Application Number:	DM/2020/00762
Proposal:	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
Address:	Visitor Centre, Llandegfedd Visitor Centre, Croes-gweddyn Road, Coed-y-Paen, Monmouthshire
Applicant:	Mr Mark Davies
Plans:	Bat Survey Ecological Impact Assessment - Version 5, Other Otter Report - , Location Plan Site Location Plan

RECOMMENDATION: APPROVE

Case Officer: Ms Kate Bingham
Date Valid: 13.07.2020

1.0 APPLICATION DETAILS

1.1 Site Description

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 the Llandegfedd Reservoir 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 to grow the water and land-based activities at the site for all users under Dwr Cymru Welsh Water's strategy for health and wellbeing in conjunction with Welsh Government.

The site is situated on the eastern side of the Llandegfedd Reservoir. The reservoir sits at an approximate elevation of 80m and comprises 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 designated as a Site of Special Scientific Interest (SSSI) of importance for its wintering bird population and the area around the reservoir includes grassland, important for feeding and roosting wildfowl, woodland and scrub.

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

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.

The site is currently occupied by the two-storey visitor centre and associated landscaping. The building itself measures 550m2 and sits within the wider site which benefits from a number of full planning permissions for various reservoir-related uses. The topography slopes gradually from east-to-west down towards the reservoir.

1.2 Value Added

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.

Over-wintering bird surveys undertaken in 2021/22 were submitted to inform the application.

Proposals to hold events with external music have been removed from the management plans in response to concern regarding local residential amenity and impact on the SSSI.

1.3 Proposal Description

The visitor centre currently benefits from planning permission under ref no. DC/2012/00442 for a 'Proposed visitor centre incorporating café and exhibition space, ranger offices and facilities for anglers'. Condition 7 of the approved permission reads 'The premises shall not be used for the approved purposes outside the times of 7:30am to 9:00pm.'

It is proposed under this application to increase the use of the visitor centre 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.

Currently the Visitor Centre operates as a first point of information for visitors to site - offering a Grab and Go coffee shop facility which also acts as a point for enquiries, bookings and issue of permits for fishing, hire of boats etc. In addition, the building houses the Waterside Café facility with over 100 covers both inside and outside on the wrap around balcony. The café offers hot and cold food and drinks. In addition, management and administrative staff are housed in the building as well as storage and welfare facilities. The café facilities are open to the public at the same times as the current site opening hours. These uses are all listed under approved permission DC/2012/00442.

In addition to maintaining and growing the activities described above, it would be intended that the extension of the use would allow for the exclusive hire of the Café and Grab and Go areas outside the normal hours of operation of the site (Currently 9am - 6pm). This would allow for the hire of these spaces for a range of meetings, functions and similar activities such as those 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.
- Organised events and displays.

It is also proposed that the balcony of the Visitor Centre is used as an overspill area in conjunction with the use of the meeting facilities. The terrace would not be accessible for functions after 11pm and there would be no live or recorded music in outdoor areas.

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.

There is a concurrent application to also extend the use of the Watersports Centre submitted under planning application no. DM/2020/00763. The visitor centre and water sports facilities would be used independently throughout the year and for the majority of events, although they could be used concurrently should a larger event be required to use the entire reservoir site, although this is likely to be infrequent.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2018/01199	Variation of condition No. 6 and No. 7 of planning permission DC/2012/00317.	Withdrawn	03.06.2019
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/2020/00763	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/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
DC/2013/00996	Discharge of condition 3, 6 and 9 of application DC/2012/00442	Split Decision	26.01.2015
DC/2012/00442	Proposed visitor centre incorporating cafe and exhibition space, ranger offices and facilities for anglers.	Approved	03.10.2012
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

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

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
MV1 LDP Proposed Developments and Highway Considerations
DES1 LDP General Design 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 – *Initial comments.*
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.

Further comments from Torfaen CBC's Ecology Officer following submission of over-wintering bird surveys:

Whilst I acknowledge the report as a useful contribution to our understanding of the growing anthropogenic disturbance at this Site of Special Scientific Interest (SSSI) its limitations as set out

in section 1.5 are, in my opinion, significant enough to question whether it satisfies the requirements of Planning Policy Wales Edition 11 2021 section 6.4 Biodiversity and Ecological Networks.

It is noted that three survey visits 27th October 7th and 28th March were disrupted by water sports activities and that the prevailing weather conditions on five (5) other dates also limited the collection of data. So, in total eight (8) out of the 11 visits were identified as having limitations. I am therefore surprised that, a) water- based activities were not suspended during survey sessions to ensure disturbance was minimised, and b) where disturbance and weather conditions were influencing factors why replacement survey dates were not considered. For this reason alone, I am concerned that the Wintering Bird Survey lacks the scientific rigor necessary to adequately inform a planning proposal on or adjacent to a SSSI and therefore doesn't meet the requirements of PPW regarding the protection of a nationally important site. Section 6.4.14 of PPW:

Statutory designation of a site does not necessarily prohibit development, but proposals *must be carefully assessed* (my emphasis) to ensure that effect on those nature conservation interests which the designation is intended to protect are clearly understood; development should be refused where there are adverse impacts on the features for which a site has been designated. International and national responsibilities and obligations for conservation should be fully met, and, consistent with the objectives of the designation, statutorily designated sites protected from damage and deterioration (my emphasis) with their important features conserved and enhanced by appropriate management.

I am concerned that any recommendation to approve planning consent based on the conclusions of the Wintering Bird Report and the poor ecological enhancement proposals will fail to meet the terms of planning policy. Including:

o Due to its limitations the Wintering Bird Report is unreliable and therefore insufficient to address the impacts on a site that must be regarded as stepping stone feature for Severn Estuary SPA/Ramsar site.

o Due to its limitations the Wintering Bird Report is unreliable are therefore fails to satisfy the requirements of Planning Policy Wales regarding potential cumulative impacts on a nationally important SSSI.

o The enhancement proposals are of insufficient detail to satisfy the step-wise approach to maintaining and enhancing biodiversity as set out in para 6.4.21 of Planning Policy Wales. Can the applicant clearly demonstrate that the step-wise approach has been applied to this proposal?

o Is the planning authority satisfied that this proposal meets all the aspects of the public bodies' biodiversity and resilience of ecosystems duty as set out in section 6 of the Environment (Wales) Act 2016 and reiterated in section 6.4.5 of Planning Policy Wales?

Finally, for the reasons set out above I wish to maintain my holding objection.

Llanbadoc Community Council - Recommend refusal. The council maintains its previous objections.

Llangybi Fawr Community Council - Object. 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.

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.

Further comments received following the submission of over wintering bird surveys:

The attempt by DCWW to vary the conditions of operation of the Visitors' Centre has been through several iterations, and each time Llangybi Fawr CC has objected on various grounds. We repeat them below for information. The reservoir is a tranquil and beautiful rural location and provides a recreational venue where young and old can learn and practice a range of water-based skills or merely walk or relax in the beauty of the surroundings. Condition 7 was imposed in order to control the use of the facility by restricting its hours of opening and only for the uses specified. The reason given for this restriction was "to ensure that no alternative use is made of the premises that is likely to be a nuisance to local residents." In our view, this application fails to meet the requirements of the following LDP Policies:

NE1 Nature Conservation and Development
EP1 Amenity and Environment Protection
EP3 Lighting]
DES2 Areas of Amenity Importance

Llandegfedd Reservoir is an SSSI because of importance inter alia as an overwintering site for waterfowl including species under threat. Policy NE1 requires that development proposals that would have a significant adverse effect on a locally designated site of biodiversity and / or geological importance, or a site that satisfies the relevant designation criteria, or on the continued viability of priority habitats and species, as identified in the UK or Local Biodiversity Action Plans or Section 42 list of species and habitats of importance for conservation of biological diversity in Wales, will only be permitted where: a) the need for the development clearly outweighs the nature conservation or geological importance of the site; and b) it can be demonstrated that the development cannot reasonably be located elsewhere.

The proposal to hold weddings and parties at the site, especially outside the hours of daylight with music indoors and outside would have a severe detrimental effect on the site as a tranquil location for the waterfowl and other fauna such as badgers and otters which are known to frequent the site.

