was not designed or constructed with the intention of it being used for late night music and therefore, does not incorporate the necessary requirement of sound reducing design or materials.

3a It follows, therefore, that to introduce late night loud music and disturbance into a naturally peaceful soundscape, valued as such by many people, is in contravention of this Welsh Government policy.

4 The Ecological Impact Assessment for this application is not currently available on the website, so it is not possible to comment further. However, the Planning Statement refers to the EIA dated June 2019, therefore, our comments submitted earlier for DM/2020/00035 should be read as for this objection, namely that the Ricardo Energy and Environment admits to the lack of useful recorded data on the variety of species which may exist at this site, and has to resort to desk studies supplemented by such studies as they have been able to undertake, and state, therefore, that they have applied the precautionary principle.

5 In respect of otters, for instance, the EIA report states that the Ranger had not found any evidence of otter activity in the southern end of the site. This is not to say that otters do not move within this area, particularly at night when they are most active, but that no evidence could prove that they did. However, absence of evidence is not evidence of absence. Therefore, it cannot be stated that lack of evidence is proof that otters do not utilise this area. The same can be said of

badgers. Both these species are protected under legislation, of course. To ignore this point is not an acceptable position if a precautionary principle approach is claimed to have been taken.

6 Environmental impact studies can only provide evidence so far, and that a habitat can have the potential to support a species, even though the evidence of that species existence cannot be proved one way or the other. This is the limitation of our abilities, and often it is only in hindsight that we can understand the impact of human activity on the environment when we see it start to deteriorate in ways unforeseen. In an area as obviously environmentally beneficial to humans and wildlife, further human intervention of noise, lighting and vibratory activity can only ever have a negative impact.

6a What cannot be proved, therefore, is the EIA conclusion that the wildlife will only be minimally impacted.

7 Until EIAs recognise the impact of vibration on wildlife by human activity such as this planning application will introduce, it cannot be stated that impact will be minimal. It is the total package of everything combining which will have its worse effect. The only sensible outcome for the use of the precautionary principle in this instance, is not to allow these planning applications to succeed.

8 Llandegfedd Reservoir is recognised as a Special Landscape Area and given the designation of an SSSI. It should remain as a place of peaceful enjoyment for the benefit of its many current users. Additional uses, such as meetings by other organisations during normal daylight hours, could be explored with the agreement of existing users, such as the sailing club, because these would not impact negatively on wildlife or the neighbourhood. It could provide the supplementary income Dwr Cymru require, without the loss of the peaceful, quiet enjoyment by families, especially children who are encouraged to explore the beautiful surrounding area, learning to discover and value its wildlife.

9 Wildlife is very nervous and shy. Disturbance leads to loss of species, and ultimately to the spoiling of the enjoyment of the site. Learning how to be careful around wildlife is something people need to understand and commit to. The introduction of alcohol and night time music could not guarantee such respect.

9a To extend hours to midnight for use by hirers using music and alcohol will destroy all that people love about this place and ruin it for the majority of its visitors. It will be out of keeping with the character of the area and lose its peaceful nature.

10 In recent months, people have recognised more the healing power of the natural environment since the impact of the Covid 19 pandemic. They want further measures taken to protect the environment for future generations. This is the message countless people have been sending to all levels of government to urge them to make policy decisions to future proof our environment. The Welsh Government in releasing its "Building Better Places" policy document is recognising this need. It is now up to local authorities to implement this policy in their planning decisions.

11 Highway safety is a considerable concern of people especially those living locally. The dark, country roads which surround the reservoir require careful driving. Approval of this planning application would not be a sensible decision.

Conclusion: The applications before you for determination could not be considered as essential for human need to justify the impact on the ecosystems of this site of special scientific interest, which would trigger a downward trajectory of sustainability.

Usk Civic Society - Usk Civic Society objects to both these applications to alter the hours and conditions of use of these premises at Llandegfedd Reservoir. It agrees with many of the objections made by local residents, amenity groups and even MCC's own environmental health team about the effects of these proposals.

