

**Application** DM/2025/00106  
**Number:**

**Proposal:** Modification of conditions 6 (change of use to allow meetings and training sessions) and 7 (change start time from 9am to 8 am) on consent DC/2012/00317.  
**Conditions(s) Modified:**

**Section 6.** DCWW would like to be able to use the meeting room to hold internal and external meetings and training sessions without the need to be water sports related.

**Section 7.** DCWW would like to be able to use from 8am.

**Section 6.** Meeting room to be used for meetings, interviewing and training sessions. No music or alcohol.

**Section 7.** Meeting room to be used between the hours of 08:00 and 21:00

**Address:** Llandegfedd Reservoir Parc Road Coed Y Paen Monmouthshire NP4 0SY

**Applicant:** Mr Jonathan Davies (DC-WW)

**Plans:** Location Plan

**RECOMMENDATION:** Approve

**Case Officer:** Kate Bingham  
**Date Valid:** 28.01.2025

**This application is presented to Planning Committee due to the number of objections and at the request of the Local Member**

## **1.0 APPLICATION DETAILS**

### **1.1 Site Description**

This application relates to the existing watersport Centre at Llandegveth Reservoir.

### **1.2 Proposal Description**

The application seeks to modify two conditions from extant application ref: DC/2012/00317, that being the original planning consent for the watersport building.

As the wording of the proposed modified conditions was not included on the Application Form, the wording has been subsequently agreed with the Applicant. It is proposed to modify conditions 6 and 7 as follows:

Condition 6 (as approved) - The premises shall be used solely in association with the operation of the watersport facilities at the site. For the avoidance of doubt the building shall not be available as a licensed premises for use by the general public.

*Reason ~ To ensure that no alternative use is made of the premises which is likely to be a nuisance to local residents.*

Condition 6 (as suggested) - The premises shall be used solely in connection with the operation of the watersport facilities at the site and by Dŵr Cymru Welsh Water (DCWW) for internal meetings, staff training, and external business meetings. For the avoidance of doubt, the building shall not be available as a licensed premises for use by the general public.

*Reason - To ensure that no alternative use is made of the premises which is likely to be a nuisance to local residents, in accordance with LDP Policies DES1 and EP1.*

Condition 7 (as approved) - The premises shall not be used for the approved purposes outside the times of 9.00am to 9.00pm.

*Reason ~ In the interests of nature conservation and residential amenity.*

Condition 7 (as suggested) - The premises shall not be used for the approved purposes outside the times of 8.00am to 9.00pm.

*Reason - In the interests of nature conservation and residential amenity, in accordance with LDP Policies DES1, EP1 and NE1.*

The applicant has confirmed that any meetings or training would be for DCWW staff and invited attendees only. The meeting room itself is of a scale that has a capacity of no more than around 40 persons.

The only change to the hours of operations proposed is an additional hour in the morning (from 9am to 8am). No other changes to the hours of operation are proposed including beyond the existing 9pm cut-off. The reason the use was originally allowed until 9pm was to accommodate the sailing club in the summer months. DCWW have advised that meetings and training are unlikely to be undertaken outside normal business hours (8am - 6pm).

The reasons for the conditions have been updated to include reference to local development plan policies in accordance with best practice.

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

<b>Reference Number</b>	<b>Description</b>	<b>Decision</b>	<b>Decision Date</b>
DM/2018/00718	DCWW wish to provide a shed for use by the Angling Club to store equipment and to act as a weighing station during competitions.	Approved	25.06.2018
DM/2020/00035	Removal of condition 6 and to vary condition 7 (to extend opening hours to 6:00am to 00:00am) relating to planning application DC/2012/00317.	Withdrawn	18.06.2020
DM/2020/00036	Modification of condition no. 7 of planning permission DC/2012/00442 (hours of operation).	Withdrawn	18.06.2020