Policy EP1 seeks to prevent development proposals that would result in unacceptable risk or harm due to air, light, noise or water pollution, contamination or land instability. The policy requires that any development should have regard to the privacy, amenity and health of occupiers of neighbouring properties. More specifically the policy requires that any development proposals that would cause or result in an unacceptable risk /harm to local amenity, health, the character /quality of the countryside or interests of nature conservation, landscape or built heritage importance due to the following will not be permitted, unless it can be demonstrated that measures can be taken to overcome any significant risk including light pollution, noise pollution, and any identified risk to public health or safety. Llandegfedd Reservoir is located in a quiet rural location and as such is a popular venue for those seeking quiet and tranquillity. It is difficult to envisage how events under the proposed new use of the centre, e.g. weddings and parties of all descriptions, could take place without causing light and noise pollution to the detriment of local residents and visitors. There would be additional traffic on our quiet and narrow country roads, especially possibly very late at night.

Policy EP3 emphasises the importance of minimising the intrusiveness of any external lighting. Very stringent requirements were imposed in the approval of the original application, regarding light spill onto the water. Because of the restricted hours of operation in condition 6, little or no exterior lighting was required. Events taking place later than the current 9.00 pm deadline will require significant additional exterior lighting at the waterfront as well as the carpark and footpath down the hillside. In addition, such events held with the provision of alcohol, present a significant health and safety risk to those attending, considering the proximity of a deepwater facility and the presence of watersports equipment.

DES2 relates to areas of amenity importance and specifies conditions under which development proposals may be permitted. DES2(a) requires that there is no unacceptable adverse effect on the visual and environmental amenity of the area. Events of the nature proposed with their attendant noise and potential light pollution would have a severe detrimental effect on the amenity of the site and surrounding area. DES2(c) requires that there is no unacceptable adverse effect on the role of the area as a venue for formal and informal sport, general recreation and as community space, expressed in terms of actual usage and facilities available. The current proposal, by definition, in denying watersports users exclusive access to the centre, will have a detrimental effect on the site as a venue for sport. The site currently provides a range of learning courses for all, especially youngsters, teaching valuable skills about various watercraft and also how to stay safe on and in the water. Any curtailment of these facilities would be a significant loss.

Lastly, DES2(e) is concerned with the nature conservation interest of the area, through damage to, or the loss of, important habitats or natural features (Policy NE1 applies). We have already explained our concerns regarding this development proposal under Policy NE1 above.

Since the permission for the construction of the building was granted in 2012, the Wales Government has passed the Well Being of Future Wales Act. We question whether the current proposals set out by DCWW meet the Act’s requirements for a healthier Wales and a more globally responsible Wales especially having regard to the threats to the fauna of this site which plays a crucial role in preserving the biodiversity of our beautiful county.

Finally having read the several management plans it is not clear that there is any commitment to ensure that functions will be policed sufficiently to intervene when events might get out of hand. By the time action is taken, local residents may be severely inconvenienced and irreparable damage may be done in terms of bird disturbance of this critical SSSI. For these reasons we urge that this application should be refused.

Natural Resources Wales (NRW) –

18/10/22 – We note that the undated Site Event Management Plan, has been updated and is now titled Visitor Centre Management Plan, dated 13th July on Monmouthshire Planning Portal. We are satisfied with the details in the plan and advise that the updated plan is included in the approved plans and documents condition on the decision notice. In summary our advice is that we continue to have concerns with the application as submitted. However, we are satisfied that these concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:

• Noise Impact Assessment on the SSSI by Ricardo Energy and Environment, Revision 1, dated 12 February 2021
• Visitor Centre Management plan -Updated version, dated 13th July on Monmouthshire Planning Portal
• Ecological Impact Assessment, by Ricardo Energy and Environment, Issue No 5, dated 12 March 2021.
• Ecological Impact Assessment (EcIA), prepared by Ricardo Ecology & Environment ED12587100, Issue Number 5, Date 12 March 2021.

Please note, without the inclusion of these documents we would object to this planning application.

20/06/22 - We are satisfied that concerns can be overcome if the documents identified below are included in the approved plans and documents condition on the decision notice:
• Noise Impact Assessment on the SSSI by Ricardo Energy and Environment, Revision 1, dated 12 February 2021
• Site Event Management Plan – Visitors Centre – undated
• Ecological Impact Assessment, by Ricardo Energy and Environment, Issue No 5, dated 12 March 2021.
• Ecological Impact Assessment (EcIA), prepared by Ricardo Ecology & Environment ED12587100, Issue Number 5, Date 12 March 2021

Please note, without the inclusion of these documents we would object to this planning application.

<u>Impacts on Llandegfedd Reservoir Site of Special Scientific Interest (SSSI)</u>

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.

We have reviewed the additional information submitted in support of the application: the Wintering Bird Survey Report, by Ricardo, reference ED15876, dated 14/4/22. We welcome the survey work to provide a baseline for the sound/disturbance survey and overall, we agree with its conclusions. However, we note the relatively small number of birds present during the surveys near the Visitor and Water sports Centres – e.g. the 11% of coot being disturbed being from a sample of nine coots. Given that waterfowl numbers can vary at the site, we concur with the aims of the condition as set out in the Appropriate Assessment dated 7 May 2021 for an adaptive management approach to safeguard overwintering birds and we continue to request the conditions set out in our letter of 26 April 2021 CAS-141780-J8J5 be included on any permission your Authority is minded to grant. We consider that damage to the features for which Llandegfedd Reservoir SSSI is of special interest can be avoided if the proposed mitigation measures, as set out in the documents to be conditioned, are implemented. Should you be minded to grant permission for the above planning application without attaching such conditions as described above to the permission, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).

<u>Habitats Regulations Assessment (HRA)</u>

We acknowledge receipt of an updated HRA dated 16/6/22 which we received on 20 June 2022. We will provide comments on the updated HRA in due course.

Our advice in relation to Bats remains as set out in our letter of 26 April 2021 reference CAS-141780-J8J5.

20/07/22 - We agree with the conclusion of the Test of Likely Significant Effect that there is no evidence that there shall be a significant effect on Interest Features of the River Usk Special Area of Conservation (SAC) either alone or in combination with other plans and/or projects.

We note the Appropriate Assessment (AA) for the Severn Estuary European Marine Site (SPA and Ramsar) has concluded that adverse effects can be avoided or overcome by implementation of the planning conditions referenced in Section 5.2.

Although we did not request the condition under section 5.2.2 commencing "No indoor events between 1st November and 28th February will be permitted until a wintering bird monitoring programme", we recommend that wording of bullet point (d) of this condition is amended to "Mechanisms to secure remedial actions and a commitment to suspend events if necessary (or similar).

We also advise that the conditions' 'reason' should include "to avoid impacts on the Severn Estuary European Marine Site/features", in order to highlight which measures/conditions are being used to secure "no adverse impacts".
In summary, we agree with the conclusions of the AA that the proposal is not likely to adversely affect the integrity of the Severn Estuary European Marine Site.

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 (EcIA), 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.

26/04/21 - 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 note the recommendations set out in the above reports to reduce impacts on the features of the SSSI. In particular, proposed mitigation measures set out in the Site Event Management Plan regarding noise reduction methods including the commitment for management controls throughout all events involving music to ensure that whilst access through the sliding doors onto the balcony may be allowed these doors will remain closed at all times, management of visitors, restricted areas; site staff supervising of events and functions; ensuring areas remain free from disturbances and additional signage and barriers etc.

Therefore, we recommend that planning permission should only be granted if the following submitted documents are included within the scope of the condition, identifying the approved plans and documents on the decision notice:
• Noise Impact Assessment on the SSSI by Ricardo Energy and Environment, Revision 1, dated 12 February 2021

• Site Event Management Plan – Visitors Centre – undated
• Ecological Impact Assessment, by Ricardo Energy and Environment, Issue No 5, dated 12 March 2021.

Should you be minded to grant permission for the above planning application without attaching such conditions as described above to the permission, we ask that you notify us under the provisions contained in Section 28I of the Wildlife and Countryside Act 1981 (as amended).

European Protected Species (Bats)

We note from the EcIA 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 EcIA 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 (EcIA), prepared by Ricardo Ecology & Environment ED12587100, Issue Number 5, Date 12 March 2021 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 on 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 – No objections subject to conditions.

25/04/22 - Llandegfedd Reservoir Site of Special Scientific Interest (SSSI)

The following comments follow previous comments provided an MCC Biodiversity and Ecology Officer on 14/12/2020 and 04/05/2021 with relation to the applications DM/2020/00762 & DM/2020/00763.