First, the main function of the reservoir, apart from storing water, is to provide a suitable environment for wildfowl, particularly passage migrants and winter visitors. Its designation as an SSSI reflects this role. Unpredictable and intermittent noise such as would result from the venues' use for functions late at night cannot be consonant with this role, as the birds must suffer disruption and disturbance.

The Society notes that MCC's own environmental health team has in relation to previous applications considered the noise pollution data supplied by the applicant to be defective in that it fails to properly reflect the effect of noise from parties and functions on the residential sites around the reservoir. It also fails to take into account the effects of opening doors and windows and of

using a marquee for some functions. The noise assessments now provided for both venues are somewhat disingenuous in that they assume a noise level of 80 decibels. Various other objectors have pointed out that this is a substantial underestimate of likely noise levels from a social function with music these days. It also looks at the noise levels from each of the two venues in isolation, and therefore fails to consider the cumulative effect of simultaneous or overlapping functions. And it must be remembered that any increase in decibel levels is logarithmic.

The suitability of an application for these changes from an entity which is a public body and a public authority under the terms of the Well Being of Future Generations (Wales) Act 2016 and the Environment (Wales) Act 2016 appears to be at odds with its statutory duties under these Acts. The use intended to be made of the facilities at Llandegfedd appears to be solely for the purpose of making a commercial profit. The Environmental Impact Assessment now provided appears complacent about the effects of the additional noise and disturbance on both human and animal residents and visitors to Llandegfedd reservoir and the neighbouring village of Coed-y-Paen. The conditions imposed on usage and operating hours for the two centres as conditions to the original planning applications for their construction were imposed for good reason. No reason has been given why the inhabitants' peace and quiet enjoyment of a rural location should now be set aside, perhaps because there is no valid one.

Although MCC Highways appears to consider that the narrow lanes providing access to the site will be capable of coping with the extra traffic, including large service vehicles, which will be generated by the use of these facilities for functions, often at night, it must be questionable whether this is really sustainable without creating additional hazards for residents. The narrow lanes to the east of the reservoir are seen as a particular problem. The testimony of those residents is that a problem already exists; traffic associated with late evening functions can only make things worse.

Coed-y-Paen Residents Association - Objects.

The proposals put forward by DCWW would fundamentally change the nature of this SSSI / SLA and have the potential for serious harm to its wildlife and fragile ecology, already under threat from increased and inappropriate human activity.

In its SSSI citation, CCW recognised the threat of damage to the features of interest from 'Recreational activities', seeking to 'balance people's enjoyment of the reservoir with the needs of wintering birds'. The 'Site Event Management Plans' submitted by DCWW make clear that many of its proposed 'recreational activities' pay scant regard to the needs of the reservoir or its bird population:

'dog shows/Christmas Fayre/classic car rally/Santa visits/Mother's Day events/ Family Fun events. DCWW 'also envisage a programme of larger events/displays...' The admission that this 'list is neither exhaustive nor exclusive' is worryingly open ended. The plan for live and amplified music, indoors and outside is alarming.

Such activities would dramatically upset the 'balance' between people and nature. By failing to "conserve the tranquillity, unspoiled character and recreational function" recommended in your LANDMAP (2007) assessment, Llandegfedd Reservoir becomes an Entertainment Venue. Provision of alcohol at late night social gatherings near to water is dangerous; together with outdoor music it is likely to attract & promote behaviour inappropriate in this environmentally sensitive area. Local residents already experience huge amounts of litter; large gatherings of people results in anti-social behaviour with evidence of alcohol and drug abuse. Traffic can become intolerable.

The need to promote a sense of physical and mental well-being has been highlighted by the intense period of the Corona Virus pandemic.