DM/2020/00762	Full planning application for the change of use of the visitor centre at Llandegfedd, to allow the building to be used for meetings, functions and events and to extend the opening hours approved under planning permission DC/2012/00442.	Withdrawn	14.03.2023
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	Withdrawn	14.03.2023
DM/2022/00063	<p>The proposed development involves:</p> <p>Draw-Off Tower:</p> <ul style="list-style-type: none"> <li>- Install 3no. 700mm diameter cores through the outer wall of the existing draw-off tower.</li> <li>- Install 2no. reservoir specification valves on the outside of each core (6no. total). Install a trash screen at the end of each arrangement (3no. total). Install metalwork to support each arrangement.</li> <li>- Install 3no. steel security cages to surround the valve controls on the valve tower walkway. 2.4m (high) x 2.0m (wide) x 1.6m (long).</li> <li>- Install CCTV cameras to monitor area.</li> </ul> <p>Scour and Overflow Tunnel:</p> <ul style="list-style-type: none"> <li>- Remove the bulkhead gate, butterfly valve and 900mm diameter pipework which extends from underneath the dam crest to the end of the tail bay.</li> <li>- Reinstall re-configured security gate at tunnel entrance.</li> <li>- Tree / Vegetation clearance to facilitate temporary access track.</li> <li>- Install temporary stone access track to tail bay for pipe work removal.</li> <li>- Install post and rail fencing around tail bay.</li> <li>- Install bat compensatory habitat.</li> </ul>	Approved	11.04.2022

DM/2024/00588	Wooden Celtic roundhouse (7m in diameter and 4.5m in height) on an area of mounded earth with disabled access pathway leading from the adjacent water sports over flow car park.	Approved	23.01.2025
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### **3.0 LOCAL DEVELOPMENT PLAN POLICY**

#### **Strategic Policies**

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

#### **Development Management Policies**

EP1 LDP Amenity and Environmental Protection  
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 12**

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

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

### **5.0 REPRESENTATIONS**

#### **5.1 Consultation Replies**

**Llangybi Fawr Community Council** - We are of the view that this application, to vary the conditions imposed on DC/2012/00317 (Water Sports Centre), is both confusing and lacking

in detail. Councillors are concerned that the wording in the title on the planning portal differs significantly from that in the application form and both are vague in the extreme. It is important that, as a council, we know exactly what the proposed changed conditions are for us to be able to sensibly comment on them.

In the title, it says "We" would like to use the meeting room for "internal and external meetings and training". It is not clear what they mean by "external meetings"? Does "we" actually extend to outside bodies, i.e., the public at large. If this is the case this should be made clear.

When granting the original application, the planning authority considered it necessary to impose the restrictions set on in conditions 6 and 7 to control the amount of disturbance. The original conditions were well considered so we do not understand what has changed to justify relaxing them. There is no acknowledgement that this is an SSSI and that this requested relaxation of the conditions may cause significant disturbance to over-wintering birds with night-time use of the centre. We consider that this needs to be taken into consideration.

**Torfaen County Borough Council** - No objections.

Torfaen County Borough Council Ecologist - Raised the following concerns:  
The proposed changes for the meeting room to be used between the hours of 8am-9pm. The previous permission granted under DC/2012/00317 stressed under condition 9 that internal and external lighting should be minimised to avoid any light spill onto adjacent habitats - specifically, to be implemented and maintained in perpetuity.

Has there been any justification or reasoning for requesting a later opening time? I appreciate that it has been stated that this will not include any music or alcohol, however, I have concerns that should the hours extend late into the evening, during the winter months particularly, there will be a requirement to provide lighting to enable users to safely enter and exit the building. This additional lighting and activity/disturbance would go against what was previously agreed and likely to have a direct impact to biodiversity and ecological interests on site (SSSI), particularly during the protected overwintering periods (October 1st - March 1st) when extra care should be taken to avoid additional disturbance.

Internal and external meetings and training sessions - again, if there is an extension of opening hours late into the evening, as a result there will be opportunities for meetings and training sessions to take place at this time of night. What sort of activities/meetings/training will be undertaken at this hour and what will the implications of this be?  
Noise/disturbance/light spill etc.

At this point I do not think that sufficient information has been provided and further clarity is needed in order to appropriately assess if the proposals are acceptable or not in terms of potential impacts to ecology in this sensitive SSSI habitat. Any changes should reflect a consideration for what was previously agreed under DC/2012/00317. It is essential to demonstrate through the planning process that the step-wise approach outlined in PPW12 Chapter 6 has been implemented (please refer to section 6.4.21 for detailed information). Of which avoidance is always the point at which to start in order to avoid any ecological impacts. If this cannot be demonstrated sufficiently, then as outlined it should lead to refusal.

**Natural Resources Wales (NRW)** - We have no objection to the proposed variation of condition as submitted and provide the following advice.

Variation of Condition 6 - We note from the application forms that the applicant wishes to alter condition 6 to include use of meeting rooms for internal and external meetings and

training sessions. We understand that this use would not include music or alcohol. We therefore have no objection to this variation but would advise that the following wording is retained as part of condition 6: 'For the avoidance of doubt the building shall not be available as a licensed premises for use by the general public'.