A Wintering Bird Survey report by Ricardo Energy & Environment (dated April 2022) has been submitted to inform the application. The report details the findings of wintering bird surveys and noise disturbance surveys undertaken between October 2021 and March 2022.

Wintering Bird Surveys

A total of 10 wintering bird surveys were undertaken between October 2021 and March 2022. Although it had been previously requested that two wintering bird surveys per month were undertaken, during both October and December 2022 only a single survey was undertaken. No

explanation is provided in Section 1.5 – Limitations for the missing surveys during these months, or for why there was no attempt to account for these surveys elsewhere.

The limitations included in Section 1.5. of the submitted report detail occasions of disturbance encountered during surveys as a result of watersport activities and fishermen. Whilst it is regrettable that water-based activities were not halted for the duration of the surveys, we acknowledge that they are representative of the baseline conditions at the site as a result of the current management. Further limitations with regards to the weather conditions have also been acknowledged. Given the length of the surveys, more detailed weather data (hourly recordings) should have been provided in the appendices in order to assess whether such poor weather intervals were detrimental to the overall results of the survey.

The survey methodology is based on a modified BTO Wetland Bird Survey (WeBS) core count methodology. All surveys starting an hour prior to dawn (with one exception on 08/02/2022 which was timed to coincide with dusk) and had a survey duration of four hours. Such survey timings are deemed appropriate in order to pick up any pre-dawn roost movements that may have occurred between Llandegfedd and other sites such as the Severn Estuary EMS, although a greater number of dusk surveys would have been preferred to account for later behavioural activity.

It is noted that the location of the hide for surveying the northern section of the reservoir changed from the Bert Hamar Hide in November 2021 to Pettingale Hide in January 2022, which may have resulted in some discrepancies in survey data due to the differing viewsheds (no viewshed analysis has been provided as part of the report). Following discussion with MCC in December 2021, it was agreed that solely the Pettingale Hide would be used for surveys in order to ensure that the results provided a higher degree of consistency. We agree that the two chosen locations represent the best positions to achieve maximum visibility with the minimum number of vantage points. We are comfortable that the two vantage points are sufficient for accurately recording behaviour and activity levels on the main body of Llandegfedd Reservoir.

The results of the desk study detail peak count data collected from previous WeBS surveys. Compared against the data collected from the 2021/22 surveys, it would appear to be a relatively low year for some of the species associated with the Llandegfedd SSSI and Severn Estuary EMS, including wigeon (7) and teal (21). On the other hand, numbers of other species appear to be comparatively similar to peak counts of previous winter periods including mallard (202), tufted duck (41), shelduck (2), goosander (2) and pintail (1).

Historical data would appear to confirm that the 2021/22 season was a low year for overwintering wigeon and teal. The Birds of Gwent (2008) describes Llandegfedd Reservoir as ‘the major site for [wigeon] in the county’, with exceptionally high counts occurring during periods of severe winter weather. However, historical data also notes that numbers of wigeon have declined since 1986/87 with peak counts now regularly well below 700. Historical average peak counts of teal tended to fluctuate around 300 birds between 1974 and 2004.

The site was previously the most important site in Gwent for overwintering pochard, but historical data show that peak counts have been in decline since the early 1970s, and now are only recorded on a sporadic basis. This is consistent with the survey findings.

Whilst the results appear mostly typical of a winter season on Llandegfedd reservoir over the previous five years, low numbers of wigeon and teal mean that there remains a degree of uncertainty regarding the impacts of the proposals on species of both the Llandegfedd SSSI and Severn Estuary EMS.

Noise Disturbance Surveys

As part of the scheme of wintering bird surveys, three noise disturbance surveys were undertaken to assess the impact of differing noise levels on birds using Llandegfedd reservoir SSSI. Section 2.2.2. of the submitted report details a bespoke methodology which involves recording responses of birds within the southern area of the reservoir to noise levels of 60 decibels (db), 80db and

100db played from the watersports centre. The methodology has been informed by the previous noise assessment by Ricardo Energy and Environment.

The surveys found an increase in behavioural responses during periods where music was played at 100db, with flocks of mallards (an interest feature of Llandegfedd reservoir SSSI) moving away from the watersports centre. Some behavioural responses were noted in mallards at 80db located within a 90m buffer of the watersports centre. Ricardo concludes that based on the peak counts of waterfowl and number of birds observed making behavioural changes in response to noise stimuli '…it is not anticipated that elevated noise levels (up to 100dB) and the proposed modifications to planning conditions will result in significant impacts on waterfowl abundance at Llandegfedd reservoir.'

We acknowledge that the sample level for the surveys is low, with noise assessments undertaken on only three dates. In order to improve the robustness of the survey data, a survey schedule encompassing the entire winter period would have been preferred. The failure of the submitted Wintering Bird report to draw upon any previous noise disturbance research to back up the assessment (and ultimately the conclusions) of the report undermines their reliability. For example, different species of bird have different tolerance thresholds to noise disturbance but there appears to have been no attempt to differentiate how the response of qualifying species may differ in response to noise disturbance. In order to accurately draw conclusions from the noise disturbance surveys, the report should have included a literature review drawing together existing ornithological research of noise disturbance on waterfowl species.

Nevertheless, despite the low sample level, the submitted noise assessment provides evidence that birds within 200m of the noise source are susceptible to disturbance at decibel levels higher than 80db, and that qualifying species of the SSSI (mallard) are known to use the area close to the watersports and visitor centres, albeit in low numbers.

Conclusion

It is acknowledged that elements of the survey methodology and reporting mean that there remain elements of doubt with regards to robustness of the submitted survey data. Nevertheless, despite such inadequacies, with the imposition of strict management limitations that include no outdoor activities throughout the main overwintering period (November – February), the application is not deemed likely to have an adverse impact on features of the Llandegfedd Reservoir SSSI.

Severn Estuary European Marine Site (SPA, SAC, Ramsar)

The Severn Estuary European Marine Site is located approximately 17km from the site. Due to potential impacts on features of the protected sites, specifically waterfowl assemblages, the application has been subjected to an Appropriate Assessment to test any likely significant effects on the features in question. Any application should only be approved subject to an AA concluding that features of the Severn Estuary SPA will not be adversely affected by the development.

River Usk (SAC)

The River Usk SAC is 7.5km from the site. The likelihood of a significant effect on features of the SAC was assessed and screened out via the HRA process.

Biodiversity Net Benefit

Planning Policy Wales (PPW) 11 sets out that "planning authorities must seek to maintain and enhance biodiversity in the exercise of their functions. This means that development should not cause any significant loss of habitats or populations of species, locally or nationally and must provide a net benefit for biodiversity" (para 6.4.5 refers). This policy and subsequent policies in Chapter 6 of PPW 11 respond to the Section 6 Duty of the Environment (Wales) Act 2016.

The currently submitted enhancement plan is insufficient for the purposes of this application. There is a lack of detail with regards to the proposed 'new grass cutting programme' with neither the

management prescriptions, aims or location provided. Whilst promoting the growth of meadows at the site is tentatively welcomed, relying on a grass cutting programme to deter walkers seems only likely to be of use in the peak summer months. The installation of physical barriers to prevent access to the waterbody and meadow habitats would seem a far more effective solution, and potentially work to reduce disturbance of waterfowl during the overwintering period for which the SSSI is designated.

Other habitat measures to offer feeding/sheltering habitat for overwintering wildfowl would be highly encouraged.

Canada geese are an invasive species that has become established in much of the UK. Whilst we do not oppose measures to encourage nesting behaviour at the site, we do not view this as a biodiversity enhancement feature.

Whilst the work to remove areas of overgrown willow as part of the applicant's responsibility to maintain the SSSI is welcomed, this is currently ongoing work and part of the landowner's responsibility for the managing the SSSI. Therefore, we do not consider this as a biodiversity enhancement feature.

No details including numbers, specification or location of the proposed bird and bat boxes have been provided. Bird boxes should be targeted at specific species likely to benefit from increased nesting provision, particularly species known to be declining locally or nationally, and listed on the Birds of Conservation Concern Red/Amber lists. It is understood that existing nesting provision at the northern end of the reservoir have fallen into disrepair and replacing these nesting locations would be welcomed. Such proposals should include details of ongoing monitoring and maintenance.