Lesley Griffiths (then Minister for Environment) said "we have seen a greater appreciation of nature during the pandemic and the way in which it underpins our health, our economy and our wider wellbeing ... The Welsh Government is committed to halting and reversing the decline in nature and making sure everyone in Wales can enjoy nature from their doorstep..." The Nature Recovery Action Plan for Wales 'refreshed' for a 'post covid world' aims "to deliver the benefits for biodiversity, species and habitats, avoid negative impacts and maximise our well-being" . We request that our LPA ensures avoidance of 'negative impacts' that these DCWW proposals would

inevitably deliver, as access to quiet enjoyment and appreciation of nature will be denied to visitors during organised events.

The plethora of confusing conditions being suggested will be impossible to enforce and the valuable qualities of this SSSI put in jeopardy.

In April 2018, the United Nations called for 'at least half the world to be more nature friendly to ensure the wellbeing of humanity'; in June 2019 our Welsh Government declared a climate emergency; in April 2021 Wildlife Trusts Wales called for new laws as 'Nature and wildlife is undergoing a mass extinction event'. DCWW's applications seem contrary to the much-stated International, National and local objectives for the future of our planet, in which the preservation of environment and natural habitat is central to our future.

At an EGM in December 2019, Glas Cymru Holdings passed a Special Resolution under Article 2A: The purpose of the company is to provide high quality and better value drinking water and environmental services so as to enhance the well-being of its customers and the communities it serves, both now and for generations to come. Dwr Cymru are in prime position to set standards of excellence, becoming an exemplar in the pursuit and promotion of environmental objectives in Wales.

The WAG Planning Policy Post Covid 19 Recovery (2020) states:

This is once in a generation opportunity for us to reset the clock and think again about the places we want to live, work and play. We need to build a cleaner, greener society ... which respects the environment.

As LPA, we suggest you are in a prime position to seize this opportunity and deliver the 'Nature Based Solutions' called for by our Government.

Your Planning Annual Performance Report (2019-20) section 3.3.7 WELL-BEING PLAN confirms its commitment to

Protect and enhance the resilience of our natural environment whilst mitigating and adapting the impact of climate change.

In considering these applications we suggest both Dwr Cymru Welsh Water and Monmouthshire LPA have opportunity to work together to champion urgent interests of the well-being of our wildlife and human communities, both now and for the future.

A statement by DCWW 's CEO says, "we are developing our visitor attractions as hubs for health and wellbeing..." (03/2021).The plans before you suggest otherwise.

In their Site Events Management Plans DCWW express their "inherent wish to ensure that this development takes place with the full consent and support of the local neighbours and stakeholders"

To be clear the local neighbours neither consent nor support such plans.

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

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

## **6.0 EVALUATION**

### **6.1 Principle of Development**

6.1.1 The application site benefits from planning permission under ref no. DC/2012/00317 and has already been built and is occupied by DCWW.

6.1.2 Condition 7 of the approved permission reads as follows:

The premises shall not be used for the approved purposes outside the times of 9am to 9pm.

6.1.3 In order to ensure the reservoir can become an asset for DCWW and the wider population, an application to amend a similar condition, restricting the opening hours of the adjacent water sports facility, was submitted under ref no. DM/2018/01199. Although the principle of the application was acceptable, a number of objections were received from organisations and individuals to the above application including NRW, Monmouthshire CC Ecologist, Gwent Wildlife Trust, Gwent Ornithological Society, Torfaen Friends of the Earth, the Sailing Club, the Golf Club, Llangybi Community Council, Llanbadoc Community Council, The Ramblers Association, the local Reverend, Torfaen FotE, The Carpenter's Arms, the Coed-y-Paen Residents' Association and local councillors, as well as numerous individual residents. Consequently, the application was

withdrawn by DCWW to ensure that all of the above concerns were fully addressed prior to any variation of the conditions. Since this application was withdrawn, DCWW have undertaken further surveys in relation to ecology and noise to mitigate the above objections to the application.