Variation of Condition 7 - We note from the application forms that the applicant wishes to alter the timings of condition 7 from '09:00 - 21:00' to '08:00 - 21:00'. We have no objection to this variation.

**MCC Biodiversity** - The condition wording is deemed to be appropriate as it confirms that the only change will be altering the opening time of the meeting room from 9am to 8am. It is also confirmed within the new condition wording that the building shall be only used for meeting purposes and not events. Whilst there may be a small amount of additional lighting caused by arriving vehicles around the very darkest period of winter when sunrise occurs around 8am, it is considered extremely unlikely that this would impact features of the SSSI. Any roosting swans or geese will typically depart the roost at first light as they return to foraging grounds.

**SEWBRc Search Results** - Llandegveth SSSI.

## 5.2 Neighbour Notification

Forty-five local residents consulted. Six representations received objecting on the following grounds:

- Those conditions were made for good reason - to protect the SSSI site, the Special Character of the area and to ensure that the Water Sports Centre was used solely for that purpose and not as commercial premises.
- Despite the Applicant being fully aware of those conditions they proceeded to build the Centre but since that time have repeatedly sort to have them removed.
- What sort of meetings do they propose? The word is too ambiguous and does not demonstrate the true intended use.
- It is advised in respect of the removal of condition 7 that there will be no music or alcohol but this is not mentioned in respect of the amendment requested to condition 6.
- If this application is granted does DCWW intend to make a similar application in respect of the Visitors Centre on the back of it?
- This new application gives no strong arguments to lift these conditions.
- This matter was duly considered in 2012 and is correctly restricted.
- This is a betrayal of the facility's design, permissions and grant funding to promote Water sports in Wales.
- This application to remove the carefully applied restrictions jeopardise the special character of the lake and its surroundings.
- There is insufficient detail to the application. For example, regarding 'No alcohol, no music', there is no guarantee that this would/could be enforced in the future.
- The limit of use to Water Sports related only is a vital control to protect the natural habitat at the reservoir. The removal of this control presents a threat of future impact of the facility on the SSSI status without definition or assessment.
- The application does not specify what the new intended use would be. The definition of "meetings" is broad and the purpose of such use is undefined. Any gathering of any group of people, of any size, for any purpose, and at any frequency falls under the definition of "meetings" and it is therefore not possible to assess impact of this change.

- Meetings not related to water sports means vehicles travelling specifically for that purpose, adding to the strains on the SSSI. Why does Dwr Cymru not use technology for virtual meetings, as do other organisations?
- If the permitted hours are extended it would mean for a large part of the year artificial lighting would have to be used. It has been proven that artificial light is one the major threats to birds and other wildlife, as well as damaging the Dark Skies initiative to which Monmouthshire is committed.

### 5.3 Other Representations

**Usk Civic Society** - Objects to the proposed change of operating hours which jeopardizes the special character of the lake and its surroundings.

The reservoir and its surroundings are classified as a Site of Special Scientific Interest (SSSI). Increased noise nuisance, pollution and artificial light would be detrimental to wildlife and their behavioural patterns.

No justification is offered by Welsh Water why business meetings should be programmed after 18.00 nor if these are for Welsh Water activities (e.g. research and training for activities associated with the upkeep of the reservoir and land) or instead for commercial purposes. There ought to be a more appropriate location within Welsh Water's portfolio of buildings for commercial activities if this is their intention.

**Torfaen Friends of the Earth** - Would like to offer the following contribution to your Planning Committee meeting:

- 1 To remind the meeting that this is a Site of Special Scientific Interest (SSSI), and that the first consideration of any application as to the use of facilities, must be to protect the wildlife and respect the previous decision regarding the "closed season" for any intended use.
- 2 That the decision taken in respect of earlier similar applications which took into account the effects of light and noise and pollution which would cause disturbance of wildlife patterns of behaviour, be upheld.
- 3 In the light of previous decisions of the council, it would be inappropriate to increase hours of operation beyond 6 pm and be intrusive of the above. That normal practice for business meetings would be regarded as being held during usual office hours, e.g. up to 6 pm.

### 5.4 Local Member Representations

County Councillor Fay Bromfield - Requests that the application is presented to Planning Committee.

## 6.0 EVALUATION

### 6.1 Principle of Development

6.1.1 The only consideration in the determination of this application is the impact of the modification to the conditions, namely the acceptability of using the building for an additional hour in the morning, and the acceptability of DCWW using the building for their own meetings and training.