Consequently, in order to meet the requirements of PPW 11, we require an Ecological Enhancement Plan to be submitted which includes a map detailing the location of the proposed enhancement measures. Furthermore, details including management prescriptions, aims and targeted species should be included

04/05/21 - Previous objections were made against the DM/2020/00035 and 00036 section 73 applications (applications now withdrawn). Comment was made (objection) in December 2020 relating to the planning applications DM/2020/00762 and 00763 following the submission of further information. Additional information was provided in March 2021 and has been reviewed.

<u>Potential impacts of the proposals on ecology</u>

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 being 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.

<u>Car parking</u>

The comment log submitted with the application notes that there will not be an extension/change to car parking arrangements. I recommend that we use a planning condition to control this to prevent any degradation of surrounding habitats and increased vehicle movements.

Conservation of Habitats and Species Regulations 2017 (as amended) River Usk (SAC)

The Reservoir sits on the Sor Brook which is a tributary of the River Usk (7.5km). The HRA screening document provided with the application was previously updated to remove erroneous information referencing saltmarsh etc. however, this seems to have been re-incorporated into the latest version. Notwithstanding this, Monmouthshire County Council has 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 EcIA 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 considered necessary to protect the Integrity of the Severn Estuary EMS include planning conditions recommended by NRW in relation to implementation of :

• Noise Impact Assessment on the SSSI by Ricardo Energy and Environment, Revision 1, dated 12 February 2021
• DCWW – Llandegfedd Visitor Centre – Site Event Management Plan [submitted 16 March 2021] or
• DCWW – Llandegfedd Water Sports Centre – Site Event Management Plan [submitted 16 March 2021]
• 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.

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.

As previously stated, we 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 we, as the LPA, can be satisfied that there will not be an impact that will prevent us from complying with policy and legislation. Therefore, I have made further comment on matters relating to the SSSI in the detailed objection prepared in May and December 2020.

The scheme proposal I had previously commented that 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 Ecological Impact Assessment (EcIA) 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 EcIA is not to amend the current agreement and 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.

Seeking clarification via email dated 15/04/2021, DCWW (via Asbri) state that: If outdoor events include things like Christmas Fayre or bird of prey displays then yes we will be conducting events in the winter but without PA or music.

Therefore, there is some discrepancy between the ecological assessment, which makes the assumption that there will be no outdoor winter events, and the management plan with little clarity provided in personal communication.

NRW have advised controlling all outdoor events associated with the water sports centre during the winter months via a planning condition. I support this approach to preclude all outdoor activities at this sensitive time.

<u>Survey and Assessment</u>

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 previously stated, it is insufficient 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.

We still do not have any targeted survey relating to the use of the area near to the buildings that could be disturbed by events that previously would not have been permitted. 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 EcIA 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.

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.

DCWW Event Management Plans

As previously noted, in order to ensure that we are complying with policy and legislation, Monmouthshire County Council needs to carefully consider whether the management plans for the Visitor Centre and Water Sports Centre are enforceable documents that we will be able to monitor and respond to breaches of, to prevent impacts on the SSSI. I still have concerns about the enforceability of the management plan as submitted, including management of the risks to key species. Therefore, specific planning condition relating to outdoor events during the winter and monitoring of indoor events will be required.

Clarification of the control on outdoor events (i.e. there will be none), the inclusion of noise limiting devices and a commitment to not allow fireworks are welcomed. However, further controls relating to outdoor events at the water sports centre and the monitoring of the effects of indoor events will need to be secured by standalone planning conditions.

In-combination and Cumulative impacts of development The cumulative impact of events in both the water sports centre and the visitor centre has been referenced in the EcIA. It is considered that this should also be considered by the monitoring of indoor events.

Legally Protected Species

Badger - 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 following my earlier comments (dated December 2020), I have 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 - 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. The submitted ‘comment log’ states that this was to be addressed and yet it hasn’t been updated.

The EcIA considers the potential impact of three hours of additional artificial lighting specifically for bats and otter. However, the DCWW management plans indicate that the proposals include an extension of opening hours from 6am until midnight i.e. an extra 6 hours. The comment log refers to an update of the EcIA to reflect the extent of the lighting proposals however, this doesn’t appear to be the case. Notwithstanding this, the assessment concludes for bats that there are additional areas of foraging / commuting habitat. Due to the nature of the site, and alternative foraging commuting areas in this high value landscape, I do not disagree with this conclusion.

Priority Habitats & Species - Section 7 Environment Wales Act 2016 Species

A number of the key species identified at the site are listed on Section 7 and are therefore pertinent to the Environment (Wales) Act.

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. The information provided with the submission does not give confidence that an approval of this proposal would not cause significant impacts on populations of species. As discussed in detail above, planning conditions are recommended to control the proposals particularly limiting winter activities to indoor events only.

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.

Monmouthshire Local Development Plan Policy NE1

Policy NE1 relates only to local designations whilst referring to national policy (i.e. PPW 11 and TAN5) in relation to the tiered approach to statutory designated sites including SSSIs. The proposals will only meet policy NE1 if it can be demonstrated that the benefit of the development outweighs the harm to the local nature conservation value, that development cannot reasonably be located elsewhere and that adequate mitigation, compensation and enhancement are in place. There are no local designations relevant to the scheme and no Section 7 habitats are predicted to be detrimentally affected. However, Section 7 species could be detrimentally affected including species of bird that may be disturbed by the increased activity at the site. Critical times for such species, including during the winter, must therefore be controlled by use of a planning condition. Enhancements are expected to be incorporated, again via planning condition.

13/10/22 - Further comments on committee report conclusions:

We agree with the conclusions relating to biodiversity which can effectively be summarised as the following:

- There are a number of acknowledged inadequacies with the methodology for both the wintering bird surveys and noise disturbance surveys
- Nevertheless, with the inclusion of conditions ensuring no outdoor activities are permitted throughout the main overwintering period (1st Nov – 28th Feb) and the provision of a robust monitoring programme, negative impacts on features of the SSSI or Severn Estuary EMS can be appropriately mitigated
- A risk to increased badger and otter mortality via increased vehicular traffic has been identified, and a monitoring scheme will be secured via condition
- The application currently does not comply with PPW11 as it does not demonstrate biodiversity net benefit. The current enhancement plan is insufficient, for various reasons laid out in the report, and no updates to the plan have been received. However, a pre-commencement condition ensuring an ecological enhancement plan will need to be submitted to and agreed by the LPA should allow us to secure this.

In my opinion, a condition restricting concurrent events to no more than two would be welcomed on the basis of controlling potential impacts caused by excess vehicular traffic, as concerns have previously been identified as to the impacts on badgers and otters, with potential for increased mortality.

MCC Environmental Health - We have reviewed the above application and the additional information supplied. We 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 previous comments.

We also note that the applicant has added a fourth receptor as discussed and has increased the monitoring time later into the evening. We 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 we 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 water sports 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.

SEWBReC 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 wellbeing 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.

Response to re-consultation following the submission of over-wintering bird surveys (NB. All previous objections still relevant):

- Wholly incomplete, inadequate and an incompetent study of such a recognised and registered site of special scientific interest (in this context) of over wintering birds.
- The MCC Planning Officers et al would do very well to consider these GWT and GOS responses extremely seriously, as they constitute overwhelming reasons why this DCWW Wintering Bird Survey is simply not fit for purpose.
- Welsh Water should carry out at least an additional year of survey work.
- At the moment the general public along with their dogs are frequently seen in areas where rare ground-nesting birds nest, like little ringed plovers and their nests are often destroyed.
- A couple of years ago Ospreys were seen at the reservoir. A platform encouraging them to nest and stay was erected. This to my knowledge has been removed.
- We believe from the knowledgeable people of the Gwent Ornithological Society informing us that this survey is incomplete, not representative of the large numbers of birds using the Reservoir and evidence shows it is flawed and ultimately has no credibility.