## **6.2 Sustainability**

### **6.2.1 Good Design**

6.2.1.1 The application does not include any physical changes to the any of the buildings or the wider site. As such, there will be no additional impact on the character and appearance on the surrounding area as a result of this application.

### **6.2.2 Green Infrastructure/Place Making**

6.2.2.2 The area, under DCWW's ownership, comprises a visitor centre and water sports centre, as well as other disused buildings and areas of woodland and grassland. The site is open to the public for recreational use, predominantly for walking and water sports. It is itself considered to be a Green Infrastructure Asset that should be open to the public to enjoy. This ties into the aspirations of PPW11 in relation to Place Making. Places can promote social, economic, environmental and cultural well-being by providing well-connected cohesive communities. Places which are active and social also contribute to the seven goals of the Well-being of Future Generations Act (see 6.11).

## **6.3 Biodiversity**

The proposals are intended to extend the water and land based activities which will by their nature include more people, a wider range of activities and longer duration of activities throughout the day and the year. Land only activities are permitted during the winter months 1st Nov - 28th Feb. The 'closed season' for the SSSI is Oct 1st-February 28th.

The impacts of the proposals are considered to remain the same as previously identified for the s73 application and are predicted to arise from disturbance (noise, visual and lighting) that could impact on the SSSI (overwintering birds), other birds, bats, badgers and otter. Increased noise from vehicles, people and PA systems including music are a particular concern for the key species noted above. The movement of people and vehicles is also a concern with the latter being an issue for road mortality of species such as otter but also badger. Movement of people into restricted areas during the sensitive season is a concern as is the proposal to manage this via the DCWW management plan.

The County Council has received enough information to undertake the Habitats Regulations Assessment. This assessment is required by Regulation 63 of Conservation of Habitats and Species Regulations 2017, before the Council as the 'Competent Authority' under the Regulations can give permission for the project. A Test of Likely Significant Effect (TOLSE) has been undertaken in relation to the River Usk and no significant effect on the Interest Features of the River Usk has been identified.

Severn Estuary European Marine site (SPA, SAC, Ramsar):

Regulation 33 advice for the European Marine Site (EMS) states that some species will use areas of land and coastal waters outside the boundaries of the EMS. The MCC Review of Consents study (JBA, 2013) acknowledges the Zone of Influence to include this location due to use by Bewick's Swan. All species that are listed as reasons for designation of the SPA have been recorded at the reservoir and 8 out of 10 of the water bird assemblage have also been recorded. The submitted screening document has now been updated to include the Severn Estuary (the EclA has not) however, the conclusion is not considered to be precautionary enough in the absence of targeted survey information. Monmouthshire CC has undertaken a Habitats Regulations Assessment TOLSE and concluded that it is 'uncertain' whether there could be a Significant Effect on Interest Features of the EMS. A full Appropriate Assessment (AA) considering winter bird Interest Features has therefore been undertaken. Additional Measures are considered

necessary to protect the Integrity of the Severn Estuary EMS including planning conditions recommended by NRW in relation to implementation of:

- o Noise Impact Assessment on the SSSI by Ricardo Energy and Environment, Revision 1, dated 12 February 2021

- o DCWW - Llandegfedd Visitor Centre - Site Event Management Plan [submitted 16 March 2021] or

- o DCWW - Llandegfedd Water Sports Centre - Site Event Management Plan [submitted 16 March 2021]

- o Ecological Impact Assessment, by Ricardo Energy and Environment, Issue No 5, dated 12 March 2021.

A detailed condition is also required in relation to the monitoring that is referenced in the above documents (see detail below).

It is concluded that the project will not adversely affect the Integrity of the Severn Estuary EMS alone or in combination with any other projects subject to the agreement of the detail of the planning conditions.