6.1.2 No physical changes are proposed to the building, either internally or externally. Therefore, the variation of the conditions will have no impact on the visual appearance of the building or the wider landscape.

6.1.3 Interested parties have raised concerns that extending the number of people who can use the building will lead to an intensification of the use over and above what was originally approved. In this regard, it is necessary to consider what the original conditions actually allow and how the proposed modifications could change this.

6.1.4 Condition 6 already permits use of the building between 9am and 9pm. The proposed modification of the condition would extend this by 1 hour in the morning. There will be no change to hours of operation in the evenings when artificial lighting is required in winter.

6.1.5 Condition 7 already allows the building to be used for any purposes in association with watersports. This means that the building could already be used lawfully at capacity every day between 9am and 9pm. Sharing the space with DCWW will not increase the overall capacity of the building.

6.1.6 The wording suggested is considered to be clear and concise and meets the 'Six Tests' set out in Welsh Government Circular 016/2014. In summary, conditions should be:

- (i) necessary;
- (ii) relevant to planning;
- (iii) relevant to the development to be permitted;
- (iv) enforceable;
- (v) precise; and
- (vi) reasonable in all other respects.

The revised wording of the conditions has been agreed by the applicant.

## 6.2 Biodiversity

6.2.1 The site is part of a wider Site of Special Scientific Interest (SSSI), a national designation, the reservoir and environs being important for its birdlife. This proposal has been subject to consultation with both NRW and the Council's ecologist. Given the minor change proposed to the way the building would be operated, both NRW and the Council's ecologist are satisfied that the proposed modification of conditions 6 and 7 would not be harmful to the national designation or nature conservation interests in a more general sense. These consultees are reassured that the lack of any licensed events (including the availability of alcohol or the playing of music) at the premises would help manage the extended use of the building in a responsible manner.

6.2.2 PPW 12 sets out that the planning system has a key role to play in helping to reverse the decline in biodiversity and increase the resilience of ecosystems, at various scales, by ensuring appropriate mechanisms are in place to both protect against loss and to secure enhancement. It is clear that the planning system should ensure that overall there is a net benefit for biodiversity and ecosystem resilience, resulting in enhanced wellbeing.

6.2.3 Under the Habitats Regulations, where a plan or project is likely to have a significant effect on a European site, either alone or in combination with other plans or projects, and where it is not directly connected with or necessary to the management of the site, the competent authority must carry out an appropriate assessment of the implication of the plan or project in view of the site's conservation objectives. Natural Resources Wales has set new nutrient standards for the river SACs in Wales. Any proposed development within the SAC catchments that might increase the amount of nutrient within the catchment could lead to additional damaging effects to the SAC features and therefore such proposals must be screened through a HRA to determine whether they are likely to have a significant effect on the SAC condition.



6.2.4 This application has been screened in accordance with Natural Resources Wales' advice for planning applications within the river Special Areas of Conservation (SACs) catchments (v4 issued 28th June 2024). It is considered that this development is unlikely to increase nutrient inputs as there will be no significant increase in use of the building over and above what is already permitted.

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

6.3.1 The applicant has confirmed that the word 'we' referred to in the supporting text on the Application Form refers to DCWW and any meetings or training *would be for DCWW staff and invited attendees only*.

6.3.2 It is not within the remit of the planning system to require justification as to why DCWW would like to use the space for meetings rather than use other sites or online meetings. Any future application in respect of the expansion of use of the Visitors Centre would be considered and determined on its own merits.

6.3.3 Other concerns of interested parties have been addressed in Sections 6.1 and 6.2 of this report.

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

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

### **6.5 Conclusion**

6.5.1 There will be no change to hours of operation in the evenings when artificial lighting is required in winter.

6.5.2 Sharing the use with DCWW staff will not increase the overall capacity of the building.

6.5.3 The modification of the conditions should not therefore have any adverse impact on the SSSI.

### **{7.0 RECOMMENDATION: APPROVE}**

{\b 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.

6. The premises shall be used solely in connection with the operation of the watersports facilities at the site and by Dŵr Cymru Welsh Water (DCWW) for internal meetings, staff training, and external business meetings. For the avoidance of doubt, the building shall not be available as a licensed premises for use by the general public.

REASON: To ensure that no alternative use is made of the premises which is likely to be a nuisance to local residents, in accordance with LDP Policies DES1 and EP1.

7. The premises shall not be used for the approved purposes outside the times of 8.00am to 9.00pm.

REASON: In the interests of nature conservation and residential amenity, in accordance with LDP Policies DES1, EP1 and NE1.