- We have not seen any mention of the large numbers of gulls using the Reservoir overnight and on other occasions. These numbers often exceed over 6000 birds. These Gulls are often made up of rare species which must be encouraged and protected.
- The Heronry which has been a successful breeding place for many years is also disturbed by one of the paths used by the public.
- This surveys took place over a short space of time; sampling was conducted at selected locations only and no survey was carried out at evening when gulls arrive in huge numbers.
- The decline in birds is currently exacerbated by the extremely low levels of water as Dwr Cymru must carry out essential work. The SSSI citation by Countryside Council Wales states clearly: Water level is significant because many species require flooded land at the edge of the reservoir for feeding.
- In February 2020 the old fishing cages/platforms that had for many years provided valuable roosting and perching for wildlife were dismantled and removed.
- The bank to the north of the Water sports centre had for many years been a favoured grazing area for Wigeon. This area, minus a collapsed bank where orchids once grew, is now mown to leaving nothing to graze.
- Hostile behaviour by people and dogs and continual significant light spillage (in breach of planning conditions) denies wildlife peaceful conditions. These examples, culminating in the recent "decimation of the west meadows" (Iolo Williams) demonstrates the systematic removal of favourable conditions whereby wildlife may thrive at Llandegfedd SSSI.
- During Lockdowns wildlife increased in both species and numbers, evidencing their ability to thrive when no adverse human interference.
- Dwr Cymru continue with these two separate applications, which in reality is one, that would dramatically change this Site of Special Scientific Interest for ever as evidenced by the continued inclusion of the various Site / Event Management Plans which demonstrate the full extent of their open-ended ambitions for Llandegfedd .
- To avoid the 'dystopian future' feared by one of its members, the Senedd declared a Nature Emergency on June 30 2021. Monmouthshire Planning has a duty towards our future generations and can take decisions to ensure it is not Dystopian.
- The Planning Annual Performance (2020 section 3.3.7) confirms your commitment to: Protect and enhance the resilience of our natural environment whilst mitigating and adapting the impact of climate change "As an LPA demonstrating such commitment, the LPA are in a position to shape our future. By refusing these applications you allow our younger generations to become stakeholders in their own future .
- If the applications are approved, these buildings would no longer be a visitor centre or a water sports centre; they would be available for a wider range of leisure and business uses.
- There has been a considerable increase in traffic since the comments made in August of 2020.
- Noise surveys suggest that radio being played on the balcony of the Water Sports Centre is comparable to the noise that would result from live, amplified music and PA system at a social gathering. Although dismissed in its conclusion, the survey shows disturbance to wildlife; may we add the radio on early morning occasions in December, also disturbed their human neighbours.

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.

Other:

- The setting up of an Ecological Liaison Group has apparently been established by Welsh Water Dwr Cymru. We would like to know when this group has met. What was raised and discussed at these meetings? Who sits on this group and what are the outcomes of these meetings? Importantly, as a public body, are the agreed minutes of these meetings available to the public?

5.3 Other Representations

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

- Lack of Environmental Impact Assessment (EIA).
- Survey deficiencies.
- Noise- and light-related disturbance to wildlife arising from the proposals.
- Human-related disturbance to wildlife arriving 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, at a minimum, 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.

Further comments from GWT following the submission of over wintering bird surveys:

Gwent Wildlife Trust objects to the content of the bird survey and noise assessment document, for the following reasons :-

• Deficient bird survey effort, based on inadequate survey radii employed by the developer.
• Deficient noise assessment, due to insufficient noise level simulations, insufficient noise emission point sources and a lack of a consideration of cumulative impacts.
• Incorrect conclusions drawn from the above.
• Certain key admissions made by the developer in his documentation, which critically undermines his case.

Survey Radii Employed by the Developer

The developer employed 90m, 200m and 300m radii from various points. However, as set out in our previous representation (appended), we consider these radii to be too small. This insufficiency has the effect of underestimating the likely level of noise - related disturbance behaviour, and thereby the likely significant adverse impacts on the SSSI bird population and other bird populations on the reservoir of acknowledged nature conservation importance. We reach this conclusion based on the following matters:-

The radii underestimate the noise levels which would be likely to manifest themselves. Noise levels at 100 decibels are emitted from such activities as a classical music concert for example, whilst the developer has referred to wedding and birthday parties with amplified modern music, as well as open air music on the banks of the reservoir, citing a previous windsurfers' festival with amplified music as an example of the type of activity intended, which local residents affirm could be heard over a kilometre away. An examination of published noise figures shows that such events would be likely to emit noise at levels of approximately 110 decibels, with 110 decibels being described by the charity Action on Hearing Loss as "a live gig or concert". It is important to note that these levels are very much higher than those emitted by the developer in his simulation, decibels being measured on a log scale, so for example 120 decibels is approximately four times as loud as 110 decibels.

The simulation experiment took place from one location only (the Water Sports Centre), which is the building the furthest set back from the banks of the reservoir. It is therefore deficient because it did not measure noise from the location of the 12 outdoor events, nor from the Visitor Centre. 2.1.4 Only three days' noise surveys took place over a six-month period

The simulation experiment consisted of incrementally increasing the noise levels from 60, then 80, then 100 decibels. Even leaving aside the fact that 100 decibels is too low, this is not an accurate simulation of the types of events for which the developer seeks permission, because such events would be more likely to consist of sudden outbursts of very loud music, rather than a slow increase in volume. The former is likely to have a much larger disturbance behaviour effect on birds than the latter.

The noise was emitted for only three periods of 10 minutes each (in the mornings only), whereas a proper simulation of the duration and intensity of noise would have consisted of short bursts of very loud music spread out over an entire afternoon and evening.

Only one noise source was used, whereas the developer's proposed arrangements could result in three simultaneous and cumulative sources of noise (the Water Sports Centre, the Visitor Centre and the outdoor events).

The damaging impact of noise emanating from the outdoor events would be likely to be very much more severe than implied by the developer, because the 12 events could, under the proposed arrangements, take place on 12 successive days.

The noise experiment did not, and could not simulate the additional noise levels and durations likely to be emanating from the potentially hundreds of members of public attending the outdoor events, and it is important to note that the developer has no way of stopping the general public from accessing the site for the outdoor events.

Conclusion to this Section: In spite of all the above underestimates, which are cumulative and synergistic, the document contains the remarkable key admission that 11% of the birds surveyed would be disturbed at 100 decibels.

Cumulative Adverse Impacts

Additionally to the above, the developer fails to take into account likely cumulative and synergistic adverse impacts on waterbirds from the noise pollution with light pollution from the development sites, nor with human- or dog-related disturbance behaviour.

Bird Survey Methods Employed by the Developer

Notwithstanding the above, the survey methods employed by the developer are deficient, and have the effect of underestimating the populations of birds likely to be significantly adversely affected by noise emanating from the three emitter locations. We therefore object to the survey methods on the following grounds:

The developer attempts to construct an argument to the effect that WeBs data relating to the site can be considered as part of a long-term trend data set. However, this is not the case, because the developer's survey did not cover all, or even most of the most important bird populations of the reservoir, including for example Green Pool, "The Island", Sor Bay and Eastern Bank. The developer thus cannot reach as assessment of the value of the reservoir due to the lack of survey effort.

We therefore consider that the developer should carry out at least an additional year of survey work. The local planning authority is reminded that three years' bird survey work was carried out in respect of the proposal for winter sailing.

The developer himself admits that bird numbers can fluctuate very markedly between years, and the data provided by him shows that for wigeon for example, numbers fluctuated from 420 in 2018-19 to 2 in 2019-20. The developer has tried to argue that, with the advent of climate change, milder winters are inevitable, and that the long-term value of the reservoir for birds has therefore decreased and will inevitably continue to do so. However, as our understanding of climate change has deepened, it is now universally-acknowledged that climate change is not a mere gradual

warming, but will constitute a fundamental disruption of climatic conditions. It is notable that the very severe winter of 2018 (known as “The Beast from the East”) resulted in very elevated numbers of waterbirds using the reservoir. Britain is approximately on the same latitude as Labrador in Canada, and changes resulting from climate change could plunge Britain into the types of weather phenomena experienced there.

Furthermore, there is considerable evidence of a very marked undercounting of bird populations in the developer’s survey. For example, daily counts by local birdwatchers identify evening gull populations on the reservoir in the thousands, sometimes up to 6000, but the developer’s morning only surveys identified a peak count of only 117 black-headed gulls. Additionally, other species fly onto the reservoir to roost in the evening from surrounding areas, so were also very markedly undercounted in the developer’s survey. There is some evidence that the fact that birds are compelled to fly from other away from the reservoir site to it may well be due to the damaging activities of the developer on the wider environs of the reservoir, such as on the banks and other associated land.