Llandegfedd Reservoir SSSI:

SSSIs are of national importance. The Wildlife and Countryside Act 1981, as amended by the Countryside and Rights of Way Act 2000, places a duty on all public bodies, including planning authorities, to take reasonable steps, consistent with the proper exercise of their functions, to further the conservation and enhancement of the features by reason of which a SSSI is of special interest. This is reflected in Planning Policy Wales 10 ... There is a presumption against development likely to damage a SSSI and this presumption should be appropriately reflected in development plans and development management decision.

The site is designated for the overwintering wildfowl that use the water and banks of the reservoir for roosting and feeding. The potentially damaging operations identified in the site citation for the SSSI include recreational activities.

The Council typically refer to NRW advice on proposals in relation to the SSSI, however during the consideration of this application a number of issues need to be addressed before the LPA, can be satisfied that there will not be an impact that will prevent the Council from complying with policy and legislation.

It was unclear from the submission which activities would be undertaken during the closed season, their frequency and the cumulative nature of the activities. The updated EclA clarifies in section 1.1: In line with the current agreement, no water sport activities are to take place on the reservoir, between 1st November and 28th February (except for Sunday during November when sailing in the southern part of the reservoir is permitted). This does not amend the current agreement where no outdoor events will occur between 1st November and 28th February. However, the DCWW management plan for the water sports centre only refers to seasonal control of outdoor events with 'external music', possibly suggesting that other types of outdoor events could proceed during this time. As such, it is important that any consent is carefully conditioned to preclude such activities. This approach has also been suggested by NRW.

In terms of the impact of noise on ecological habitats and protected species, noise impact assessments have been carried out by Ricardo Energy and Environment to assess the concerns that has been expressed about the potential effects of noise arising from the extended hours of use of the visitor centre which is intended to operate as a meeting space and functions venue for internal and external hire, enabling greater use by local residents.

It is acknowledged that there are a lot of bird records for the site however, meaningful survey has not been undertaken to inform the assessment. As such it is considered that there is insufficient information to make an assumption about the use of the reservoir by the key species based on the areas where water-based activities are restricted. There is evidence from noise modelling that disturbance can occur within the SSSI boundary; in the absence of meaningful bird survey work, the assessment on potential impacts and resulting mitigation proposals should be extremely

precautionary with the control of outdoor activities in the winter and monitoring of the impacts of indoor events during the winter secured.

Data and evidence that has been used to inform the application still falls below the minimum that we would expect for a site (for reasons outlined in May and December 2020), particularly a site of national importance i.e. a SSSI. However, the latest submission details a mechanism to allow a form of monitoring in relation to the scheme and the SSSI status. The mitigation (section 5) of the EclA states:

No outdoor events will occur within the closed season (1st November and 28th February) when the SSSI wintering bird population is present. A five-year wintering bird monitoring programme is recommended to monitor the location and behaviour of wintering birds during indoor events between 1st November and 28th February. As part of the planning application a site event management plan has been produced which entails decibel level restrictions along with event management practises. A regular review of the wintering bird monitoring should take place alongside the event management plan.

Should Members be minded to approve the application, a planning condition would be required to control this. No events between 1st November and 28th February should be permitted to take place before this monitoring plan has been agreed in writing by the LPA (in consultation with NRW). It is critical that the results of monitoring are linked to curtailment of operations at the site e.g. reducing the dB trigger for noise limiting devices, reducing the frequency / type of events.

Legally Protected Species:

Badger - a survey has now been provided. Impacts on this species have been screened out on the basis of their ecological importance in legislation. The management plans incorporate triggers to consider mitigation for badger should road fatalities be recorded.

Otter - Reference is made to the likely use of the north of the reservoir by this protected species following otter survey around the water sports and visitor centres. In the absence of an update, the Council's Biodiversity Officer has reviewed otter habitat in the catchment and in the vicinity of the application sites. There are opportunities for otter to maintain north-south movement in the wider catchment, however, there is some potential for increased otter road mortality associated with an increase in vehicle movements. It is noted that the site event management plans refer to monitoring of road mortality in relation to events. This needs to be linked to action if road mortality becomes an issue. A separate planning condition is recommended for this.