The survey frequency and efficiency was even further impaired by the limitations admitted to by the developer himself in the document. It is instructive to note that further doubt is cast on the developer’s survey by the fact that the baseline noise bird survey carried out as a by-product of the noise assessment appears, in some instances, to have identified higher numbers of some species than the actual bird survey, which was supposed to assess peak bird numbers.

The developer has not stated, nor can he state, what percentage of the bird populations of the reservoir would be likely to be affected by the development proposal, because he has not surveyed the whole reservoir populations (see above). 4.1.7 Further doubt is cast upon the veracity of the bird survey effort by such errors as misnaming the Latin name of wigeon, which is Mareca penelope, not Anas penelope.

<u>The Developer’s Key Admissions, which Undermine his Case</u>

Even setting aside the manifest deficiencies and underestimates associated with both the noise simulation experiment and the bird survey work, the developer himself makes two remarkable key admissions, which critically undermine his case:
• Bird populations already suffer disturbance displacement from anthropogenic sources, with the developer using the incorrect term “adaptation” to describe this disturbance displacement phenomenon.
• 11% of the bird population surveyed within the (insufficient) survey radii and subject to the (too low) levels of noise simulations suffer disturbance displacement.

Further comments from GWT 27/09/22 – in connection with the outdoor music element of the application.

We gather from a number of sources that the developer has dropped the outdoor music element of the applications. This is welcomed by GWT. However, we wish to make the following points in relation to this matter :-

1. We can find no formal confirmation of this intention on the part of the developer on the planning portal. The portal is the formal record of the evolution of these cases, enabling those who have a legitimate interest in the applications to apprise themselves of developments in relation to them, and therefore all material changes in circumstances should be registered on it.
2. This informal stated intention does not appear to include events organised by third parties, such as contractors, sub-contractors or others hiring the development site for example.
3. The informal intention does not appear to include the marquee, for which the developer claims permitted development rights. Music emanating from the marquee would be, to all intents and purposes, outdoor music.

We therefore maintain our objection to this element of the applications, until such time as the developer:-

1. Issues a legally binding commitment in the form of a letter to the local planning authority, to be uploaded onto the portal, confirming that they have dropped the outdoor music element, and
2. Formerly clarifies via the above letter that the dropping of the outdoor element includes all present and future third parties and all successors in title.
3. The local planning authority issues an Article 4 Direction in respect of the use of the marquee.

Gwent Ornithological Society - Objects.

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.

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).

Further comments received following the submission of over wintering bird surveys:

Our understanding is that DCWW does not have a management plan for the SSSI and so the site has been allowed to deteriorate as a site for nature. For a public owned company, the lack of even having a plan, let alone keeping to one, is astonishing.

<u>The Winter Survey</u>

The survey fails to give a representative count of birds at Llandegfedd Reservoir, with only the area adjacent to the visitor centre being surveyed adequately with 6 surveys. The Pettingdale hide was used for 3 surveys but for one there was poor visibility and for the other two moderate visibility (fog and drizzle). Only one survey was undertaken from the Burt Hamar hide. This is inadequate and falls well short of what is required to produce meaningful results.

Large swathes of the reservoir were not surveyed at all, including Green Pool (which can contain more than 50% of the wintering Teal and Wigeon at peak season), the waters around "The Island", Sor Bay and the Eastern Bank (not visible from the visitor centre). These areas would almost certainly hold the majority of the waterfowl. Therefore, because only a fraction of the area was covered, the results represent an unquantifiable but probably small fraction of the total number of birds using the reservoir during the morning. It is therefore not possible for the developer to arrive at a figure of the percentage of the population which would be affected by the development proposal.

Another factor is that bird numbers at the reservoir tend to be higher late in the day and at night (whereas the surveys were conducted in the morning) - This is due to:
1. Species such as Goosander flying in at dusk from river sites to find a safe roost.
2. Large numbers of Gulls flying in from a variety of sites during late afternoon to roost: numbers can be in excess of 6,000
3. Wildfowl who traditionally would have used Llandegfedd during the day for grazing etc. but have been displaced to alternative foraging areas by poor management of the site flying in to find a safe roost at dusk.

So all told the survey is a gross underestimate of the number of birds using the reservoir. The number of birds therefore that could be affected by the proposals is much higher than is suggested in the report. Also, because of single year variations in bird numbers the survey would need to be carried out over three consecutive years to give meaningful results. The survey would need to cover the whole reservoir on 6 monthly occasions, with both morning and evening visits included.

In conclusion, the Winter survey is flawed to the point of being worthless as a gauge of birds present on the Reservoir, and so no conclusion should be drawn from it.

Noise

Note a few flaws in the part of the survey that investigates noise disturbance:
The distance of the microphone that's measuring the loudness of the test speaker is not mentioned. A speaker producing 100db, but at what measurable distance? 10 cm? 10 metres? 100 metres? Results of this study would be drastically different at each measurement.

Also, the survey does not reflect reality in that a concert would have at least 100db (probably more in reality- 120dB seems to be the figure for concerts from internet information sites) for several hours rather than ten minutes.

Additionally, there would be further noise from several hundred revelling spectators. The P.A. is also not mentioned and this can cause even more disturbance than music, as it is louder (in order to be heard over the music).

To get a true picture of the disturbance level, all three of these noises need to be simulated synchronously at the 120dB level. Management changes to SSSI's are meant to enhance them, whereas this study seeks to quantify the level of disturbance of the proposed changes.

The Consultant found that 11% of the birds surveyed showed a degree of disturbance-related behaviour (see 4.4) at the (too low) 100 decibel emission level and this is a damning indictment of the developer's application. The consultant also admits that SSSI birds local to the visitor centre are already exhibiting disturbance displacement behaviour from existing anthropogenic sources, including, presumably, DCWW's own damaging activities. Saying that birds have "adapted" to anthropogenic events by relocating to the west and north of the reservoir (see 4.1), is a bizarre turn of phrase which really means "have been disturbed by".

The cumulative effects the current anthropogenic disturbance (as admitted above), noise from new events and increased light pollution are a toxic mix which can only add to the level of disturbance.

Conclusion

Gwent Ornithological Society objects to the planning application because it is certain to cause additional bird disturbance. This SSSI forms one of the three regionally important wintering waterfowl refuges in Wales and should be protected. The plan to hold Outdoor music Events on the reservoir's banks are an outrage which should not be contemplated. The winter survey adds nothing due to the reasons given above.

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

The applications 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.

- 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.
- 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.

- 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.
- 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.
- In respect of otters, 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.
- 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. What cannot be proved, therefore, is the EIA conclusion that the wildlife will only be minimally impacted.
- 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.
- 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.
- 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. 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.
- 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.
- 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.

Further comments received following submission of over wintering bird surveys:

Having carefully studied the report, we wish to state that our position regarding the effect of the proposed development on overwintering birds, and indeed the wider species affected, has not changed in our opposition to these planning applications.

The aim by Welsh Water is persistently to seek to maximise the profit on their investment, and this by a company declaring itself to be a not for profit company embracing the sustainability goals of the (Wales) Future Generations Act 2015.

The negative impacts of human activity world-wide on wildlife habitats is well known and cannot be overstated. Migrating and overwintering birds are losing habitats and experiencing disturbance across the world. We, in this country should be increasing opportunities to counteract this loss, not the reverse.

Climate change brought about by human activity on the natural world requires responsible companies, and individuals, to examine critically their own aspirations against this scenario and to make the judgement call on limiting them.

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.

Further comments received following the submission of over wintering bird surveys:

Usk Civic Society has seen the latest developments in these two cases, in particular the further work by the developer’s ecologists and the rebuttals by local objectors, Gwent Wildlife Trust and

Torfaen Friends of the Earth. We agree with their assessments that this further work is not thorough enough in terms of observation time, realistic modelling of conditions and its general construction. It provides no basis on which MCC could reasonably derive reassurance as to the consequences of allowing these applications. We therefore submit that, for the detailed reasons set out, particularly in the GWT document, that MCC should refuse them.

We have an additional concern about vehicular access to the sites for social functions in the evening. MCC Highways has consistently maintained that the lanes can cope with any additional traffic. On the east side of the reservoir, towards Llanbadoc and Usk, the roads are narrow (mostly single track) and twisty, with poor visibility. As local residents we question their suitability for the use now proposed.

We also question whether the applicant should be seeking to pursue noisy and damaging commercial activities at these sites in view of its status as a non-profit company which is bound to operate this SSSI in conformity with the sustainability goals set put in the (Wales)Future Generations Act 2015.