Bat Roost - The extended operating hours from 9pm to midnight also has the potential to increase the lighting internally from each building for an extra 3 hours per night. The latest EclA considers the potential impact of three hours of additional artificial lighting specifically for bats and otter. The assessment concludes for bats that there are additional areas of foraging/commuting habitat available and due to the nature of the site, and alternative foraging commuting areas in this high value landscape. It is also worth noting that NRW have not objected to the potential loss of the night roost in the visitor centre as the result of further lighting. It is noted that a new hedgerow has been planted, which is welcomed. An alternative lesser horseshoe location should be offered to ensure there is no net loss of biodiversity, although this is unlikely to be a licensing requirement.

Environment Wales Act 2016 - net benefit for biodiversity:

Planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity. To this end, planning conditions are recommended to control the proposals - particularly limiting winter activities to indoor events only should Members be minded to approve the application.

Net benefit for biodiversity has only been referenced in relation to an unspecified number of bat boxes to go in unspecified location(s). This is not acceptable for the scale of proposal and potential for net benefit that this scheme could offer. A planning condition will therefore be needed to secure enhancements.

## Marquee:

It is understood that DCWW have a certain level of permitted development rights, although it is essential that the use of this outside space is properly assessed and controlled. The EclA now indicates that the location of the marquee will be 'to the right' i.e. south-east of the water sports centre. This area is considered to be less ecologically damaging i.e. to priority habitats such as grassland than the area that it was previously assumed i.e. north-west of the water sports centre.

On balance therefore and only subject to conditions, it is considered that the proposed additional use of the Watersports Centre will not adversely affect the SSSI or Protected Species and meets the requirements of LDP Policy NE1.

## 6.4 Impact on Amenity

Policy EP1 of the LDP relates to Amenity and Environmental Protection advising that proposals that would cause or result in an unacceptable harm to local amenity, health, the character of the countryside or interests of nature conservation, landscape or built heritage due to noise pollution will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk. There are no residential properties within close proximity to the development, with the nearest property being located on the opposite side of the reservoir.

Noise impact assessments have been carried out by Ricardo Energy and Environment to assess the concerns that have been expressed about the potential effects of noise arising from the extended hours of use of the visitor centre which is intended to operate as a meeting space and functions venue for internal and external hire, enabling greater use by local residents. As the nearest residential property is located over 400m from the facility any noise generated from the facility will have a negligible effect on the amenity of any residents. The development is therefore considered to meet the requirements of LDP Policy EP1.

## 6.5 Highways

### 6.5.1 Sustainable Transport Hierarchy

Due to the rural location of the reservoir, there are no public transport links to the site. However, given that the site is mainly for recreational purposes this is not unusual and it has to be accepted that most visitors will access the site using a private motor vehicle.

### 6.5.2 Access / Highway Safety

Vehicular access into the site is from the south via the private road which runs along the periphery of the reservoir. The access road leads past a manned gatehouse and then follows the reservoir edge to the water sports area where there are slipways, mooring and storage facilities and parking areas. The access road is gated and connects with the adopted highway to the south, providing access to Wellfield Close and the identified parking area associated with the reservoir to the east and Sluvad Road to the west. The latter is accessed via the road which runs along the reservoir's dam wall. No changes to the existing access arrangement are proposed as part of this planning application.

This application has the potential to increase vehicular traffic to and from the reservoir, however, this will be negligible when considering the number of vehicular movements associated with the current use of the facilities. MCC Highways did not raise any objections to the previously submitted S73 application and it was agreed that the later opening hours would not cause any detrimental highway impacts. The site gates will continue to be locked at night and site secured with overnight security. On this basis, the application is considered to be compatible with relevant chapters of Planning Policy Wales and LDP Policies S16 and MV1.