Coed y Paen Residents Association - Object.

- 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 WG 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.
- 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.

Further comments received following the submission of over wintering bird surveys:

We have delayed our response to allow time to study opinions from our wildlife charities. Without exception, they all conclude there is potential for harm to our wildlife and habitat. Inadequate Noise Assessments demonstrate, in addition to wildlife disturbance, potential for disturbance to privacy, amenity and health of residents, as previously experienced.

Throughout various documents, the applicant makes reference to mitigation measures, as does the somewhat muted response from Natural Resources Wales . The discussion of 'mitigation' explicitly accepts that harm will be caused; mitigation measures merely reduce its severity .

The number and complexity of conditions discussed renders them incapable of being enforced, as currently evidenced by continued and regular light pollution in breach of extant planning permission. Welsh Government Circular 2014 requires Conditions must be enforceable and your own Biodiversity Officer casts doubts over whether the DCWW Management Plans are 'enforceable documents'.

These Management / Site Event Management Plans remain as evidence of the unknown extent of Dwr Cymru's intentions to develop the Llandegfedd Reservoir SSSI / SLA into a Licensed entertainment venue . Multiple iterations of these plans state they 'supplement and reinforce ' … perhaps in a deliberate effort to confuse. The lists of 'activities ' within these plans are 'neither exhaustive nor inclusive' ; such lists are further compounded by continuing with the statement : 'DCWW also envisages a programme of larger events …' On any reading, it is clear that this 'carte blanche' approach to whatever activities / events / displays DCWW choose to hold at Llandegfedd SSSI, remains unchanged. The cumulative impact of these open ended ambitions utilising two buildings, two outdoor terraces, one marquee plus outdoor areas, has not been adequately addressed. Whilst statements have been made by Dwr Cymru to remove certain aspects of the planning applications, there is no evidence they will be honoured and the applications remain unchanged.

Dwr Cymru repeats its statement that "there is an inherent wish to ensure that this development takes place with the full consent and support of the local neighbours and stakeholders." We can only repeat that we neither consent nor support such plans and maintain all previous objections.

We urge Monmouthshire County Council to reject these applications and discharge its duties as LPA in line with 'FUTURE WALES - NATIONAL PLAN 2040 ' achieving climate resilience, developing strong eco-systems and improving the health and wellbeing of our communities.

5.4 Local Member Representations

Former County Cllr V Smith - I maintain my original views, do not support this new consultation. Your Biodiversity Officers Kate Stinchcombe's comments on the cumulative impact on nature and the environment of proposals are excellent.
There are numerous venues for meetings and functions locally.
Have recently been made aware of anti-social behaviour at both ends of the reservoir, raises the question as to how secure the site is, at present it is possible to walk down from the car park at night, and go wherever one pleases about the reservoir.

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

The application site benefits from planning permission under ref no. DC/2012/00442 and has already been built and is occupied by DCWW. Condition 7 of the approved permission reads as follows: The premises shall not be used for the approved purposes outside the times of 7:30am to 9:00pm.

It is proposed under this application to increase the use of the visitor centre so it can be used by DCWW for a wider array of uses as well as extending the operational hours of the site to 6.00am to midnight.

The proposal does not sit neatly within a specific policy within the adopted LDP. However, it is acknowledged that the visitor centre is already in existence. Currently it operates as a first point of information for visitors to site - offering a 'Grab and Go' coffee shop facility which also acts as a point for enquiries, bookings and issue of permits for fishing, hire of boats etc. In addition, the building houses the café facility with over 100 covers both inside and outside on the wrap around balcony. In addition, management and administrative staff are housed in the building as well as storage and welfare facilities. The café facilities are open to the public at the same times as the current site opening hours. The proposed extension of opening hours and expansion of the functions of the centre does not fundamentally change the use of the building.

Land based only activities are currently permitted during the winter months (1st Nov - 28th Feb) due to the site being a SSSI. It is not within the gift of the Local Planning Authority (LPA) in the consideration of this application to restrict the use of the site for uses allowed (up to 28 days per year) under Permitted Development Rights. However, the number of events within the visitor centre can be controlled by condition. In this instance 12 per year is suggested as a reasonable number should Members be minded to approve the application.

Subject to no outdoor events (and no indoor events prior to the submission of a wintering bird monitoring programme – see condition 4 below) being held during the closed winter period (November to February), the cumulative impact of an event utilising a marquee (arguably not development), the visitor centre and water sports centre (which would, by its nature, be infrequent) is unlikely to have a significant adverse impact on the SSSI.

6.2 Visual Impact

The application does not include any physical changes to 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.

6.3 Green Infrastructure

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 therefore considered to be

a Green Infrastructure Asset that should be open to the public to enjoy. This ties into the aspirations of PPW 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).

6.4 Biodiversity

The proposals are intended to expand the water and land based activities available to the public which will by their nature attract more people, a wider range of activities and longer duration of activities throughout the day and the year. Land only activities are currently 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 predicted to arise from additional 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 any PA systems are a particular concern for the key species noted above. Traffic could also be an issue for road mortality of species such as otter and badger.

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…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 initially unclear from the submission which activities would be undertaken during the closed season, their frequency and the cumulative nature of the activities. The updated EcIA 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.

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 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 organisations and local residents. The mitigation (section 5) of the EcIA states: ***No outdoor events will occur within the close season (1st November and 28th February) when the SSSI wintering bird population is present.***

The over wintering bird surveys found an increase in behavioural responses during periods where music was played externally at 100db, with flocks of mallards (an interest feature of Llandegfedd reservoir SSSI) moving away from the source of the noise. Some behavioural responses were noted in mallards at 80db located within a 90m buffer. The survey report concludes that based on the peak counts of waterfowl and number of birds observed making behavioural changes in response to noise stimuli '…it is not anticipated that elevated noise levels (up to 100dB) and the proposed modifications to planning conditions will result in significant impacts on waterfowl abundance at Llandegfedd reservoir.

It is acknowledged that the sample level for the surveys is low, with noise assessments undertaken on only three dates. In order to improve the robustness of the survey data, a survey

schedule encompassing the entire winter period would have been preferred. The failure of the submitted Wintering Bird report to draw upon any previous noise disturbance research to back up the assessment (and ultimately the conclusions) of the report undermines their reliability. Nevertheless, despite such inadequacies, with the imposition of strict management limitations that include no outdoor activities throughout the main overwintering period (November – February) and a restriction on indoor events over the same period until a wintering bird monitoring programme has been submitted to and agreed in writing by the LPA, it is considered that the application is not likely to have an adverse impact on features of the Llandegfedd Reservoir SSSI.

The key suggested conditions in relation safeguarding the overwintering bird interest of the Site of Special Scientific Interest and the Severn Estuary European Marine Site, should Members be minded to approve the application, are as follows:

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

And;

No indoor events between 1st November and 28th February will be permitted until a wintering bird monitoring programme has been submitted to and agreed in writing by the LPA. The monitoring programme must detail 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 ornithologist that is not directly employed by DCWW. The monitoring programme shall be implemented in full.

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 and therefore the above wording includes the addition in point (d) as requested by NRW.

In terms of other European Protected Species, a badger survey has been provided in support of the application. 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.

Reference is made to the likely use of the north of the reservoir by otters following a survey around the water sports and visitor centres. 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 should Members be minded to approve the application.

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 EcIA 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.

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

The currently submitted enhancement plan is insufficient for the purposes of this application. There is a lack of detail with regards to the proposed 'new grass cutting programme' with neither the management prescriptions, aims or location provided. Whilst promoting the growth of meadows at the site is tentatively welcomed, relying on a grass cutting programme to deter walkers seems only likely to be of use in the peak summer months. The installation of physical barriers to prevent access to the waterbody and meadow habitats would seem a far more effective solution, and potentially work to reduce disturbance of waterfowl during the overwintering period for which the SSSI is designated. Other habitat measures to offer feeding/sheltering habitat for overwintering wildfowl would be highly encouraged.