### 6.5.3 Parking

A large car parking facility is provided on a plateau, to the south-east of the visitor facility. There is no direct vehicular or pedestrian access to the water's edge from the car park although the public are able to access the grassed and wooded areas above the reservoir. An additional parking area is provided adjacent to the visitor facility's southern elevation. It is considered that this level of parking is adequate for the increased use of the visitor centre.

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

6.6.1 In reviewing the above objections, it is clear the principal concerns to the application include the following:

Impacts on biodiversity, specifically concerns on impact on SSSI status as a result of increased activity, lighting and noise;

Future management of site from environmental perspective;

Increased traffic and insufficient parking provision;

Noise pollution and general increased public nuisance (opening hours etc) from an environmental health perspective;

Displacement of sailing club and type/duration of events proposed - negative impact for water sports users;

Public safety concerns - danger of licensed venue next to open water;

Security concerns (i.e. managing events on site);

Negative impact on rural economy (i.e. other venues in close proximity); and

Negative impact on well-being of local residents.

The potential for 'general increased public nuisance', as was also referred to in the objections to the previous application, is considered to be of low relevance to the determination of this application as the impact of development will be negligible and it is not considered to have any impact from an environmental health perspective. The facility is located within an area which is open to members of the public within the defined opening hours and the building can already be occupied until 9pm. The majority of the additional meetings and activities taking place will be within these defined hours, however, on the few occasions where the centre will need to be occupied for a longer period of time, the impact of development is considered to be very low.

A condition preventing any outdoor events over the winter months will ensure that a precautionary approach has been taken in relation to the population of overwintering birds. Furthermore, restrictions on the number of outdoor events per year and time restrictions on music for both indoor and outdoor events will prevent noise pollution. It is considered that conditions to this effect can be effectively monitored and enforced by the council's Enforcement Team and Environmental Health Team. The SSSI also affords its own protection under separate legislation.

Concerns have also been made with regard to the impact on the rural economy and in particular other venues in close proximity. The nearest venue that offers space that could be used for meetings, functions and events is the Carpenter's Arms in Coed-Y-Paen. Whilst there are therefore overlapping services that each could offer, the two venues are not directly comparable, and both would offer various other services and functions that the other does not. Planning Policy Wales (Edition 11) also makes it clear that it is not the role of the planning system to restrict competition.

It is recognised that the Carpenter's Arms, as well as other such facilities in the wider rural area, provide an essential element in promoting the quality of life in, and sustainability of, local communities.

The proposal does not sit neatly within a specific policy within the adopted LDP, with community facilities policies (e.g. CRF1) seeking to retain existing facilities for communities rather than other sites providing some comparable services. Notwithstanding this having regard to the limits on events, particularly those outdoors, that would be secured through the conditions set out in Section 7 below it is not considered that the proposal would adversely impact upon the rural economy or

existing community facilities – most of which would not have such restrictions on events as are proposed in this instance.

In terms of safety of people under the influence of alcohol and during the hours of darkness being near the water, this would be a Health and Safety issue that would be managed by the operator. It may also be considered in any licencing application.

It is unlikely that the increased use would have an impact on water sports users as the two activities would not overlap. For example, the equipment stores and changing areas would not be used for corporate events or weddings.

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

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

## **6.10 Conclusion**

6.10.1 Subject to the conditions listed below, it is considered that the increase in use of the visitor centre is in accordance with national and local planning policies and will not harm local residents or the SSSI.

## **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 There shall be no outdoor events between 1st November and 28th February in the succeeding year.

REASON: To safeguard the overwintering bird interest of the Site of Special Scientific Interest.

4 No indoor events between 1st November and 28th February in the succeeding year will be permitted until a wintering bird monitoring programme has been submitted to and agreed in writing by the LPA. The monitoring programme shall detail an implementation timetable, methodology to monitor the location and behaviour of wintering birds during indoor events and must include the following:

- a) Methodologies for undertaking the bird monitoring over a five year period
- b) Noise monitoring methodologies
- c) Identification of early warning triggers for remedial actions if detrimental impacts are identified
- d) Mechanisms to secure remedial actions and a commitment to suspend events if necessary
- e) Persons responsible and lines of communication

- f) Reporting arrangements to the LPA and NRW including a timetable capable of being rolled over for the duration of the monitoring
- g) Review periods for monitoring methods and programme duration

The monitoring must be undertaken by an appropriately experienced ecologist that is not directly employed by DCWW. The approved monitoring programme shall be implemented in accordance with the approved timetable and managed as such in perpetuity.

REASON: To safeguard the overwintering bird interest of the Site of Special Scientific Interest.

5 Within 3 months of the approval of this application, a scheme for the monitoring of Sluvad Road within 800m of the site entrance gate for evidence of Otter or Badger mortality shall be submitted to the LPA. The scheme shall include methods including recording and reporting mechanisms. In the event that any mortality is discovered it will be recorded and reported to Monmouthshire County Council Ecology Officer. The scheme shall include details of thresholds for when remedial measures shall be agreed with the LPA and shall also include an implementation timetable. The approved scheme shall be implemented in accordance with the approved timetable and managed as such in perpetuity.

REASON: To safeguard species of conservation concern.

6 Within 3 months of the approval of this application, a plan of Ecological Enhancement shall be submitted which provides biodiversity net benefit at the site shall be submitted to an approved in writing by the Local Planning Authority. The scheme shall include future management and an implementation timetable. The enhancements shall be implemented in accordance with the approved timetable and managed as such in perpetuity.

REASON: To provide ecological net benefit on the site as required in Planning Policy Wales Edition 11.

7 The increased use of the Watersports Centre shall be in strict accordance with the avoidance & mitigation measures detailed in the following documents:

- i) Noise Impact Assessment on the SSSI by Ricardo Energy and Environment, Revision 1, dated 12 February 2021
- ii) DCWW - Llandegfedd Water Sports Centre - Site Event Management Plan [submitted 16 March 2021]
- iii) Ecological Impact Assessment, by Ricardo Energy and Environment, Issue No 5, dated 12 March 2021.

Reason: to safeguard the overwintering bird interest of the Site of Special Scientific Interest

8 Outdoor events shall be limited to 12 in any calendar year and shall finish, including the use of amplified recorded music and PA systems no later than 17.00. Any such events shall not begin before 09.00.

REASON: To safeguard the overwintering bird interest of the Site of Special Scientific Interest and local residential amenity in accordance with LPD Policy EP1.

9 All indoor events, including any amplified recorded/live music shall finish no later than 23.00. Any such events shall not begin before 09.00

REASON: To safeguard the overwintering bird interest of the Site of Special Scientific Interest and local residential amenity in accordance with LPD Policy EP1.

10 All parking associated with events to be held at the water sports centre shall be limited to existing designated parking areas only. No temporary parking areas shall be created.

REASON: To prevent encroachment of parking during events onto priority habitats and habitats used by wintering birds.

11 The extended hours, permitted by this planning permission, shall not be commenced until a scheme for external lighting has been submitted to and agreed in writing by the Local Planning Authority. Internal and external lighting shall be designed to minimise light spill and ensure that no light spills onto the water of the reservoir or into existing trees adjacent to the proposed site. The external lighting of the development and measures to avoid light spill from the building itself shall be carried out and maintained in accordance with the approved scheme which shall include provision for the lighting scheme to be monitored during the first 12 months of its use and for such modification as may be required to be submitted for the prior written approval of the Local Planning Authority and thereafter implemented and maintained in perpetuity.

REASON: To protect the interests of ecology including protected species and in the interest of safeguarding the features of Llandegfedd Reservoir SSSI.

## **INFORMATIVES**

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