Whilst work to remove areas of overgrown willow as part of the applicant's responsibility to maintain the SSSI is welcomed, this is currently ongoing work and as said, is part of the landowner's responsibility for the managing the SSSI. Therefore, this cannot be considered as a biodiversity enhancement feature. No details including numbers, specification or location of the proposed bird and bat boxes have been provided. It is understood that existing nesting provision at the northern end of the reservoir have fallen into disrepair and replacing these nesting locations would be welcomed. Consequently, to meet the requirements of PPW, an Ecological Enhancement Plan will need to be submitted which includes a map detailing the location of the proposed enhancement measures. Furthermore, details including management prescriptions, aims and targeted species should be included. This can be secured via condition should Members be minded to approve the application.

As the site is within close proximity to the Severn Estuary European Marine Site (SPA, SAC, Ramsar), the Council had to undertake an Appropriate Assessment under the Habitats Regulations Assessment. This has concluded that adverse effects on the Interest Feature can be avoided or overcome by implementation of the planning condition, *"No indoor events between 1st November and 28th February will be permitted until a wintering bird monitoring programme has been submitted to and approved in writing by the LPA…."*. It is noted that NRW agreed with this conclusion in their formal consultation response. Additional Measures considered necessary to protect the integrity of the Severn Estuary EMS include conditions to secure the implementation of the following documents submitted in support of the application:

- Noise Impact Assessment on the SSSI by Ricardo Energy and Environment, Revision 1, dated 12 February 2021
- DCWW - Llandegfedd Visitor Centre - Site Event Management Plan [submitted 13 July 2022] or
- 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).

On the basis of the above, 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.

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

6.5 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 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. 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 Council's Environmental Health Officer has commented that they have no objections to the application. Although as agreed by the applicant and detailed in both their noise impact assessments and site management plans, they 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 water sports centre, including any amplified recorded/live music should finish no later than 11pm.

It is agreed that the suggested conditions nos. 1 and 3 above should be attached to any consent that Members are minded to approve. However, with regards to point 2, given the other restrictions suggested to limit noise (see paragraph 6.4 above), to require a noise management plan for every outdoor event would be too onerous on the developer and would not be necessary.

The development is therefore considered to meet the requirements of LDP Policy EP1.

6.6 Highways

6.6.1 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.

6.6.2 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 arrangements 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 the 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.

6.6.3 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.

6.7 Drainage

6.7.1 Foul Drainage

No changes to the existing foul drainage are proposed as part of this development.

6.7.2 Surface Water Drainage

There will be no changes to surface water drainage as a result of this application.

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

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 an environmental perspective.
- Increase in traffic and insufficient parking provision.
- Noise pollution and general increased public nuisance.
- 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).

The potential for 'general increased public nuisance' is considered to be of low relevance in terms of planning as the potential behaviour of the public is not a material planning consideration but should be managed under other legislation (Environmental Health and Health & Safety) as well as the operator of the site. The facility is located within an area which is open to members of the public 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.

On the occasions where the centre will need to be occupied for a longer period of time, the impact is considered to be low, especially given the continued restriction on when events can take place. A condition preventing any outdoor events over the winter months will ensure that the additional use of the building will not adversely affect 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.

In terms of the deficiencies of the noise disturbance report and over wintering bird surveys referred by, amongst others, Gwent Ornithological Society, GWT and Torfaen CBC's ecologist, the noise disturbance assessment was based on the 69 decibels (dB) of noise estimated at point E (within the SSSI boundary) due to outdoor events at the water sports centre (see Noise Assessment Report1) and a maximum of 100 dB as part of this noise assessment conducted was deemed sufficient. The noise assessment methodology had been agreed with Monmouthshire Council's Environmental Health Department based on the scope of work. *Furthermore, since the noise surveys were conducted, the applicant has confirmed that there will now be no events with*

external music at the reservoir. On this basis, any noise generated by the extended use of the building will be below the level used to draw the conclusions in the noise report and will therefore have less of an impact on local residential amenity and wildlife than expected.

A total of 10 wintering bird surveys were undertaken between October 2021 and March 2022. Although it had been previously requested by the Council's Biodiversity Officer that two wintering bird surveys per month were undertaken, during both October and December 2022 only a single survey was undertaken. Instead, the bird survey submitted by the applicant compares outputs of the 2021/22 wintering survey to publicly available WeBS data to note discrepancies and similarities in the absence of repeated surveys.

Due to the scope of the wintering bird surveys, surveys of the northern extent of the reservoir were largely undertaken at Pettingale hide (three surveys). By repeating surveys at Pettingale hide, this allowed comparison with surveys conducted from the Visitors and Watersports Centre. In addition, Pettingale hide provides greater area coverage in comparison to Bert Hamar hide (1 survey completed) that has a restricted view due to vegetation. The Council's Biodiversity Officer has indicated that they are comfortable that the two vantage points are sufficient for accurately recording behaviour and activity levels on the main body of the reservoir.

In terms of large numbers of black headed gulls referred to, peak counts of 400 black-headed gulls were recorded from Pettingale hide and the survey methodology of the local birdwatcher is likely to vary from what was conducted on behalf of the applicant. MCC's Biodiversity Officer commented that while more dusk surveys should have been incorporated into the survey programme, overwintering roosts of black-headed gulls are not a feature of the SSSI or Severn Estuary Marine EPS, and therefore do not have legal protection from disturbance. Nevertheless, the restriction of outdoor events during the winter period (see condition no.3 below) should ensure that the roosts are unaffected by the application.

It is acknowledged by NRW and the Council's Biodiversity Officer that elements of the survey methodology and reporting mean that there remain elements of doubt with regards to robustness of the submitted survey data. Nevertheless, despite such inadequacies, with the imposition of strict management limitations that includes no outdoor activities throughout the main overwintering period (November – February), on balance it is considered that the application is not deemed likely to have an adverse impact on features of the Llandegfedd Reservoir SSSI. This conclusion is shared by NRW who are the statutory advisor to the Local Planning Authority on such matters.

The removal of the outdoor live or recorded music element of the proposed use is included in the latest Management Plans submitted by the applicant. Both NRW and the Council's Biodiversity Officer advise that the management plans should be referred to as approved documents in any approval notice. On this basis, the contents are part of the approval and will be binding on the applicant and therefore no further mechanisms to restrict outdoor music are considered necessary.

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 would offer, the two venues are not directly comparable, and both would offer various other services and functions that the other does not. Policy CRF1 of the LDP seeks to retain existing facilities for communities rather than preclude other sites providing some comparable services. PPW 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 and 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 considered that the proposal would not significantly adversely impact upon the rural economy or existing community facilities – most of which would not have such restrictions on events as proposed in this instance, such as outdoor events and music.

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 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

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

Subject to the conditions listed below, it is considered that the proposal to increase the use of the visitor centre is in accordance with national and local planning policies and will not harm the amenity of local residents or the qualities of 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. [N.B. This will include the site management plans]

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 and the Severn Estuary European Marine Site.

4 No indoor events between 1st November and 28th February in the succeeding year shall 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 and the Severn Estuary European Marine Site.

5 Within 3 months of the extended use commencing, 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 Prior to the approved use commencing, a plan of Ecological Enhancement 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 use of the Visitor Centre shall be in strict accordance with the avoidance & mitigation measures detailed in the following documents:

1 Noise Impact Assessment on the SSSI by Ricardo Energy and Environment, Revision 1, dated 12 February 2021
2 DCWW - Llandegfedd Visitor Centre - Site Event Management Plan [submitted 13/07/22]
3 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 and the Severn Estuary European Marine Site.

8 There shall be no more than 12 outdoor events in any calendar year and these shall finish no later than 17.00. Any such events shall not begin before 07.30.

REASON: To safeguard the overwintering bird interest of the Site of Special Scientific Interest and the Severn Estuary European Marine Site and local residential amenity in accordance with LDP 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 07.30.

REASON: To safeguard the overwintering bird interest of the Site of Special Scientific Interest and the Severn Estuary European Marine Site and local residential amenity in accordance with LDP Policy EP1.

10. 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.

11. No more than two concurrent events shall take place at any one time.

REASON: To safeguard the overwintering bird interest of the Site of Special Scientific Interest and the Severn Estuary European Marine Site and local residential amenity in accordance with LDP Policy EP1.

12. No outdoor amplified music shall be used at the site.

REASON: To safeguard the overwintering bird interest of the Site of Special Scientific Interest and the Severn Estuary European Marine Site and local residential amenity in accordance with LDP Policy EP1.

INFORMATIVES

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

2 For the purposes of condition no.11, an ‘event’ is defined as any event included in the DCWW Site Event Management Plan Visitors Centre (13th July 2022).